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Mapleton, UT 84664

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JEFFERY SMITH
UTAH COUNTY RECORDER
2011 Aug 09 2:30 pm FEE 0.00 BY EO
RECORDED FOR MAPLETON CITY CORPORATION

BOUNDARY ADJUSTMENT AND DEVELOPMENT AGREEMENT HARMONY RIDGE DEVELOPMENT PROJECT

THIS BOUNDARY ADJUSTMENT AND DEVELOPMENT AGREEMENT ("*Agreement*"), is made and entered into as of this 7th day of June, 2011, by and between **The Ensign-Bickford Company**, a Connecticut corporation ("*EBCo*"), and **Mapleton City**, a Utah municipal corporation (the "*City*"). EBCo and the City are sometimes referred to herein individually as a "*Party*" and collectively as the "*Parties*." All Code references, unless otherwise indicated, are to the Mapleton City Code (the "*City Code*")

RECITALS

A. EBCo is the owner of approximately 481.28 acres of land presently within the municipal boundaries of Spanish Fork City, Utah, situated immediately adjacent to the southern boundary of the City, north of U.S. Highway 6 and east of U.S. Highway 89, as more particularly described in EXHIBIT "A" attached hereto and incorporated by reference herein (the "*Property*").

B. Pursuant to the authority of Title 10, Chapter 2, Section 419, Utah Code Ann., 1953, as amended, and in conformance with the legal requirements thereof, Spanish Fork City and the City have cooperatively initiated legal proceedings to adjust the common boundary of the two cities whereby the Property shall be removed from the municipal boundaries of Spanish Fork City and be incorporated into the municipal boundaries of the City (the "*Boundary Adjustment*").

C. It is the purpose and intent of EBCo to develop, as provided for in Title 18, Chapter 78 of the City Code, a large, mixed-use, master planned development project on the Property to be known as "Harmony Ridge" (the "*Harmony Ridge Project*").

D. The Parties acknowledge and agree that the City Code does not contemplate the development of a master planned development project of the size and scope contemplated by the Harmony Ridge Project, and as such, there are zoning and development provisions of the City Code that either do not apply or may need to be modified by agreement to accommodate the Harmony Ridge Project.

E. EBCo is desirous of entering into this Agreement with the City, and the City is desirous of entering into this development agreement with EBCo pursuant to Title 18, Chapter 84, Section 400 of the City Code, as a binding contract between the Parties for the purposes of establishing a zone for the Property, setting forth the terms, conditions, procedures and time parameters pursuant to which the Harmony Ridge Project shall be developed, and

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creating, subject to the terms and conditions of this Agreement, vested rights in the Parties with respect to density, permitted uses, conditional uses and related matters, as set forth herein, subject to the provisions of Section 7.

NOW, THEREFORE, in consideration of the mutual terms and conditions set forth herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

AGREEMENT

1. INCORPORATION OF RECITALS; CODE REFERENCES. The Recitals set forth above are hereby incorporated into and made a part of this Agreement as though fully set forth herein.

2. COMPLETION OF THE BOUNDARY ADJUSTMENT. The lawful Boundary Adjustment as provided in Recital B shall be an express condition precedent to this Agreement. Certified copies of the duly executed ordinances of the City and Spanish Fork City effectuating the Boundary Adjustment shall, upon enactment, be attached hereto as EXHIBIT "B" and incorporated by reference herein.

3. FINDINGS.

3.1. The City has reviewed the long-term development plan for the Harmony Ridge Project proposed by EBCo as set forth herein, and finds that the Harmony Ridge Project is a unique well planned development that would not be possible under one of the City's existing zoning classifications as required for PD Planned Development Zones under Section 18.78.010 of the City Code.

3.2. The City, in conformance with the requirements of Section 18.84.400 B. 2 of the City Code, finds that: (i) the Harmony Ridge Project will be in conformity with the requirements of the City's overall general plan and capital improvements program and requirements; (ii) the Harmony Ridge Project should have a significant, positive impact on the City; (iii) upon development over time, given market and other development considerations, the Harmony Ridge Project will bring to the City a new and desirable residential community as well as provide significant commercial development with its associated enhancement of the tax base of the City, and (iv) all improvements associated with the Harmony Ridge Project should be a substantial benefit to the City, if developed as proposed herein.

4. VESTED RIGHTS.

4.1 **Vested Rights.** This Agreement shall, subject to the terms and conditions hereof, vest in EBCo as the owner of the Property and the Harmony Ridge Project, and EBCo's successors-in-interest and permitted assigns, effective the date hereof, the following:

4.1.1. **Development Areas.** The development plan for the Harmony Ridge Project ("*Development Plan*"), entails five (5) development areas ("*Development Areas*"), as follows: (i) a Residential Detached Development Area, (ii) a Residential Attached Development Area (iii) a Flex Development Area, (iv) a Commercial/Retail/Mixed Development Area, and (v) a Commercial/Light Industrial Development Area, together with intervening open space/public use areas ("*Open Space Areas*"), all as depicted in the "*Development Plan*" attached as EXHIBIT "C" hereto and incorporated by reference herein. The Harmony Ridge Project shall be developed in conformance with and be governed by the Development Plan.

4.1.2 **Harmony Ridge District.** In conformance with the requirements of Title 18 of the City Code, a *PD-3 PLANNED DEVELOPMENT - HARMONY RIDGE DISTRICT* ("*Harmony Ridge District*"), has been legally and finally established by the City for the Property consistent with the terms and provisions of this Agreement. The Harmony Ridge District, a copy of which is attached hereto as EXHIBIT "D" and incorporated by reference herein, sets forth the authorized land uses within the respective Development Areas of the Harmony Ridge Project. The Harmony Ridge District shall be in full force and effect as of and contemporaneously with the effective date of the Boundary Adjustment and this Agreement.

4.1.3 **Density.** EBCo shall have the vested right, in accordance with the terms and conditions of this Agreement, to develop the Property over time, as market and other conditions dictate, as determined by EBCo, and to develop within the Harmony Ridge Project up to a total of 1,050 equivalent residential units ("ERUs"), consisting of single family and multi-family residential uses and equivalent commercial and industrial uses, in conformance with the "Density Plan" attached as EXHIBIT "E" hereto and incorporated by reference herein (the "*Density Plan*"), and subject to the following:

(1) The Parties hereby acknowledge and agree that the ERU densities allowed herein are determined and limited by sewer upgrades within the existing Mapleton sanitary sewer system and the limited sanitary sewer trunk line capacity and sanitary sewer treatment plant capacity available for service to the Property. Notwithstanding the foregoing, subject to this Agreement, the density vested hereby shall not be less than 1,050 ERUs.

(2) Of the total 1,050 ERUs, a minimum of 200 ERUs shall be allocated to the Commercial/Retail/Mixed Development Area and the Commercial/Light Industrial Development Area, and a maximum of 850 ERUs shall be allocated among the various residential use areas as identified in the Development Plan, subject to the provisions of Section 4.1.3(3) below. ERU equivalency for commercial, retail and industrial use within the Commercial/Retail/Mixed Development Area and the Commercial/Light Industrial Development Area will be determined according to standard engineering practice in consideration of the proposed land use and an anticipated sewer discharge rate of 400 gallons per day per ERU, in conformance with the residential equivalency tables set forth in the administrative rules of the Utah Division of Environmental Quality.

(3) EBCo may freely transfer ERUs from one or more Development Areas to other Development Areas within the Harmony Ridge Project, subject to the density transfer requirements set forth in Section 18.78 of the City Code; except that: (i) the density subsequent to the transfer shall not exceed the total densities allowed for all areas within the Harmony Ridge Project and (ii) the ERUs associated with the Commercial/Retail/Mixed Development Area shall not be less than 200.

4.1.4 **Design Standards.** The appropriate design standards and specifications ("*Design Standards*"), specifically tailored for each distinct land use within a given Development Area, taking into account the characteristics unique to each said Development Area and the overall Harmony Ridge Project theme, shall be as follows:

(1) **Building and Landscape Design Standards.** The Building and Landscape Design Standards proposed for all residential, commercial, retail and light industrial development within the Harmony Ridge Project, and the standards and specifications (including lot areas, building setbacks, frontage, building heights, parking, etc.), are set forth in the "Harmony Ridge Residential Design Standards," EXHIBIT "F-1", and the Harmony Ridge Commercial/ Industrial Design Standards, EXHIBIT "F-2," attached hereto and incorporated by

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reference herein. In the event there is an inconsistency between the PD-3 Zone Text and Exhibits F-1 and F-2, then the PD-3 Zone Text shall be controlling.

(2) Parks and Open Space Plan and Design Standards. The parks, open space, trails and recreation amenities (collectively, the "*Park Amenities*"), to be developed by EBCo within the Harmony Ridge Project are configured and depicted on the "Parks and Open Space Plan and Design Standards" attached as EXHIBIT "G" hereto and incorporated by reference herein. The design standards for the Park Amenities shall be established in conformance with all applicable provisions of Chapter 17.18 Trail Location and Construction Standards of the City Code, subject to the provisions of Section 5.2.8 herein.

(3) Other. Other appropriate design standards and specifications, not inconsistent with the Design Standards set forth herein, shall be incorporated into, and be administered, interpreted and enforced pursuant to covenants, conditions and restrictions to be promulgated in connection with the development of various subdivisions within the Harmony Ridge Project.

4.2 Concept Plan; Approvals; Amendments. The provisions of Sections 4.1.1 through 4.1.4, and the Exhibits referenced therein, collectively, shall constitute the Concept Plan for the Harmony Ridge District in conformance with the requirements of Section 18.78.020 of the City Code, which has been duly approved in conformance with the requirements of said section. The Concept Plan may be modified in conformance with the provisions of Section 18.78.030 of the City Code.

4.3. Inconsistencies with the City Code. It is hereby acknowledged by the Parties that this Agreement shall not be construed as an attempt to bypass the City Code, and the Parties agree that all relevant development and other requirements set forth in the City Code and other applicable City laws and ordinances shall apply and be enforced, and EBCo shall develop the Harmony Ridge Project in conformance therewith and the terms and conditions of this Agreement.

4.4 Reserved Legislative Powers.

4.4.1 Nothing in this Agreement shall limit the future exercise of the police power of the City in enacting zoning, subdivision, development, platting, environmental, open space, transportation and other land use plans, policies, ordinances, and regulations after the date of this Agreement. Notwithstanding the foregoing, such future legislation shall only be applied to modify the vested rights described herein and other provisions of this Agreement based upon policies, facts and circumstances meeting the compelling, countervailing public interest exception to the vested rights doctrine in the State of Utah as expressed [in the case of *Western Land Equities Inc., v. City of Logan*, 617 P. 2d 388 (Utah, 1980), or successor cases and statutory law. EBCo shall be entitled to prior written notice and an opportunity to be heard with respect to any proposed change and its applicability to the Harmony Ridge Project under the compelling, countervailing public policy exception to the vested rights doctrine expressed in *Western Land*. In the event the City fails to give prior written notice, EBCo shall retain the right to be heard before an open and public meeting of the City Council in the event EBCo alleges that its rights under this Agreement have been adversely affected. Any decision adverse to EBCo shall be appealable by it to the Fourth Judicial District Court of the State of Utah.

4.4.2 This Agreement shall be construed so as to effectuate the public purpose of implementing long-range planning objectives, obtaining public benefits and protecting any compelling, countervailing public interest while at the same time providing reasonable assurances of continued vested rights under this Agreement.

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5. INFRASTRUCTURE; PROJECT DEVELOPMENT. All utility infrastructure improvements necessary to service the Harmony Ridge Project shall be provided, and the same shall be designed, constructed and installed, and development fees shall be paid in conformance with and subject to the following:

5.1. **Water Rights.** As a condition to the City's agreement to adjust its municipal boundaries to include the Property within the City and in satisfaction of the water rights conveyance requirements of Section 17.24.080 of the City Code, EBCo shall be obligated to convey to the City title to water rights sufficient to serve the Property upon the development of the Harmony Ridge Project. Subject to the terms and provisions of this Agreement, EBCo hereby agrees to transfer, assign and dedicate to the City, and the City hereby agrees to accept the transfer, assignment and dedication of water rights, as follows:

5.1.1 **Water Rights, Water Shares to be Conveyed and Strawberry Water Dedication.** Though additional water may be required pursuant the requirements of Section 17.24.080 of the City Code and as set forth in section 5.1.4(1)(C) of this agreement, the water rights and water shares to be conveyed, and the Strawberry Water dedication to be facilitated by EBCo to the City hereunder are more particularly described as follows:

(1) EBCo is the owner of certain certificated, supplemental water rights historically beneficially used on the Property, which rights are identified of record at the Utah Division of Water Rights as Water Right Nos. 51-1054 and 51-1057 (collectively, the "*Water Rights*"). Copies of the printouts setting forth the elements and other information pertaining to the Water Rights, as set forth in the Utah Division of Water Rights' database as of the date set forth therein, are attached as EXHIBIT "H" hereto and incorporated herein by reference. The Parties hereby acknowledge and agree that the total acre-footage of water which shall be authorized for diversion and use within the City under the Water Rights shall be established in the State Engineer's Order approving the Application for Permanent Change of Water (the "*Water Right Change Application*"), which, under Utah law, shall be required to be filed and approved as a condition to the diversion of water pursuant to the Water Rights for municipal use within the City. The Water Rights Change Application shall be filed jointly by EBCo and the City and approved for municipal use on the entire Property by the State Engineer prior to conveyance of the Water Rights by EBCo to the City as provided in Section 5.1.2 herein. EBCo and the City shall mutually cooperate in the preparation, filing and prosecution of the Water Right Change Application to final, non-appealable approval by the State Engineer. All costs and expenses incurred in the preparation, filing and prosecution of the Water Right Change Application shall be paid by EBCo. EBCo will not transfer the Water Rights to the City and will not receive credit for the Water Rights in satisfaction of the water right conveyance requirement that would otherwise be imposed as a condition to development approval for the Harmony Ridge Project, pursuant to Section 17.24.080 of the City Code until it has obtained all necessary authorizations for the water to be used by the City on the Property and ensured that the water is legally available for municipal use on the Property.

(2) EBCo, prior to the conveyance referenced in Section 5.1.2(1) herein, shall be the owner of 150 shares of water currently represented by Stock Certificate No. 8074 in the East Bench Canal Company (the "*Water Shares*"), said water being authorized for use on the Property in conformance with the rules and regulations of East Bench Canal Company. A copy of the Stock Certificate is attached as EXHIBIT "I" hereto and incorporated herein by reference. The total acre-footage of these 150 shares shall be determined by the East Bench Canal Company and an order by the State Engineer approving a Water Rights Change Application, if such a change application is necessary for the City to use the Water Shares on the entire Property. If a Water Rights Change Application is required for the City to use the Water Shares on the entire Property, the Water Rights Change Application shall be filed jointly by EBCo, the City, and the East Bench Canal Company and approved for

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municipal use on the entire Property by the State Engineer prior to conveyance of the Water Rights by EBCo to the City as provided in Section 5.1.2 herein. EBCo and the City shall mutually cooperate in the preparation, filing and prosecution of the Water Right Change Application to final, non-appealable approval by the State Engineer. All costs and expenses incurred in the preparation, filing and prosecution of the Water Right Change Application shall be paid by EBCo. EBCo will not transfer the Water Rights to the City and will not receive credit for the Water Shares in satisfaction of the water right conveyance requirement that would otherwise be imposed as a condition to development approval for the Harmony Ridge Project, pursuant to Section 17.24.080 of the City Code until it has obtained all necessary authorizations for the water to be used by the City on the Property and ensured that the water is legally and physically available for municipal use on the Property.

(3) EBCo, prior to the dedication referenced in Section 5.1.2(1) herein, shall be the owner of a minimum of 217 acre-feet of Strawberry Water that is appurtenant to that portion of the Property situated west of that certain irrigation feature known as the Mapleton Lateral Canal (the "*Canal*"), with the understanding that there may be additional Strawberry Water determined to be appurtenant to certain portions of the Property situated east of the Canal, all of which water is administered and distributed for use on the Property by the Mapleton Irrigation District ("*Strawberry Water*").

(A) The Parties hereby acknowledge that the Strawberry Water is and remains an appurtenance to the Property for irrigation use only according to the rules and regulations of the Mapleton Irrigation District and federal law, and the Parties hereby agree that at such time as the City installs and commences the operation of a pressurized, secondary irrigation water system that is capable of being connected to and delivering secondary irrigation water through the secondary irrigation water system improvements to be constructed by EBCo as provided in Section 5.2.4 herein, then, and only in such event, EBCo's right to the use of such amount of Strawberry Water as is determined by EBCo and Mapleton Irrigation District to be appurtenant to the Property shall be transferred to the City; whereupon, the Strawberry Water will remain appurtenant to the land and the City shall act as the distribution agent of said Strawberry Water, in behalf of the Mapleton Irrigation District, in providing secondary irrigation water service to the Harmony Ridge Project through the City's pressurized, secondary irrigation water system. The above referenced transfer to the City shall be accomplished pursuant to the terms of a Water Dedication Agreement to be executed by and among EBCo, as the owner of the appurtenant land, the City and Mapleton Irrigation District (the "*Water Dedication Agreement*"); the agreement will include the transfer from Mapleton Irrigation District to the City of control over any Strawberry Water Users Association shares that correspond to the lands to which the Strawberry Water is appurtenant. Upon execution of the Water Dedication Agreement, EBCo shall be entitled to receive credit for the Strawberry Water dedicated to the City against the water right conveyance obligation as set forth in Section 5.1.4(1)(B) hereof.

(B) If a Water Right Change Application is required for the City to use the Strawberry Water on the Property, the Water Right Change Application shall be filed jointly by EBCo and the City, and; if necessary the Strawberry Water Users Association and the Bureau of Reclamation, and approved for use on the Property by the State Engineer prior to conveyance of the Water Rights by EBCo to the City as provided in Section 5.1.2 herein. EBCo and the City shall mutually cooperate in the preparation, filing and prosecution of the Water Right Change Application to final, non-appealable approval by the State Engineer. All costs and expenses incurred in the preparation, filing and prosecution of the Water Right Change Application shall be paid by EBCo. EBCo will not transfer the Strawberry Water to the City and will not receive credit for the Strawberry in satisfaction of the water right conveyance requirement that would otherwise be imposed as a condition to development approval for the Harmony Ridge Project, pursuant to Section 17.24.080 of the City Code until it has obtained all necessary

authorizations for the water to be used by the City on the Property and ensured that the water is legally and physical available for use on the Property.

5.1.2 Transfer and Conveyance of Water Rights and Water Shares; Dedication of Strawberry Water; and Banking of Water. Subject to Sections 5.1.1(1) and (2) above, EBCo shall transfer title to the Water Rights and the Water Shares to the City, without cost, and by appropriate instruments of conveyance in form and substance first approved by the City's attorney, free and clear of all liens and encumbrances, except as may be expressly approved and accepted by the City in writing, and, subject to the provisions of Section 5.1.1(3) above, facilitate the execution of the Water Dedication Agreement pertaining to the Strawberry Water, subject to the following:

(1) Title to the Water Rights and Water Shares shall be transferred to the City prior and as a condition to receiving credit in satisfaction of the water rights conveyance requirement according to the provisions of Section 5.1.4(1) herein. Upon transfer of the Water Rights and Water Shares, and execution of the Water Dedication Agreement as provided in Section 5.1.1(3) herein, the Water Rights and Water Shares, and the contract rights under the Water Dedication Agreement, shall be banked and held by the City for the sole use and benefit of EBCo, and its successors-in-interest and permitted assigns, in connection with the development of the Harmony Ridge Project on the Property, subject to and in conformance with the terms and provisions of Section 5.1.4 below.

(2) The City, at EBCo's cost and expense, shall have the sole responsibility to immediately record the Water Rights conveyance documents with the Recorder of Utah County, Utah, and prepare and file the Report of Water Rights Conveyance pertaining to the Water Rights and any other document required to be filed to properly document the transfer of the Water Rights to the City in the files of the Utah Division of Water Rights.

5.1.3 Responsibility of the City.

(1) As set forth in Section 5.1.1 herein, City agrees to jointly file with EBCo any Water Right Change Application and any and all other necessary change applications, with the Division of Water Rights as necessary to provide for use of water on the Property under the Water Rights and Water Shares. Upon acceptance of the Water Rights and Water Shares, the City assumes, at its sole expense, all responsibility incident to ownership of the Water Rights and Water Shares, including, without limitation, (i) the payment of assessments and other charges thereon, maintaining the Water Rights and Water Shares in good standing, including the responsibility to fully beneficially utilize the water under the Water Rights and Water Shares, and (ii) to prepare and file requests for extension of time and proof of beneficial use, as required, and (iii) all risk of loss of the Water Rights and Water Shares, including, without any limitation, lapsing or other loss thereof by reason of failing to maintain the Water Rights and Water Shares, by abandonment, forfeiture for non-use or otherwise.

(2) Pursuant to the Water Dedication Agreement, the City assumes responsibility for the administration and delivery of the Strawberry Water to the Harmony Ridge Project in accordance with the terms and provisions of the Water Dedication Agreement.

5.1.4 Banked Water Right Entitlements.

(1) Water ERU Entitlements. In exchange for the conveyance of the Water Rights and Water Shares by EBCo to the City, and the rights to the use of Strawberry Water vested in the City under the Water Dedication Agreement, EBCo shall receive credit in satisfaction of the water right conveyance requirement that

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would otherwise be imposed as a condition to development approval for the Harmony Ridge Project, pursuant to Section 17.24.080 of the City Code ("*Water Right Exaction Requirements*"), in conformance with and subject to the following:

(A) If any of the Strawberry Water, the Water Rights, or the Water Shares is finally determined to only be available for irrigation use on the Property, EBCo will only receive a credit for that water up to the amount of irrigation water needed on the Property for the Harmony Ridge Project and EBCo will be required to provide the balance of the water needs of the Harmony Ridge Project as set forth in section 5.1.4(1)(D) of this agreement.

(B) Credit for Strawberry Water. As it currently reads, Section 17.24.080 of the City Code requires EBCo to dedicate 1 acre-foot of potable water for each lot in the Harmony Ridge Project. Strawberry Water being authorized for irrigation use only, EBCo will not receive a credit against the water it must provide under Section 17.24.080 unless and until this section is amended to allow for both secondary and/or potable/culinary water. If Section 17.24.080 is so amended, the Parties hereby expressly acknowledge and agree that inasmuch as, subject to the provisions of Section 5.1.1(3) herein, the Strawberry Water, upon transfer, shall be utilized by the City as a source of water supply for the pressurized irrigation system which shall serve irrigation water to that portion of the Harmony Ridge Project historically irrigated with Strawberry Water according to official Mapleton Irrigation District records (the "*Secondary Irrigation Service Area*"), and EBCo shall, upon execution of the Strawberry Water Dedication Agreement, receive full conveyance credit under Section 17.24.080 of the City Code if amended as described herein in the amount of Strawberry Water made available for use in the City's pressurized irrigation system pursuant to the Water Dedication Agreement, as set forth herein. The maximum amount of Strawberry Water made available by the Water Dedication Agreement and that EBCo will receive credit for shall be limited to the amount of water needed for secondary irrigation on the portion of the Property upon which the Strawberry Water is appurtenant and upon which the Strawberry Water may be used.

(C) Determination of Total Water Right Credit Amount. The total amount of credit to which EBCo shall be entitled hereunder in exchange for the donation of the Water Rights, the Water Shares, and the Water Dedication Agreement pertaining to the Strawberry Water (the "*Water ERU Entitlements*"), shall be determined, subsequent to final approval of any required Water Right Change Applications referenced in Section 5.1.1(1)-(3), the Water Right Change Application that may be required under section 5.1.1(2) above, the transfer of Strawberry Water under the Water Dedication Agreement, as provided in Section 5.1.1(3) above, and any other authorization necessary to allow the City to use the water from these sources on the Property, in conformance with the following:

(i) Initially, the total acre-footage of water available under the Water Rights and Water Shares shall be divided by the total number of ERUs at the rate of one (1) acre-foot of water per ERU according to the current requirements of Section 17.24.080 of the City Code.

(ii) Notwithstanding the provisions of subsection (i) immediately above, the number of Water ERU Entitlements to which EBCo shall be entitled hereunder is subject to adjustment, retroactive to the date hereof, in the event of an amendment to the water right conveyance requirements of Section 17.24.080 of the City Code. An adjustment pursuant to such an amendment may increase the number of Water ERU Entitlements to which EBCo is entitled hereunder; however, it is hereby expressly understood and agreed by the Parties that the number of Water ERU Entitlements shall not, as a result of any such amendment, be reduced below the total Water

ERU Entitlements to which EBCo is entitled hereunder based upon the current 1.0 acre-foot per ERU conveyance requirement in effect as of the date hereof.

(D) Additional Water Right Requirements. In the event the Harmony Ridge Project requires more water rights than the total Water ERU Entitlements banked hereunder are capable of satisfying, then, EBCo may, at its option, as a condition precedent to then further development approval by the City:

(i) transfer to the City additional water rights, as approved by the City, in an amount sufficient to cover any water rights deficiency quantified as set forth in Section 5.1.4 (1) above, or

(ii) if the City determines that it has water available, or if it determines that water is otherwise available for the City to purchase, pay an in lieu cash contribution in such amount as shall then be applicable to all developers within the City, calculated according the provisions of Section 5.1.4 (1) above.

(2) Vesting of Water ERU Entitlements. The Water ERU Entitlements evidenced by this Agreement shall be fully vested in EBCo and its successors-in-interest and permitted assigns, subject to and in conformance with the terms and conditions hereof, as of the date of transfer of title to the Water Rights and Water Shares to the City, irrespective of any limitation, lapsing or other loss of the Water Rights and/or Water Shares arising subsequent to transfer of the Water Rights and Water Shares to the City.

(3) Tender of Water ERU Entitlements for the Harmony Ridge Project. Water ERU Entitlements hereunder shall be held and accurately accounted for by the City in a separate Water ERU Entitlement Account established and maintained by the City in behalf of EBCo and its successors-in-interest and permitted assigns. In conformance with the terms and conditions of this Agreement, Water ERU Entitlements hereunder shall be tendered by EBCo to the City, in satisfaction of the Water Right Exaction Requirements that would otherwise be imposed upon the Harmony Ridge Project. Each time a subdivision plat is recorded by EBCo in connection with the development of the Harmony Ridge Project, EBCo shall tender to the City the required amount of Water ERU Entitlements as are necessary for the platted property. The tendered amount of Water ERU Entitlements shall be deducted from the previous balance and a statement of the Water ERU Entitlements remaining in effect and unused shall thereupon be delivered by the City to EBCo for its records.

(4) Right to Water Service Upon Tender of Water ERU Entitlements. Upon tender of Water ERU Entitlements, EBCo shall be entitled to connect to the City's water system and receive water service from the City on the Property for that portion of the Harmony Ridge Project for which the Water ERU Entitlements has been tendered, subject to this Agreement and all other applicable City Code requirements of the City, in the same manner and on the same basis as any other customer of the City.

5.2. Infrastructure. All public infrastructure improvements necessary to service the Harmony Ridge Project shall be constructed and installed by EBCo, and title thereto shall be conveyed to the City, in conformance with all applicable requirements of Chapter 18.84.420: Adequate Public Facilities, of the City Code, subject to the following:

5.2.1 Culinary Water Storage. The City hereby represents that it has and shall hold, for the benefit of the Harmony Ridge Project, existing culinary water storage capacity in the City's Crowd Canyon Water Storage Reservoir and other City water storage reservoirs sufficient for 1,050 ERUs covering all uses contemplated within each of the Development Areas of the Harmony Ridge Project as set forth in Section 4.1.1 hereof, and that no

additional culinary water storage is required to be provided by EBCo as a condition to approval of the Harmony Ridge Project.

5.2.2 Offsite Culinary Water Main Line Improvements. To provide needed looping and redundancy to serve the Harmony Ridge Project, EBCo shall construct and install a culinary water main pipeline and related facilities and equipment (the "*Culinary Water Main Line*"), as depicted in the "Master Utility Plan – Offsite Culinary Water Main Line," attached as EXHIBIT "J-1" hereto and incorporated by reference herein. The Culinary Water Main Line shall be constructed and installed in phases in conformance with a phasing plan to be agreed upon by the Parties during the preliminary plan process for the Harmony Ridge Project.

5.2.3 Onsite Culinary Water System Improvements. EBCo shall construct and install all onsite culinary water system improvements necessary for culinary water service within the Harmony Ridge Project, including, without limitation, all culinary pipelines, laterals, pump stations, lift stations, valves, meters and any all other appurtenances and facilities as shall be necessary to satisfy the anticipated culinary water demand within the Harmony Ridge Project, as set forth in the "Master Utility Plan – Onsite Culinary and Pressurized Irrigation Water," attached as EXHIBIT "J-2" hereto and incorporated by reference herein. Onsite culinary water system improvements shall be constructed and installed in phases in conformance with a phasing plan to be agreed to by the Parties during the preliminary plan process for the Harmony Ridge Project.

5.2.4 Secondary Irrigation Water System Improvements. EBCo shall construct and install all secondary irrigation water system improvements necessary to provide secondary irrigation water service within the Harmony Ridge Project, subject to the following:

(1) Location of Secondary Irrigation Water System Improvements. The Parties hereby acknowledge and agree that secondary irrigation water system improvements shall only be constructed and installed in the Secondary Irrigation Service Area as defined in Section 5.1.4(1)(B) above, and that the remainder of the Property shall be irrigated using water from the City's municipal water system.

(2) Secondary Irrigation Water System Improvements to be Constructed. The secondary irrigation water system improvements to be constructed and installed by EBCo within the Secondary Irrigation Service Area shall be limited to the following:

(A) Pipelines, Valves, etc. All pipelines, valves, meters and any all other appurtenances as shall be necessary to satisfy the anticipated secondary irrigation water demand within the Harmony Ridge Project consistent with City secondary irrigation water system requirements and standards of the City, as set forth in the "Master Utility Plan – Onsite Culinary and Pressurized Irrigation Water," Exhibit "J-2" attached. Secondary irrigation water system improvements shall be constructed and installed in phases in conformance with a phasing plan to be agreed to by the Parties during the preliminary plan process for the Harmony Ridge Project.

(B) Secondary Irrigation Water Storage. The Parties hereby acknowledge and agree that initially the entirety of the Property within the Harmony Ridge Project shall be irrigated using City culinary water from the Crowd Canyon Reservoir until such time as Central Utah Water Conservancy District ("*CUWCD*") constructs its intended secondary irrigation water storage reservoir (the "*CUWCD Secondary Irrigation Reservoir*"), on the Property (which reservoir is to be constructed pursuant to a separate agreement for such by and among the City, EBCo and CUWCD). At such time as the CUWCD Secondary Irrigation Reservoir is completed and available

for service, secondary irrigation water service will be provided by the City to the Secondary Irrigation Service Area through the secondary irrigation water system improvements to be constructed as set forth in Section 5.2.4(1) above.

(i) Notwithstanding the foregoing, in the event: (i) CUWCD chooses not to go forward with the CUWCD Secondary Irrigation Reservoir, or is unable, for whatever reason, within a period of five (5) years commencing the date of this Agreement, to construct the CUWCD Secondary Irrigation Reservoir with capacity sufficient to serve the entirety of the Secondary Irrigation Service Area, and (ii) the capacity in the Crowd Canyon Reservoir is not sufficient, as determined according to standard engineering practices, to enable the City to continue to provide water for irrigation use within the Secondary Irrigation Service Area, then EBCo shall be obligated to construct, at its sole expense, within the Property at a location satisfactory to EBCo and the City, a secondary irrigation water storage reservoir ("*EBCo Secondary Irrigation Reservoir*"), having a capacity sufficient to satisfy all secondary irrigation water requirements within the Secondary Irrigation Service Area, as set forth in the "Water Demand Forecasting Table," attached as EXHIBIT "J-3" hereto and incorporated by reference herein.

(ii) The five year period provided for in Subsection (B)(i) immediately above may be extended in good faith upon the mutual agreement of the Parties.

(iii) The EBCo Secondary Irrigation Reservoir, upon completion of construction, shall be conveyed by appropriate instrument of conveyance to the City and thereafter be dedicated by the City for service to the entirety of the Secondary Irrigation Service Area on a first priority basis.

5.2.5 Offsite Sanitary Sewer. In order to maximize the use of the total ERUs authorized herein, EBCo shall provide for and install all sanitary sewer system improvements necessary for sanitary sewer service to the Harmony Ridge Project as follows:

(1) Sewer Treatment.

(A) Sewer treatment services for the Harmony Ridge Project shall be provided by Mapleton City pursuant to its interlocal agreement with Spanish Fork City utilizing the existing wastewater treatment plant and sewer trunk line extension jointly owned by the City and Spanish Fork City (collectively, the "*Sewer Treatment System*"), pursuant to the terms of that certain First Amendment to the Inter-local Agreement for Construction, Use, and Maintenance of Joint Wastewater Facility, executed by and between the City and Spanish Fork City (the "*Sewer Interlocal Agreement*"), a copy of which is attached hereto as EXHIBIT "K" and incorporated by reference herein

(i) EBCo shall be obligated to pay to the City a mutually agreed-upon, total sum of Two Million Eight Hundred and Fifty Thousand Dollars (\$2,850,000.00) (the "*Sewer Treatment Purchase Price*"), all of which shall be utilized by the City to purchase an additional maximum three and four tenths percent (3.4%) capacity in the Sewer Treatment System pro rated based on the amount paid by Mapleton to Spanish Fork City, which, as set forth in the Sewer Interlocal Agreement, is sufficient for an additional 850 residential hookups, subject to the provisions of Section 5.2.5(1)(A)(ii) below. The Sewer Treatment Purchase Price shall be paid by EBCo as follows:

(a) \$50,000.00 shall be due and payable by EBCo to the City within ten (10) business days from the date of completion of the Boundary Adjustment, and

(b) the remaining \$2,800,000.00 (the "*Remaining Sewer Treatment Purchase Price*"), shall be paid by EBCo, in installments, at the rate of \$3,294.12 per ERU (which pursuant to the terms of the Sewer Interlocal Agreement is to be applied against the first 850 ERUs), due and payable by EBCo to the City at the time of, and as a condition to, the issuance of a building permit for each new ERU; except that any balance due and owing as of June 1, 2025 (the "*Sewer Treatment Final Balance*"), shall be paid in full by EBCo to the City on or before June 30, 2025. Subject to the provisions of Section 5.2.5 (1)(A)(c) below, as collateral to secure EBCo's obligations to pay the Sewer Treatment Purchase Price and as security for all of EBCo's other obligations under this Agreement, EBCo hereby agrees to grant the City a security interest in and to that certain parcel of land identified and described in EXHIBIT "L" hereto and incorporated by reference herein (the "*Secured Parcel*").

(AA) The City agrees, upon the written request of EBCo, that the City over time shall release and reduce its security interest in such portion(s) of the Secured Parcel as shall be designated by EBCo, which releases shall be in proportion, as near as possible, based upon assessed value, or other valuation method agreed to by the Parties, to 80% of the amount by which the Remaining Sewer Treatment Purchase Price has been paid and reduced pursuant to the provisions of this Section 5.2.5(1)(A)(i)(b) above; and/or the City shall release its security interest in such portion(s) of the Secured Parcel as shall be necessary to facilitate the sale or other disposition of said by property by EBCo, subject to EBCo providing equivalent, substitute collateral therefore acceptable to the City, as required, upon mutual agreement of the Parties; and

(BB) In the event EBCo shall default in the payment, in full, of the Sewer Treatment Final Balance due and owing on June 25, 2025 as required in Section 5.2.5(1)(A)(i)(b) above, then the City shall commence to accrue interest on the Sewer Treatment Final Balance at the legal rate ("*Delinquent Interest*"). Upon such default, the City shall give notice of the default to EBCo, by certified mail, return receipt requested, which notice shall be effective upon deposit of the notice in the U.S. Mail, postage prepaid. The notice shall provide for a period of thirty (30) days in which EBCo shall pay the Sewer Treatment Final Balance then due and owing, plus Delinquent Interest accrued. If EBCo shall fail to pay the amount due within said thirty day period, the City shall immediately place in operation the procedure necessary to commence proceedings in the manner provided for actions to foreclose mortgage liens or exercise its judicial or non-judicial power of sale, as the City may elect, as under a trust deed. Should the City elect to proceed as under a trust deed, the City shall be empowered to designate a trustee, and successor trustees, if necessary, to carry out the proceedings, and such trustee(s) shall be deemed to have the power of sale and all other rights, powers and authority necessary to legally and lawfully sell the Secured Parcel, or so much thereof as shall be necessary to collect the unpaid Sewer Treatment Balance, together with all costs of collection incurred by the City, including, without limitation, attorney's fees, trustee's fees and court costs. Any trustee so selected must satisfy all of the qualifications for a trustee set forth in Utah Code Ann. Section 57-1-21 or any successor statute. If at the sale, no person or entity shall bid and pay the City the amount due as provided herein, the Secured Parcel shall be deemed sold to the City for such amount, and the City shall be entitled to pursue any deficiency by any and all means available at law or in equity. The City shall be permitted to bid at the sale. The remedies provided herein for the collection of any unpaid Sewer Treatment Balance due shall be deemed and construed to be cumulative and the use of any one method or means of collection or enforcement shall not deprive the City of the use of any other means or method.

(CC) Notwithstanding the provisions of Subsection (BB) immediately above, if, prior to the final date payment may be legally made under the proceedings for the foreclosure or sale of the Secured Parcel to collect any unpaid Sewer Treatment Final Balance due, EBCo pays the full amount of the Sewer Treatment Balance, including Delinquent Interest and all costs incurred, the City's security interest in the

Secured Parcel shall be released and all right, title and interest of the City in and to the Secured Parcel shall be re-conveyed to EBCo.

(c) Notwithstanding the foregoing, EBCo may, at any time prior to payment in full of the Remaining Sewer Treatment Purchase Price, substitute collateral in place of the Secured Parcel, in the form of other property owned by EBCo within Mapleton City or other security deemed acceptable to the City, and the City hereby agrees to not unreasonably withhold or delay its acceptance of the same.

(ii) The City hereby expressly represents and warrants that it is the policy of the City and Spanish Fork City that capacity in the Sewer System is measured only by residential hook-ups, and that EBCo is entitled, in addition to the 850 ERUs authorized under the Sewer Interlocal Agreement as residential hook-ups, to up to 200 commercial ERUs under the capacity acquired by the City in the Sewer Treatment System pursuant to the Sewer Interlocal Agreement.

(B) Reserved Sewer Treatment Capacity. For and in consideration of the payments made by EBCo to the City for Sewer Treatment System capacity pursuant to the Sewer Interlocal Agreement as set forth above, the City shall expressly reserve for EBCo, and EBCo shall be entitled to receive, sewer treatment plant capacity for up to 1,050 ERUs ("*Sewer Treatment ERU Entitlements*").

(2) Offsite Sewer Trunk Line.

(A) EBCo shall construct and install sanitary sewer trunk lines and related facilities and equipment as depicted and designed in the "Offsite Sewer Master Plan and Reimbursement Schedule," attached as EXHIBIT "M" hereto and incorporated by reference herein (the "*Offsite Sewer Trunk Line Improvements*"). The Offsite Sewer Trunk Line Improvements shall be constructed and installed in conjunction with the development of the first (1st) phase of the Harmony Ridge Project, subject to all applicable terms and provisions of the Sewer Interlocal Agreement.

(B) Reserved Offsite Sewer Trunk Line Capacity. For and in consideration of the design, construction and installation of the Offsite Sewer Trunk Line Improvements by EBCo and other parties, the City shall expressly reserve for EBCo, and EBCo shall be entitled to receive capacity in the Offsite Sewer Trunk Line Improvements for up to 1,050 ERUs ("*Sewer Trunk Line ERU Entitlements*").

(3) Vesting of Sewer Treatment and Sewer Trunk Line ERU Entitlements. The Sewer Treatment and Sewer Trunk Line ERU Entitlements evidenced by this Agreement shall be fully vested in EBCo and its successors-in-interest and permitted assigns in conformance with the terms and conditions hereof as of the date of this Agreement, subject to the terms and provisions of this Agreement.

(4) Tender of Sewer Treatment and Sewer Trunk Line ERU Entitlements for the Harmony Ridge Project. Sewer Treatment and Sewer Trunk Line ERU Entitlements hereunder shall be held and accurately accounted for by the City in a separate Sewer Treatment ERU entitlement account and Sewer Trunk Line entitlement account, established and maintained by the City in behalf of EBCo and its successors-in-interest and permitted assigns. In conformance with the terms and conditions of this Agreement, Sewer Treatment and Sewer Trunk Line ERU Entitlements hereunder shall be tendered by EBCo to the City, in full satisfaction of any sanitary sewer system exaction requirements imposed upon the Harmony Ridge Project. Each time a subdivision plat is recorded by EBCo in connection with the development of the Harmony Ridge Project, EBCo shall tender to the City

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the required amount of Sewer Treatment and Sewer Trunk Line ERU Entitlements as are necessary for the platted property. The tendered amount of Sewer Treatment and Sewer Trunk Line ERU Entitlements shall be deducted from the previous balance and a statement of the Sewer Treatment and Sewer Trunk Line ERU Entitlements remaining in effect and unused shall thereupon be delivered upon request by the City to EBCo for its records.

(5) Right to Sewer Service Upon Tender of Sewer Treatment and Sewer Trunk Line ERU Entitlements. Upon tender of Sewer Treatment and Sewer Trunk Line ERU Entitlements, EBCo shall be entitled to connect to the City's sanitary sewer system and receive sanitary sewer service from the City on the Property for that portion of the Harmony Ridge Project for which the Sewer Treatment and Sewer Trunk Line ERU Entitlements have been tendered, subject to this Agreement and all other applicable City Code requirements of the City, in the same manner and on the same basis as any other customer of the City.

5.2.6. Onsite Sewer Improvements. EBCo shall construct and install all other sanitary sewer system improvements necessary for sanitary sewer service within the Harmony Ridge Project, including, without limitation, all sewer pipelines, laterals, pump stations, valves, meters and any all other appurtenances and facilities as shall be necessary to satisfy the anticipated sanitary sewer demand within the Harmony Ridge Project consistent with City sanitary sewer system requirements and standards, as set forth in the "Master Utility Plan – Sanitary Sewer," attached hereto as EXHIBIT "N" and incorporated by reference herein. Onsite sewer improvements shall be constructed and installed in phases in conformance with a phasing plan to be agreed to by the Parties during the preliminary plan process for the Harmony Ridge Project.

5.2.7 Onsite Storm Drainage System Improvements. EBCo agrees, in connection with the development of the Harmony Ridge Project, that it shall construct and install all storm drainage system improvements necessary to insure adequate storm drainage within the Harmony Ridge Project, consistent with City and State storm drainage requirements and standards as set forth in and in conformance with the "Master Utility Plan – Storm Drainage," attached as EXHIBIT "O" hereto and incorporated by reference herein. Storm drainage system improvements shall be constructed and installed in phases in conformance with a phasing plan to be agreed to by the Parties during the preliminary plan process for the Harmony Ridge Project. The Parties hereby acknowledge and agree that the storm drainage system for the Harmony Ridge Project shall be a self-contained onsite storm drainage retention system, which shall be independent from and not connected to any other City storm drainage system.

5.2.8 Park Amenities. The Park Amenities depicted in the "Parks and Open Space Plan and Design Standards," Exhibit "G" attached, shall be developed and constructed by EBCo in conformance with the following:

(1) Park Ownership, Use, Operation and Maintenance. The parks to be developed by EBCo within the Harmony Ridge Project as depicted in the Parks and Open Space Plan and Design Standards, Exhibit "G" hereto, shall be owned, operated and maintained as follows:

(A) The approximate 3-acre park situated immediately adjacent to the Bureau of Reclamation property (the "*BOR Property*"), designated as the Lower City Park, and the approximate 8.80 acre park designated as the Bench City Park on the "Parks and Open Space Plan and Design Standards," Exhibit "G" attached (collectively the "*City Parks*"), shall be developed by EBCo at its sole cost and expense. The precise location of the Lower City Park may be relocated in relation to the BOR Property at the request of the City, subject to approval of the relocation by EBCo.

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(i) Title to the Lower City Park and the Bench City Park, together with easements and rights-of-way required for public access thereto, shall be conveyed by EBCo to the City for use as public municipal parks. The conveyance may occur prior to the approval of the preliminary plat containing such park, but shall occur not later than the filing of the final plat containing such park. The City shall accept the conveyance of the City Parks as a donation from EBCo.

(ii) In addition, subject to the City obtaining the contractual right to use a portion of the BOR Property for use as a municipal park, EBCo, in conformance with the provisions of Section 5.2.8(3) below, shall improve the park portion of the BOR property with improvements strictly limited to the construction and installation of a suitable sprinkler irrigation system to serve said property and the planting of grass thereon. Title to the sprinkler irrigation system improvements constructed by EBCo on the BOR Property shall be transferred to the City, by bill of sale, upon completion of the improvements. Notwithstanding the foregoing, in the event the City is unable to obtain the contractual right to utilize a portion of the BOR Property for a municipal park as intended herein, EBCo shall pay to the City an amount equal to the cost that would have been incurred by it in making the improvements thereon as delineated in this Subsection 5.2.8(1)(A)(ii), based upon the total acreage identified in the municipal park plan submitted by the City in its application to the Bureau of Reclamation. The amount to be paid by EBCo to the City shall be the then current market price for said work, determined by the lowest qualified bid of three bids received from reputable contractors selected by EBCo and approved by the City. The bids shall be solicited and the amount due (the "*BOR Park In-lieu Total Payment*"), determined within sixty (60) days of the date EBCo receives written notice from the City that it has been unable, after good faith negotiations on the City's part, to obtain the contractual right to utilize the BOR Property (it being the mutual desire and intent of the Parties to develop, if at all possible, a municipal park on the BOR Property). The BOR Park In-lieu Total Payment shall be paid on a per ERU basis. The amount due and owing per ERU (the "*BOR Park In-lieu ERU Payment*"), shall be determined by dividing the BOR Park In-lieu Total Payment amount by the number of ERUs authorized within Harmony Ridge for which a building permit has not then been issued. The BOR Park In-lieu ERU Payment shall be due and payable at the time of and as a condition to the issuance by the City of a building permit for the structure associated with each such ERU.

(iii) Subsequent to the transfer of the City Parks to the City, and the completion and transfer of the improvements on the BOR Property to the City as provided herein, the City shall be solely responsible for the management, operation, maintenance, repair and replacement of said facilities in perpetuity. Notwithstanding the foregoing, until such time as the City Parks have been improved by EBCo as required in this Section, EBCo shall be obligated to provide a minimum level of maintenance thereon, limited to weed, trash and rubbish control, at its cost and expense.

(B) Title to the park designated on the Parks and Open Space Plan and Design Standards, Exhibit "G" hereto, as the Public HOA Trail, shall be transferred to and be owned, managed, operated, maintained, repaired and replaced by one of the homeowner's associations to be established by EBCo in connection with the development of the Harmony Ridge Project, as approved by the City. The Public HOA Trail shall be and remain available for use as public trail in perpetuity.

(C) Title to any one or combination of the parks designated on the "Parks and Open Space Plan and Design Standards," Exhibit "G" attached, as Private Parks and the Private HOA Trail shall be owned, managed, operated, maintained, repaired and replaced by one or more of the homeowner's associations to be established by EBCo in connection with the development of the Harmony Ridge Project, as approved by the City.

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The Private Parks and the Private HOA Trail shall be and remain private and the use thereof shall be limited to owners residing within a designated subdivision or subdivisions within the Harmony Ridge Project as determined by EBCo, or its successors-in-interest and assigns, in perpetuity. EBCo shall require that the Private Parks and the Private HOA Trail continue to be improved and maintained as depicted in Exhibit "G," reasonable wear and tear excepted.

(2) Established Level of Improvement. The Park Amenities shall be developed by EBCo according to the level of improvements depicted on the "Parks and Open Space Plan and Design Standards," Exhibit "G" attached. EBCo's obligation to develop and improve the City Parks shall be fully satisfied when said Park amenities have been developed and improved in conformance with the "Park and Open Space Plan and Design Standards," Exhibit "G" attached. Any level of improvement beyond that depicted shall be the sole and separate responsibility of the City, at its sole cost and expense. The Public HOA Trail and the Private Parks and Private HOA Trail may be developed and improved to provide a level of service to exceed that depicted on the "Park and Open Space Plan and Design Standards," Exhibit "G" attached, but not less.

(3) The Park Amenities shall be constructed and installed in phases in conformance with a phasing plan pertaining to the development of the Park Amenities to be agreed to by the Parties during the preliminary plan process for the Harmony Ridge Project.

5.3. Donation of Public Safety Facility Parcel and Well Site.

5.3.1. Donation of Public Safety Facility Parcel. EBCo shall donate to the City a two (2) acre parcel of land, to be situated within the Commercial/Light Industrial Development Area, for use by the City as a public safety facility or such other use as agreed to by the City and EBCo (the "*Public Safety Facility Parcel*").

(A) Title to the Public Safety Facility Parcel shall be conveyed by EBCo to the City by Special Warranty Deed, in form and substance agreeable to the City.

(B) The conveyance of the Public Safety Facility Parcel, together with easements and rights-of-way required for public access thereto, may occur prior to the approval of the preliminary plat containing the Public Safety Facility Parcel, but shall occur not later than the filing of the final plat containing such parcel. The City shall accept the conveyance of the Public Safety Facility Parcel as a donation from EBCo.

(C) The Public Safety Facility Parcel shall be transferred free and clear of liens and encumbrances, subject to all environmental covenants, conditions and restrictions of record, if any, as of the date of transfer.

5.3.2. Donation of Well Site. EBCo shall donate to the City a parcel of land not to exceed 0.25 acres, to be situated over and adjacent to EBCo's existing well as described in Water Right Nos. 51-1054 and 51-1057 as described in Exhibit H attached, as mutually agreed upon by the Parties at the time of conveyance as provided herein (the "*Donated Well Parcel*"), together with EBCo's water well infrastructure and related improvements (the "*Existing EBCo Well*"), which is currently existing on the Donated Well Parcel (the Donated Well Parcel and the Existing EBCo Well are sometimes referred to herein collectively as the "*Well Site*"). The Donated Well Parcel is to be utilized for the drilling, by the City, of a new municipal water well, and or the rehabilitation of the Existing EBCo Well as an authorized municipal well, subject to the following:

(1) EBCo will convey title to the Donated Well Parcel to the City, together with easements and rights-of-way as necessary for construction and installation of utilities and for access to the Donated Well Parcel, by Special Warranty Deed and Grant of Easement, and will convey the Existing EBCo Well to the City by Bill of Sale, all in form and substance agreeable to the City and EBCo agrees not to oppose or object to any well or wells drilled by the City.

(A) The Well Site may be conveyed prior to the approval of the preliminary plat containing the Well Site, but shall be conveyed not later than the filing of the final plat containing the Well Site. The City shall accept the conveyance of the Well Site as a donation from EBCo.

(B) The Donated Well Parcel and related easements and rights-of-way shall be transferred free and clear of liens and encumbrances, and shall not be subject to any environmental covenants, conditions or restrictions. The Existing EBCo Well shall be transferred strictly in its "as is, where is" condition, without any representation, warranty or guarantee of any kind or nature,

(C) Until such time as the Well Site has been conveyed to the City, EBCo shall be obligated to provide a minimum level of maintenance on the Donated Well Parcel, limited to weed, trash and rubbish control, at its cost and expense.

(2) Any new well to be drilled upon the Donated Well Parcel shall be designed, drilled, developed, and equipped by the City, and any work performed in connection with the rehabilitation of the Existing EBCo Well, shall all be at the City's sole cost and expense, according to a timetable to be determined by the City, subject to the obligation and commitment of the City to serve the entirety of the Harmony Ridge Project pursuant to this Agreement, as development thereof occurs, whether a new municipal well is drilled or the Existing EBCo Well is rehabilitated on the Donated Well Parcel by the City, or not.

(3) EBCo makes no representation, warranty or guarantee, whatsoever, as to: (i) whether the drilling of a new water well on the Donated Well Parcel may be approved by the Utah Division of Water Rights, (ii) whether and to what extent a new well may be successfully drilled and equipped at the Donated Well Parcel, and (iii) the quality, quantity or flow of water that may be produced from a new well on the Donated Well Parcel and the suitability and sufficiency of the same to satisfy the City's groundwater requirements for municipal service within the Harmony Ridge Project and elsewhere within the City. Any new well drilled by the City on the Well Site, and the Existing EBCo Well, shall be operated, maintained, repaired and replaced by the City at the City's sole cost and expense.

(4) The City agrees that the well house and any other above-ground facilities related to any new well to be drilled by the City on the Donated Well Parcel, or in connection with a rehabilitated Existing EBCo Well, shall be designed and constructed in such a manner as will not detract from, but be complimentary to, the design, architecture and landscape of the Harmony Ridge Project. All such facilities shall be planned and designed in a manner similar to and consistent with the architectural standards and guidelines of the City's existing Crow Canyon Well.

5.4. City Code Compliance; Development Agreements. All infrastructure improvements set forth in Section 5.2 herein shall be designed, constructed and installed, and all fees shall be paid in conformance with all applicable provisions of Title 17 – Development Code, Part II, Subdivisions, of the City Code, and the terms and conditions of this Agreement.

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5.5. Reimbursement of Offsite Improvements and Secondary Irrigation Reservoir Development Costs.

5.5.1. Offsite Improvements Reimbursement. The Offsite Culinary Water Main Line and the Offsite Sewer Trunk Line Improvements to be constructed by EBCo to serve the Harmony Ridge Project (collectively, the "*Offsite Improvements*"), are being sized and located, by requirement of the City, to serve future development projects on lands serviceable by the Offsite Improvements in addition to the Harmony Ridge Project. As such, EBCo shall be entitled to reimbursement from any future developer of property to be benefited by the Offsite Improvements (each, a "*Future Developer*"), in conformance with Section 17.28.050 of the City Code.

(1) Section 17.28.050 of the City Code is hereby interpreted so as to provide that a developer's cost includes interest and other fees and charges related thereto; which means, for the purpose of this Agreement, that a Future Developer's pro-rata share (i.e. that portion of the capacity of the Offsite Improvements not dedicated to the Harmony Ridge Project as provided herein), of EBCo's cost of designing, constructing and installing the Offsite Improvements shall be based upon EBCo's actual costs incurred, including interest and related fees and charges. With respect to the Sewer Offsite Trunk Line Improvements, specifically, the benefitted properties shall be identified, using the "Offsite Sewer Master Plan and Reimbursement Schedule," Exhibit "M" attached.

(2) In the event the existing ordinance, Section 17.28.050, shall subsequently be amended by the City, EBCo, in its sole discretion, shall have the right to apply and be governed by the terms and provisions of the amended ordinance which shall be incorporated into this Agreement in lieu of the existing ordinance.

5.5.2. Secondary Irrigation Water Reimbursement. The foregoing provisions of Section 5.5.1 above shall similarly apply, as applicable, to reimbursement for development costs incurred by EBCo in the construction of the on-site Secondary Irrigation Water Reservoir which, pursuant to the provisions of Section 5.2.4(B)(i) is required to be sized to accommodate the Secondary Irrigation Service Area which includes property owned and to be developed by a Future Developer.

5.6. Assignment of Water, Sewer Treatment, and Sewer Trunk Line ERU Entitlements.

5.6.1 Assignment to Future Developer. In the unlikely event EBCo shall determine that it does not intend to move forward with the development of the Harmony Ridge Project, wholly, or partially, or in the event it is determined by the Parties that upon full development of the Harmony Ridge Project that EBCo has excess Water, Sewer Treatment or Sewer Trunk Line ERU Entitlements (collectively, "*ERU Entitlements*"), banked with the City hereunder beyond that which is necessary for the Harmony Ridge Project, then, in such event, it is agreed as follows:

(1) Upon EBCo's request, the City shall cooperate with EBCo in giving written notice to EBCo of the identity of any other developer ("*Future Developer*"), who is proposing to develop property within the boundaries of the City which property is serviceable by either of the Offsite Improvements identified in Exhibit "M" or Exhibit J-1 ("*Future Development*"), and who is in need of acquiring water rights, sewer treatment or sewer trunk line capacity to satisfy the development requirement of the City Code in connection with the Future Development.

(2) In the event EBCo determines that it desires to assign excess ERU Entitlements to the Future Developer, EBCo shall, pursuant to written instructions, tender to the City the number of excess ERU Entitlements to be assigned.

(3) The excess ERU Entitlements tendered to the City by EBCo shall thereupon be assigned by the City to the Future Developer for a Future Development, as defined in Subsection (1) of this Section 5.6.1, within the City in consideration for receipt of payment from the Future Developer of the purchase price which is to be set at the then current market rate as determined by the City in consultation with EBCo. The purchase price shall be collected by the City from the Future Developer, in full, at the time of, and as a condition to, assignment of the excess ERU Entitlements to be assigned.

(4) Upon receipt of said payment by the City, the City shall tender the purchase price received by it to EBCo, less a reasonable administrative fee in an amount mutually agreed to by the Parties, which shall be deducted from the purchase price and retained by the City.

5.6.2 **Purchase by the City.** Notwithstanding the foregoing, the City may, in its sole discretion, determine to purchase one or more of the excess ERU Entitlements in lieu of assigning the same to a Future Developer; in which event, the foregoing procedure shall apply to the City, in lieu of a Future Developer, and no administrative fee shall be deducted from the purchase price.

6. FEES AND CHARGES

6.1 **Plan Review and Engineering Fees.** Except as otherwise provided herein, EBCo shall be obligated to pay all plan review and engineering review fees and all other applicable fees and charges generally applicable to development application and/or building permit review and approval, subject to state laws and court decisions as to the reasonableness and applicability of such fees generally. Nothing herein shall be deemed a waiver of the right of EBCo from challenging the reasonableness or imposition of fees under Utah and Federal law. Plan review and engineering fees shall be payable at the time payment is due pursuant to the applicable provisions of the City Code

6.2 **Boundary Adjustment Fee.** As a condition to the City's agreement to adjust its municipal boundaries to include the Property within the City, EBCo shall be required to pay a Boundary Adjustment Fee in the amount of Six Thousand Dollars (\$6,000) per ERU developed by EBCo or its successors-in-interest and assigns in connection with the Harmony Ridge Project (the "*Boundary Adjustment Fee*"), in conformance with the following:

6.2.1 The Parties hereby acknowledge and agree that the amount of the Boundary Adjustment Fee established herein is a fair and reasonable amount to be paid in recognition of the benefits of having a viable commercial area within the City as developed within the Harmony Ridge Project, including, without limitation, the benefit of increased property tax revenues, sales tax revenues, job creation, etc.

6.2.2 The amount of the Boundary Adjustment Fee shall remain constant for a period of five (5) years, commencing the date of this Agreement; thereafter, commencing with the sixth (6th) year, the amount of the Boundary Adjustment Fee shall be increased annually at the rate of Two and 75/100 percent (2.75%) per year for the remainder of the term of this Agreement.

6.2.3 The Boundary Adjustment Fee for each ERU shall be due and payable at the time of and as a condition to the issuance by the City of a building permit for the structure associated with each such ERU.

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6.2.4 Subject to the provisions of Section 6.2.2, the Boundary Adjustment Fee shall be and remain set and established in such amount and be payable at the time stated herein until all of the ERUs authorized in Section 4.1.3 herein have been fully developed. The imposition and the amount of the Boundary Adjustment Fee shall not be subject to challenge by EBCo or its successors-in-interest or permitted assigns on grounds of legality or reasonableness.

6.3. Impact Fees.

6.3.1 In recognition of the payment by EBCo to the City of the Boundary Adjustment Fee and the basis for the same as detailed in Section 6.2.1 above, EBCo shall be expressly exempt from the payment of:

(1) any and all existing water, sewer, park and public safety impact fees which, as of the date hereof, are required by City ordinance to be paid as a condition of development approval by the City, as well as any future impact fees which may be related to said services, and

(2) any and all impact fees in any way related or attributable to: (i) streets, roads and highways, (ii) water other than culinary or municipal water, including, without limitation, secondary or irrigation water and industrial water, and (iii) storm water run-off, collection, drainage, transportation, retention, detention and discharge, which, at any time in the future, may be imposed by enactment of the City and be required to be paid as a condition of development approval.

6.3.2 Except as provided in Section 6.3.1 herein, upon completion of the Boundary Adjustment, the Harmony Ridge Project shall otherwise be subject to payment of all impact fees which may be imposed by the City which are generally applicable to the development of other property within the City, and EBCo shall be entitled to the treatment afforded any development project similar to the Harmony Ridge Project if an impact fee ordinance makes any such distinction or any other similar project is afforded different treatment pursuant to decision of the Courts of the State of Utah. Nothing herein shall be deemed a waiver of the right of EBCo to challenge the legality or reasonableness of any impact fee or the City's compliance with the statutory requirements for the imposition of impact fees as set forth in Section 11-36-101 *et seq.*, Utah Code Annotated, 1953, as amended, including any future amendment thereto and interpretations thereof by Courts of the State of Utah in effect at the time. Any impact fees lawfully imposed in conformance with the foregoing shall be payable in accordance with the payment requirements of the particular impact fee enactment.

7. TIMING OF DEVELOPMENT. Notwithstanding anything in this Agreement to the contrary, the Parties hereby acknowledge and agree that the development of the Property and/or any portion thereof, shall proceed over time, or not proceed, as the case may be, as determined by EBCo, in its sole discretion, given market and development conditions and considerations, and other reasonable justifications for delay.

8. SUCCESSORS-IN-INTEREST AND PERMITTED ASSIGNS; TRANSFERRABILITY

8.1 Successors-in-Interest and Permitted Assigns. This Agreement shall be binding upon and inure to the benefit of EBCo and its successors-in-interest and permitted assigns in the ownership or development of all or any portion of the Property. Notwithstanding the foregoing, the purchaser of the Property or any portion thereof shall be responsible for performance of EBCo's obligations hereunder as to the portion of the Property so

transferred, subject to Section 8.2. Unless expressly stated otherwise, any reference to EBCo herein shall be applicable to its successors-in-interest and permitted assigns.

8.2 Release of EBCo. Except with regard to the sale of lots in single or multi-family residential subdivisions or commercial/retail areas which have been platted and received development approval, in which case the provisions of this Section 8.2 shall not apply, in the event of a transfer of all or a portion of the Property, EBCo shall enter into a written assumption agreement with the transferee of EBCo's obligations under this Agreement, a fully-executed copy of which shall be delivered to the City, wherein the transferee, among other things, shall certify that said transferee has read and understands the terms and provisions of this Agreement, that it assumes all of EBCo's obligations thereunder with respect to the portion of the Property transferred, and that it otherwise expressly agrees to be bound by this Agreement in conformance with its applicable terms and conditions; whereupon, upon delivery to the City, the transferee shall be deemed fully substituted in the place of EBCo under this Agreement as to the portion of the Property transferred, and EBCo shall be released from any further obligation with respect to this Agreement as to the parcel transferred.

9. TERM. The term of this Agreement shall commence on and be effective as of the date hereof and extend for a period of thirty (30) years from and after said date.

10. RECORDATION; AGREEMENT TO RUN WITH THE LAND. This Agreement shall be recorded against the Property, and this Agreement and all covenants, rights, terms, conditions and obligations contained herein pertaining to the development of the Harmony Ridge Project shall run with the land and shall inure to the benefit of and be binding upon all successors-in-interest of EBCo in the ownership of the Property and development of the Harmony Ridge Project thereon; except that all covenants, rights, terms, conditions and obligations contained herein pertaining to the development of the Harmony Ridge Project shall cease to burden and run with that portion of the Property that is subdivided into individual lots pursuant to the applicable subdivision ordinances of the City Code and each said lot shall be released herefrom at the time of recordation of the subdivision plat pursuant to which such lot is created.

11. MISCELLANEOUS PROVISIONS

11.1 Construction of Agreement. This Agreement is the result of negotiations between the Parties, neither of whom has acted under any duress or compulsion, whether legal, economic or otherwise. Accordingly, the terms and provisions hereof shall be construed in accordance with their usual and customary meanings. Each Party hereby waives the application of any rule of law which otherwise would be applicable in connection with the construction of this Agreement that ambiguous or conflicting terms or provisions should be construed against the Party who (or whose attorney) prepared the executed Agreement or any earlier draft of the same. As used herein, all words in any gender shall be deemed to include the masculine, feminine, or neuter gender, all singular words shall include the plural, and all plural words shall include the singular, as the context may require.

11.2 Consistency with State and Federal Law. The Parties agree that if any provision of this Agreement becomes, in its performance, inconsistent with state or federal law or is declared invalid, this Agreement shall be deemed amended to the extent necessary to make it consistent with state or federal law, as the case may be, and the balance of this Agreement shall remain in full force and effect.

11.3 Enforcement. The Parties hereby acknowledge and agree that the City has the right to enforce its rules, policies, and ordinances, subject to the terms of this Agreement, and may, at its option, seek an injunction to

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compel such compliance. The Parties further acknowledge and recognize that EBCo has the right to enforce the provisions of this Agreement by seeking an injunction to compel compliance to the extent not inconsistent with the City's reserved legislative and police powers. In the event EBCo or its successors-in-interest violate the rules, policies, regulations or ordinances of the City or violate the terms of this Agreement, the City may, without electing to seek an injunction or after thirty (30) days written notice to correct the violation (or such longer period as may be established in the discretion of the City Council or a court of competent jurisdiction if EBCo has used its reasonable best efforts to cure such violation within such thirty day period and is continuing to use its reasonable best efforts to cure such violation), take such action as shall be deemed appropriate under law until such conditions have been honored by EBCo. Both Parties shall be free from any liability arising out of the exercise of their respective rights under this Section; provided, however, that each Party may be liable to the other for the exercise of such rights in violation of Rule 11 of the Utah Rules of Civil Procedure, Rule 11 of the Federal Rules of Civil Procedure and/or Utah Code Annotated 78B-5-825, as each may be amended.

11.4 **No Waiver.** Failure of any Party to exercise any right hereunder shall not be deemed a waiver of any such right and shall not affect the right of such Party to exercise at some future time said right or any other right it may have hereunder. Unless this Agreement is amended by vote of the City Council taken with the same formality as the vote approving this Agreement, no officer, official or agent of the City has the power to amend, modify or alter this Agreement or waive any of its condition so as to bind the City by making any promise or representation not contained herein.

11.5 **Integration.** This Agreement contains the entire agreement of the Parties with respect to the subject matter of this Agreement, and supersedes all other prior agreements, understandings, statements, representations and warranties, oral or written, express or implied, by and among the Parties and their respective affiliates, representatives and agents in respect of the subject matter hereof.

11.6 **Amendment.** This Agreement cannot be altered or amended except pursuant to an instrument in writing mutually agreed to and executed by the Parties.

11.7 **Attorney's Fees.** Should any Party hereto employ an attorney for the purpose of enforcing this Agreement, or any judgment based on this Agreement, or for any reasons or in any legal proceedings whatsoever, including insolvency, bankruptcy, arbitration, declaratory relief or other litigation, including appeals and re-hearings, and whether or not an action has actually been commenced, the prevailing Party shall be entitled to receive from the non-prevailing Party reimbursement for all attorney's fees, costs and expenses incurred by the prevailing Party. Should any judgment or final order be issued in that proceeding, said reimbursement shall be specified therein.

11.8 **Notices.** Any and all notices shall be in writing and shall be validly given or made to the other Party if served either personally, by electronic transmission, or by deposit in the United States mail. If such notice is served personally or by electronic transmission, service shall be conclusively deemed given at the time of such personal service or electronic transmission. If such notice is served by mail, such notice shall be sent postage prepaid, by certified mail, return receipt requested, and shall be conclusively deemed given two business days after the deposit thereof in the United States mail addressed to the Party to whom such notice is given as hereinafter set forth:

To: The Ensign-Bickford Company

125 Powder Forest Drive, P.O. Box 7
Simsbury, CT 06070

With a copy to:
Clyde Snow & Sessions
One Utah Center, Suite 1300
201 South Main Street
Salt Lake City, UT 84111-2216
Attention: D. Brent Rose

To: Mapleton City

125 West Community Center Way
Mapleton, UT 84664

With a copy to:
Blaisdell & Church
5995 South Redwood Road
Salt Lake City, Utah 84123
Attention: Eric Johnson

Any Party hereto may change its address for the purpose of receiving notices as herein provided by serving written notice given in the manner aforesaid.

11.9 **Applicable Law.** This Agreement and all matters relating hereto, shall be governed by, construed and interpreted in accordance with and be enforceable under the laws of the State of Utah.

11.10 **Relationship of the Parties.** This Agreement neither acknowledges the existence of nor is it intended nor shall it be construed to establish, create or organize any principle-agent relationship, partnership, joint venture, or any other legal entity or form of business relationship between the Parties, and is limited solely to the purposes and interests expressed herein. It is specifically understood by the Parties that: (i) the Harmony Ridge Project is a private development; (ii) the City has no interest in, responsibility for, or duty to third parties concerning any improvements to the Property unless and until the City accepts the improvements pursuant to the provisions of this Agreement or in connection with a subdivision plat, site plan, deed, or map approval; and (iii) EBCo shall have the full power and exclusive control of the Property subject to the obligations of EBCo as set forth in this Agreement.

11.11 **No Third-party Beneficiaries.** This Agreement shall not be deemed to create any right in any person who is not a Party (other than the permitted successors and assigns of a Party) and shall not be construed in any respect to be a contract, in whole or in part, for the benefit of any third party (other than permitted successors and assigns of a Party hereto).

11.12 **Incontestability.** In consideration of the mutual covenants and agreements contained herein, each Party hereto does hereby agree that this Agreement, and each and every provision hereof, is and shall be enforceable by and among them according to its terms, and each Party does hereby agree that it shall not, directly or indirectly, contest the validity or enforceability hereof.

11.13 **Force Majeure.** Performance by any Party hereunder shall not be deemed to be in default where delays or defaults are due to war, insurrections, strikes, lock-outs, floods, earthquakes, fires, casualties, acts of God, epidemics, quarantine, restrictions, inability (when the responsible Party is faultless) to secure necessary labor, materials, tools, acts or failure to act of any public or governmental agency or entity, or by any other reason not the fault of the Party delayed in performing work or doing acts required under the terms of this Agreement, and in such event, the performance of such work or the doing of such act shall be excused for the period of the delay and the period of performance for any such work or the doing of any such act shall be extended for a period equivalent to the period of such delay.

11.14 **Inducement.** The making and execution of this Agreement has not been induced by any representation, statement, warranty or agreement other than those herein expressed.

11.15 **Further Action.** The Parties hereby agree to execute and deliver such additional documents and to take further action as may become necessary or desirable to fully carry out the provisions and intent of this Agreement.

11.16 **Severability.** Notwithstanding anything herein to the contrary, each of the provisions hereof shall be deemed independent and severable, and the invalidity or unenforceability of any provision or portion thereof shall not affect the validity or enforceability of any other provision.

11.17 **Warranty of Authority.** The individuals executing this Agreement on behalf of the Parties hereby warrant that they have the requisite authority to execute this Agreement on behalf of the respective Parties and that the respective Parties have agreed to be and are bound hereby.

11.18 **Copies of Applicable City Ordinances.** Copies of all applicable ordinances of the City which are referenced in this Agreement and by which the Parties are bound hereunder are attached hereto as EXHIBIT "P" and incorporated by this reference herein.

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the day and year first above written.

THE ENSIGN-BICKFORD COMPANY

By: [Signature]

Its: PRESIDENT

MAPLETON CITY

By: [Signature]
Mayor

ATTEST:

[Signature]
City Recorder

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ACKNOWLEDGMENTS

VERGIZIA
STATE OF CONNECTICUT)

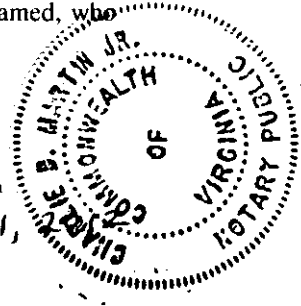
County of PETTSILYANZA) :SS.

On the 2ND day of AUGUST, 2011, personally appeared before me PETER BARNETT, known to me, or proved to me on the basis of satisfactory evidence, to be the persons who executed the within instrument as the PRESIDENT, of the corporation therein named, who duly acknowledged to me that the corporation executed the same.

[Signature]

NOTARY PUBLIC

REGISTRATION NUMBER: 343398
COMMISSION EXPIRES: AUGUST 31, 2015



STATE OF UTAH)
County of Utah) :SS.

On the 20 day of July, 2011, personally appeared before me Camille Brown and Brian Wall, known to me, or proved to me on the basis of satisfactory evidence, to be the Mayor and City Recorder, respectively, of Mapleton City, who duly acknowledged that the within and foregoing instrument was signed on behalf of said City by authority of a duly adopted resolution of its City Council, and that said City executed the same.

[Signature]

NOTARY PUBLIC



EXHIBITS

- EXHIBIT "A" LEGAL DESCRIPTION OF THE PROPERTY
- EXHIBIT "B" BOUNDARY ADJUSTMENT ORDINANCES
- EXHIBIT "C" DEVELOPMENT PLAN
- EXHIBIT "D" PD-3 PLANNED DEVELOPMENT – HARMONY RIDGE DISTRICT
- EXHIBIT "E" DENSITY PLAN
- EXHIBIT "F"
- 1 - HARMONY RIDGE RESIDENTIAL DESIGN STANDARDS
 - 2 - HARMONY RIDGE COMMERCIAL/INDUSTRIAL DESIGN STANDARDS
- EXHIBIT "G" PARKS AND OPEN SPACE PLAN AND DESIGN STANDARDS
- EXHIBIT "H" WATER RIGHTS DATA
- EXHIBIT "I" EAST BENCH IRRIGATION CO. STOCK CERTIFICATES
- EXHIBIT "J"
- 1 - MASTER UTILITY PLAN – OFFSITE CULINARY WATER MAIN LINE
 - 2 - MASTER UTILITY PLAN – ONSITE CULINARY AND PRESSURIZED IRRIGATION WATER
 - 3 - WATER DEMAND FORECASTING TABLE
- EXHIBIT "K" SEWER INTERLOCAL AGREEMENT
- EXHIBIT "L" LEGAL DESCRIPTION OF SECURED PARCEL
- EXHIBIT "M" OFFSITE SEWER MASTER PLAN AND REIMBURSEMENT SCHEDULE
- EXHIBIT "N" MASTER UTILITY PLAN – SANITARY SEWER
- EXHIBIT "O" MASTER UTILITY PLAN – STORM DRAINAGE
- EXHIBIT "P" COPIES OF APPLICABLE CITY ORDINANCES



Engineers+
Surveyors

EXHIBIT "A"

ENT 56319:2011 PG 27 of 662

**LEGAL DESCRIPTION
PREPARED FOR
PRESIDIO CAPITAL
ENSIGN-BICKFORD ALTA SURVEY
Spanish Fork, Utah**

**PARCEL "A"
(Revised May 22, 2008)**

A portion of Sections 26, 27, 34, & 35, Township 8 South, Range 3 East, Salt Lake Base & Meridian, located in Spanish Fork, Utah, more particularly described as follows:

Beginning at the South ¼ Corner of Section 27, T8S, R3E, S.L.B. & M.; thence N0°11'11"W along the ¼ Section line 1,346.48 feet to the southwest corner of lands of Utah Power & Light Company; thence along said lands S89°30'16"E 1,325.51 feet to the west side of 'Parcel C' as described on a Survey Plan prepared by Jack Johnson Company and filed with the County Surveyor's Office; thence along said Parcel the following 2 (two) courses: S0°10'05"E 12.85 feet; thence N89°58'03"E 1,325.46 feet to east line of said Section 27; thence N0°09'03"W along the Section line 1,018.03 feet to said lands of Utah Power & Light; thence N89°49'10"E along said lands 1,287.28 feet to the 1/16th (40 acre) line; thence S0°10'07"W along the 1/16 Section line 2,350.50 feet to the Southeast Corner of the SW1/4 of the SW1/4 of Section 26; thence S0°23'11"E along the 1/16th Section line 1,167.44 feet; thence S89°59'41"E 54.66 feet to the westerly line of lands of Utah Power & Light; thence along said property the following 4 (four) courses: S0°17'59"E 182.10 feet; thence N89°42'01"E 91.57 feet; thence S17°31'05"W 2,212.67 feet; thence S42°31'08"E 694.60 feet to the 1/16th Section line; thence S2°35'19"W along the 1/16th Section line 1,347.76 feet to the Southeast Corner of the SW1/4 of the SW1/4 of Section 35; thence N89°36'11"W along the Section line 687.72 feet to the easterly right-of-way line of US Highway 6 & 89; thence N35°22'30"W along said right-of-way line 4,353.53 feet; thence Northwesterly along the arc of a 490.00 foot radius non-tangent curve (radius bears: N66°03'21"W) 438.89 feet through a central angle of 51°19'08" (chord: N1°42'55"W 424.36 feet) to a point of reverse curvature; thence along the arc of a 310.00 foot radius curve to the right 243.51 feet through a central angle of 45°00'23" (chord: N4°52'18"W 237.30 feet); thence N17°37'30"E 79.26 feet; thence along the arc of a 600.00 foot radius curve to the right 472.08 feet through a central angle of 45°04'49" (chord: N40°09'55"E 460.00 feet); thence N27°17'00"W 40.00 feet; thence S75°14'43"W 328.81 feet; thence Northwesterly along the arc of a 766.34 foot radius non-tangent curve (radius bears: N2°35'26"W) 111.00 feet through a central angle of 8°17'56" (chord: N88°26'28"W 110.90 feet); thence N84°17'30"W 144.41 feet; thence along the arc of a 523.14 foot radius curve to the left 112.57 feet through a central angle of 12°19'44" (chord: S89°32'38"W 112.35 feet); thence S83°22'30"W 199.73 feet; thence North 75.78 feet; thence S86°03'00"W 133.40 feet; thence Northwesterly along the arc of a 2,662.80 foot radius non-tangent curve (radius bears: N61°07'53"E) 602.95 feet through a central angle of 12°58'25" (chord: N22°22'54"W 601.66 feet); thence S87°33'00"E along a fence line 362.50 feet; thence North 128.00 feet to the point of beginning.

Contains: 450.30+/- acres

Services Include:

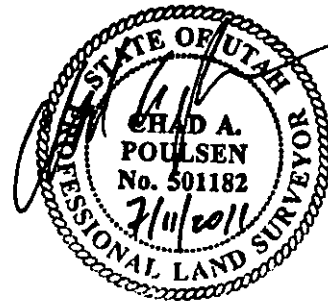
- Engineering
- Civil
- Structural
- Surveying
- Land Planning

PARCEL "B"
(Revised January 05, 2011)

A portion of the NW1/4 of Section 35, Township 8 South, Range 3 East, Salt Lake Base & Meridian, located in Spanish Fork, Utah, more particularly described as follows:

Beginning at the Southwest Corner of the SE1/4 of the NW1/4 of Section 35, T8S, R3E, S.L.B. & M.; thence N0°23'11"W along the 1/16th (40 acre) Section line 8.60 feet to the easterly line of lands of Utah Power & Light Company; thence along said property the following 3 (three) courses: N17°31'05"E 1,362.30 feet; thence N89°42'01"E 21.67 feet; thence N17°10'02"E 25.04 feet; thence N89°30'31"E along the 1/16th Section line 793.68 feet to the Northeast Corner of the SE1/4 of the NW1/4 of Section 35, thence S1°01'07"W along the 1/4 Section line 1,335.15 feet to the center of said Section 35; thence S89°49'42"W along the 1/4 Section line 1,208.98 feet to the point of beginning.

Contains: 30.98+/- acres



MAPLETON CITY, UTAH
BOUNDARY ADJUSTMENT
June 7, 2011

ORDINANCE NO. 2011-08

A MAPLETON CITY (THE “CITY” OR “MAPLETON”) ORDINANCE, APPROVING THE ADJUSTMENT OF THE COMMON BOUNDARY BETWEEN MAPLETON AND SPANISH FORK, UTAH COUNTY, UTAH IN ACCORDANCE WITH UTAH CODE SECTION 10-2-419.

WHEREAS, Section 10-2-419 of Utah Code Annotated 1953, as amended, authorizes municipalities to adjust boundaries and sets forth therein the requirements to do so; and

WHEREAS, Mapleton City has complied with the requirements of said section and other applicable sections of the Utah Code by adopting Resolution No. 2011-7 on April 5, 2011, indicating the City’s intent to adjust its common boundary with Spanish Fork on the South of Mapleton to Highway 6; by holding a public hearing this 7th day of June, 2011 on the proposed adjustment, allowing for 60 days of public comment; by publishing notice (see attached Exhibit A) of such for three successive weeks in the Daily Herald, a newspaper of general circulation in Mapleton, no sooner than 14 days after April 5, 2011; and by publishing the same notice on the Utah Public Notice Website for three weeks; and

WHEREAS, Section 10-2-419 of the Utah Code authorizes the City Council to adopt an ordinance approving the adjustment of the common boundary if there are no written protests filed before the public hearing is held; and

WHEREAS, no written protests to the boundary adjustment have been filed with the City Recorder by the owners of private real property that (1) is located within the area of property proposed to be boundary adjusted as described herein, and (2) which covers at least 25% of the total private land area within the area of property proposed to be boundary adjusted as described herein, and (3) is equal in value to at least 15% of the value of all private real estate within the area or property proposed to be boundary adjusted as described herein; and

WHEREAS, a public hearing has been held in compliance with the law; and

WHEREAS, it appears to be in the best interest of the City to approve the adjustment of the common boundary between it and Spanish Fork.

NOW THEREFORE, IT IS HEREBY ORDAINED by the City Council of Mapleton City, Utah County, Utah, as follows:

Section 1. The proposed common boundary adjustment generally affecting the area of property south of the present Mapleton City Boundary to Highway 6 and east of Highway 89 between Mapleton and Spanish Fork, Utah County, Utah and more particularly described in

Exhibit B below (the "Property") is hereby approved and upon approval by the City Council of Spanish Fork City, the boundary shall be so adjusted. The foregoing boundary adjustment is expressly made conditional upon the owner of the Property agreeing to and executing the Boundary Adjustment and Development Agreement (Harmony Ridge Development Project) of even date herewith as attached hereto in substantially final form as Exhibit C (the "Boundary Adjustment and Development Agreement"). Upon providing the City with sufficient assurances that the owner has agreed to and executed the Boundary Adjustment and Development Agreement, the Mayor is hereby authorized to execute such agreement and the City Recorder is authorized to attest to such execution and apply the seal of the City Recorder. The City Recorder is directed to record the original Boundary Adjustment and Development Agreement with the Utah County Recorder, along with the other recordings described below.

Section 2. Consistent with the Boundary Adjustment and Development Agreement, the Property shall be zoned, Planned Development -3 or PD-3. The PD-3 zone has been presented to the Mapleton City Planning Commission, which held a public hearing regarding that zoning and has provided its recommendations to the City Council. After complying with the legal requirements for creating a new zone, the City Council of Mapleton City has approved and adopted the PD-3 zone as attached hereto as Exhibit D, and the Property is hereby zoned PD-3.

Section 3. Pursuant to law, the area that is the subject of the boundary adjustment described in Exhibit B will, because of the boundary adjustment, be automatically annexed to a local district providing fire protection, paramedic, and emergency services or a local district providing law enforcement service, as the case may be. At this time, there are no such local districts.

Section 4. In accordance with the provisions of Section 10-2-425, Utah Code Annotated 1953, as amended, within 30 days after the enactment of this ordinance, the City Recorder shall cause to be filed with the lieutenant governor (1) a "Notice of Impending Boundary Action," which shall comply with the requirements of Utah Code subsection 67-1a-6.5(3), along with (2) a copy of an approved final local entity plat, whereupon the lieutenant governor will issue a Certificate of Boundary Adjustment. Thereafter, the City Recorder shall submit to the Utah County Recorder (i) the *original* "Notice of Impending Boundary Action", (ii) the *original* Certificate of Boundary Adjustment received from the lieutenant governor, (iii) the *original* approved final local entity plat, and (iv) a *certified copy* of this ordinance.

Section 5. The City Recorder shall also cause to be sent a notice of the boundary adjustment to each affected entity and cause to be filed with the Department of Health a *certified copy* of this ordinance as well as a *copy* of the approved final local entity plat.

Section 6. It is hereby declared that all parts of this Ordinance are severable, and if any section, clause or provision of this Ordinance shall, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of any such section, clause or provision shall not affect the remaining sections, clauses or provisions of this Ordinance.

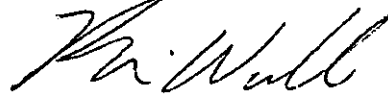
Section 7. All Ordinances, orders and regulations or parts thereof heretofore adopted or passed which are in conflict herewith are, to the extent of such conflict, hereby repealed. This

repealer shall not be construed so as to revive any Ordinance, order, regulation or part thereof heretofore repealed.

Section 8. Immediately after its adoption, this Ordinance shall be signed by the Mayor and City Recorder and shall be recorded in the ordinance book kept for that purpose. This Ordinance or a summary thereof shall be published once in the Daily Herald, a newspaper published and having general circulation in the City, and shall take effect upon its passage and approval and publication as required by law and upon Spanish Fork City's adoption of a similar ordinance approving the boundary adjustment, in accordance with Utah Code subsection 10-2-419(5).

Section 9. The effective date of this boundary adjustment is subject to completion of the requirements found in Utah Code section 10-2-425, otherwise meaning the date of the lieutenant governor's issuance of the Certificate of Boundary Adjustment mentioned above.

PASSED, APPROVED AND ADOPTED this 7th day of June, 2011.

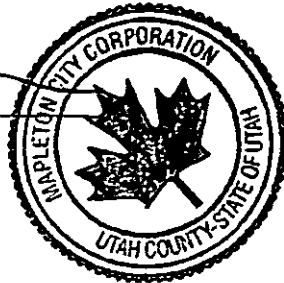


Mayor

ATTEST:



City Recorder



(SEAL)

Publication Date: July 7, 2011
Effective Date: July 27, 2011

RECORD OF PROCEEDINGS

The City Council (the "Council") of Mapleton City, Utah County, Utah (the "City"), met in regular session on June 7, 2011, at the regular meeting place of said Council at 125 West Community Center Way in Mapleton, Utah, at 7:00 p.m., or as soon thereafter as feasible, with the following members of the Council present:

Brian Wall	Mayor
Ben Christensen	Councilmember
Mike Cobia	Councilmember
Ryan Farnworth	Councilmember
Michael Nelson	Councilmember

Also present:

Robert Bradshaw	City Administrator
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Absent: Jim Lundberg	Council member
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Thereupon, the foregoing Ordinance was introduced in written form, discussed in full, and pursuant to motion made by Councilmember Cobia and seconded by Councilmember Council member Christensen adopted by the following vote:

AYE: Mike Cobia	Councilmember
Ryan Farnworth	Councilmember
Michael Nelson	Councilmember

NAY: Ben Christensen	Councilmember
----------------------	---------------

CERTIFICATE OF CITY RECORDER

I, Camille Brown, the duly qualified and acting City Recorder of the City, do hereby certify according to the records of the City's Council in my possession that the foregoing constitutes a true, correct and complete copy of the minutes of the regular meeting of the Council held on June 7, 2011, as it pertains to an ordinance (the "Ordinance") adopted by the Council at said meeting, including the Ordinance, as said minutes and Ordinance are officially of record in my possession.

IN WITNESS WHEREOF, I have hereunto subscribed my signature and impressed hereon the official seal of the City this 7th day of June, 2011.



City Recorder



CERTIFICATE OF COMPLIANCE WITH OPEN MEETING LAW

I, Camille Brown, the duly qualified and acting City Recorder of the City, do hereby certify, according to the records of the City in my official possession, and upon my own knowledge and belief, that in accordance with the requirements of Section 52-4-202, Utah Code Annotated 1953, as amended, I gave not less than twenty-four (24) hours public notice of the agenda, date, time, and place of the June 7, 2011, public meeting held by the City as follows:

(a) By causing a notice to be posted at the City's principal offices at least 24 hours prior to the convening of the meeting, said notice having continuously remained so posted and available for public inspection until the completion of the meeting; and

(b) By causing a copy of such notice to be delivered to a newspaper of general circulation within the City at least 24 hours prior to the convening of the meeting.

(c) By causing a copy of such notice to be posted on the Utah Public Notice Website at least 24 hours prior to the convening of the meeting.

In addition, the Notice of 2011 Annual Meeting Schedule for the City specifying the date, time and place of the regular meetings of the City Council to be held during the 2011 calendar year was (1) posted on 1/4/11, 2011, at the principal office of the City Council and (2) provided to at least one newspaper of general circulation within the City on 12/23/10, 2011, and (3) posted on the Utah Public Notice Website on 1/4/11, 2011.

IN WITNESS WHEREOF, I have hereunto subscribed my signature this June 7, 2011.



Camille Brown

City Recorder

(Attach Meeting Agenda)

(Attach Annual Meeting Notice)

(Attach Proof of Posting Notices on Utah Public Notice Website)

EXHIBIT B

(insert description of boundary adjustment)

ORDINANCE NO. 08-11

ROLL CALL

VOTING	YES	NO
G. WAYNE ANDERSEN <i>Mayor, (votes only in case of tie)</i>		
RODNEY DART <i>Council member</i>	X	
RICHARD M. DAVIS <i>Council member</i>	X	
STEVE LEIFSON <i>Council member</i>	X	
JENS P. NIELSON <i>Council member</i>	X	
KEIR A. SCUBES <i>Council member</i>	X	

I MOVE this ordinance be adopted: Council member Dart
 I SECOND the foregoing motion: Council member Davis

ORDINANCE 08-11

AN ORDINANCE ADJUSTING A COMMON BOUNDARY WITH MAPLETON CITY

WHEREAS, the Spanish Fork City Council and the Mapleton City Council have each adopted a resolution of intent to adjust their common boundary; and

WHEREAS, each City has agreed that the property herein described and which is owned by Ensign-Bickford may be moved from the Spanish Fork City to Mapleton City; and

WHEREAS, a public hearing was held on the 7th day of June, 2011 to consider the boundary adjustment; and

WHEREAS, a public hearing was held by Mapleton City on the 7th day of June, 2011;
and

WHEREAS, at the public hearing, support for the boundary adjustment was voiced and no objection was made;

NOW THEREFORE, be it ordained and enacted by the Spanish Fork City Council as follows:

I.

The boundaries of Spanish Fork City are hereby contracted so as to exclude from the said City limits the following described land located in Utah County, Utah:

BEGINNING AT THE NORTH QUARTER CORNER OF SECTION 34, TOWNSHIP 8 SOUTH, RANGE 3 EAST, SALT LAKE BASE AND MERIDIAN; THENCE N00°10'52"W 1323.83 FEET; THENCE EAST 2703.26 FEET; THENCE N01°30'00"E 1014.30 FEET; THENCE S88°30'00"E 1238.87 FEET; THENCE S00°08'57"E 2328.48 FEET; THENCE S01°47'26"E 1321.79 FEET; THENCE EAST 1320.00 FEET; THENCE S01°47'26"E 1321.79 FEET; THENCE WEST 1320.00 FEET; THENCE S04°08'46"W 2655.43 FEET; THENCE WEST 730.47 FEET; THENCE N35°22'32"W 4309.03 FEET; THENCE ALONG THE ARC OF A 1125.00-FOOT RADIUS CURVE TO THE LEFT 778.97 FEET (CHORD BEARS: N55°12'43"W 763.51 FEET); THENCE N75°02'54"W 231.89 FEET; THENCE ALONG THE ARC OF A 2950.00 FOOT RADIUS CURVE TO THE RIGHT (CHORD BEARS: N16°14'32"W 1295.50 FEET); THENCE N03°33'29"W 832.79 FEET; THENCE EAST 172.81 FEET; THENCE S05°32'32"E 886.30 FEET; THENCE S87°33'00"E 370.20 FEET; THENCE N00°30'00"E 128.00 FEET TO THE POINT OF BEGINNING.
CONTAINING: 535.50 ACRES

II.

This ordinance shall not become part of the Spanish Fork City Municipal Code.

III.

This ordinance shall become effective twenty days after passage and publication and after adoption by Mapleton City.

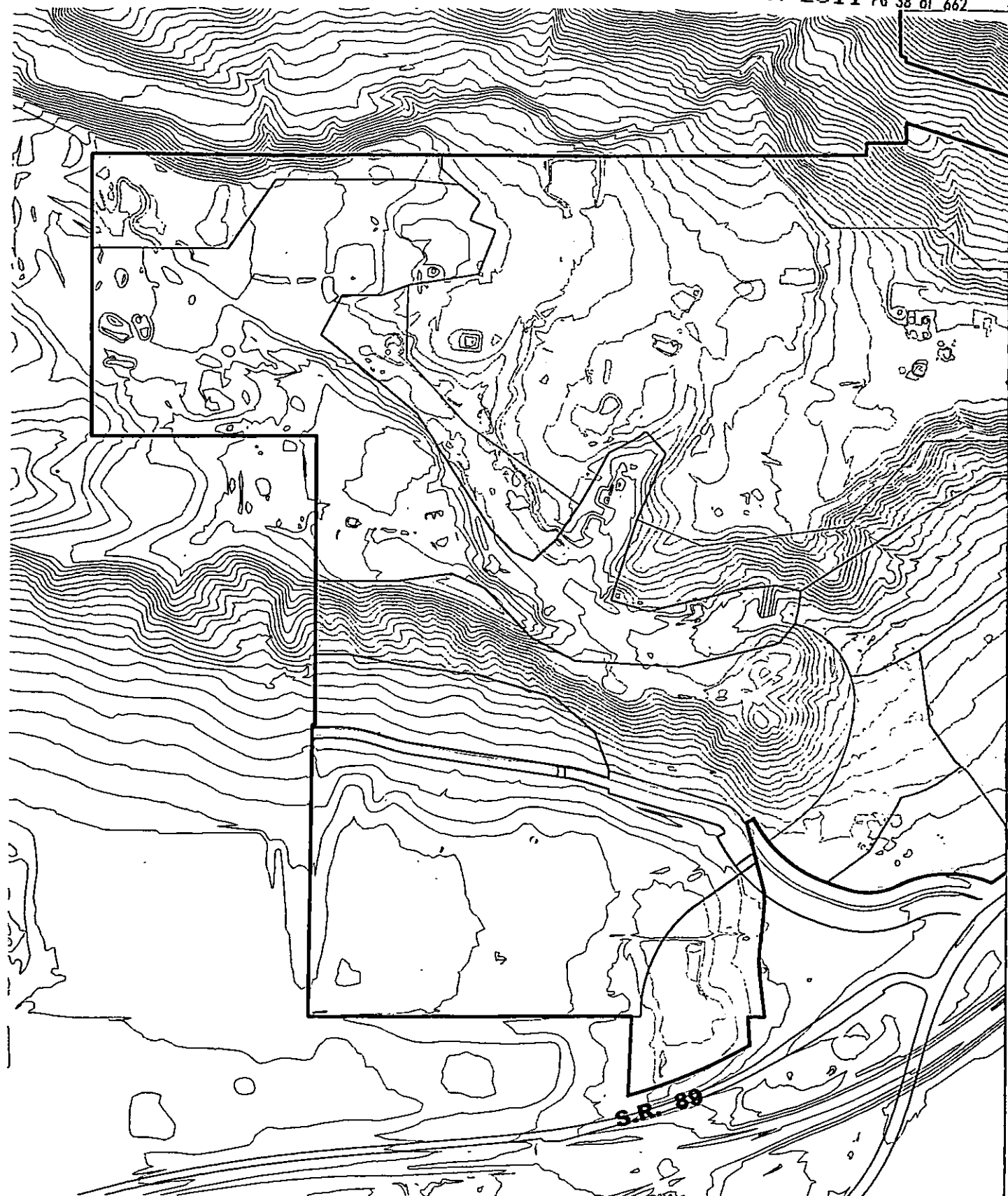
DATED this 7th day of June, 2011.


G. WAYNE ANDERSEN, Mayor

Attest:


KENT R. CLARK, City Recorder

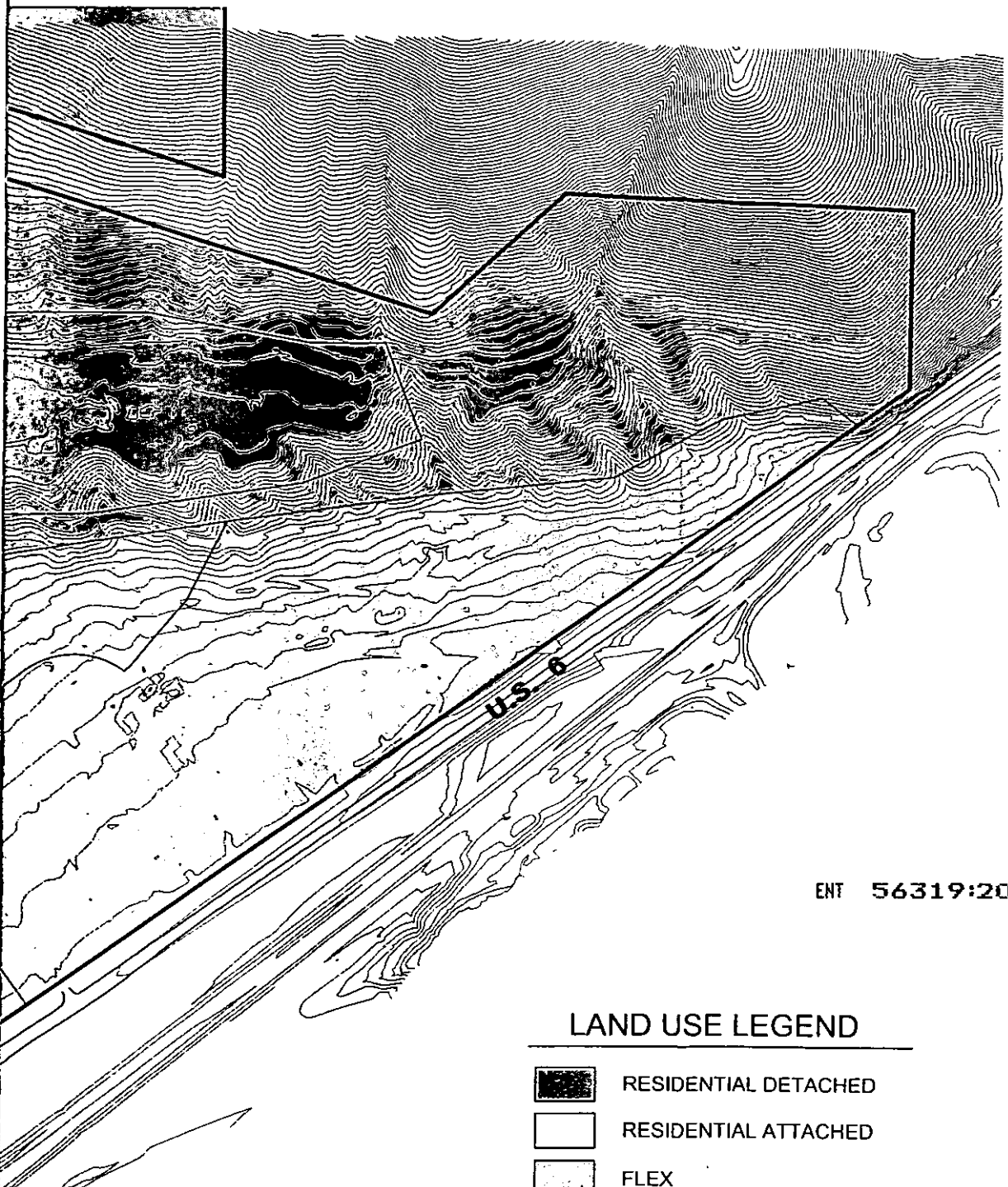












**ENGINEERS
SURVEYORS
PLANNERS**

3302 N. Main Street
Spanish Fork, UT 84660
Phone: 801.798.0555
Fax: 801.798.9383
office@lei-eng.com
www.lei-eng.com



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LAND USE LEGEND

-  RESIDENTIAL DETACHED
-  RESIDENTIAL ATTACHED
-  FLEX
-  COMMERCIAL / RETAIL / MIXED
-  COMMERCIAL / LIGHT INDUSTRIAL
-  PRESERVED OPEN SPACE / PUBLIC FACILITIES

HARMONY RIDGE
MAPLETON, UTAH

EXHIBIT C - DEVELOPMENT PLAN

REVISIONS	
1.	
2.	
3.	
4.	
5.	

LEI PROJECT #:
2008-4005

DRAWN BY:
RWH

DESIGNED BY:
GDM

SCALE:
1" = 600'

DATE:
05/17/2011

SHEET
C

EXHIBIT "D"

Chapter 18.78C PD-3 PLANNED DEVELOPMENT-3 HARMONY RIDGE DISTRICT

- 18.78C.010: PURPOSE AND OBJECTIVES:**
- 18.78C.020: ADEQUATE PUBLIC FACILITIES:**
- 18.78C.030: ARCHITECTURAL REVIEW:**
- 18.78C.040: OPEN SPACE REQUIREMENTS:**
- 18.78C.050: DESIGN STANDARDS:**
- 18.78C.060: ENFORCEMENT:**
- 18.78C.070: ADDITIONAL SETBACK REQUIREMENTS OR LIABILITY DISCLAIMERS:**
- 18.78C.080A: RESIDENTIAL DETACHED:**
- 18.78C.080B: RESIDENTIAL ATTACHED:**
- 18.78C.080C: COMMERCIAL / RETAIL / MIXED USE:**
- 18.78C.080D: FLEX SPACE:**
- 18.78C.080E: COMMERCIAL / LIGHT INDUSTRIAL**

18.78C.010: PURPOSE AND OBJECTIVES:

The Planned Development-3 Harmony Ridge District (PD-3 HR) describes a proposed commercial, retail, light industrial and master planned mixed use development set in the southern area of Mapleton City, east of Highway 89. This district consists of a maximum of eight hundred fifty (850) residential dwelling units, not counting accessory apartments as permitted by this chapter. The district allows a maximum of one hundred seventy (170) residential dwelling units or twenty percent (20%) of the eight hundred fifty (850) units listed above within the mixed use zones of Commercial / Retail and Flex Space.

18.78C.020: ADEQUATE PUBLIC FACILITIES:

In addition to the specific development standards contained in this chapter, areas zoned to the PD-3 HR shall comply with section 17.04.130, "Availability of Adequate Public Facilities", of this code.

18.78C.030: ARCHITECTURAL REVIEW:

An Architectural Committee (AC) shall be employed by the homeowners' associations in the PD-3 HR zone to review the applicable covenants, conditions, and restrictions (CC&Rs) and to verify and enforce the established Harmony Ridge Residential and Commercial / Industrial Design Standards.

No building permit application will be accepted by the city without an approval stamp from the AC. All building guidelines will meet applicable Mapleton City and International Building Code.

18.78C.040: OPEN SPACE REQUIREMENTS:

A minimum of forty percent (40%) of the site shall be preserved as permanent open space designated for public recreation and/or natural habitat. Open space may include stormwater management facilities, trails, play fields, greens, and natural areas. Such preserved open space shall be preserved in perpetuity through a deed restriction as approved by the City.

18.78C.050: DESIGN STANDARDS:

Design elements including, but not limited to, street width, curb radii, drainage facilities, sidewalks, curb and gutter, fencing, and block standards shall conform to the Harmony Ridge Preliminary Plan and Mapleton City standards.

18.78C.060: ENFORCEMENT:

If the city deems that open space and parks owned by homeowners' associations are not being kept to Mapleton City standards, the city shall have the right to cause such improvements and maintenance to be done and any such expenses by the city shall be assessed to any of the homeowners' associations of the PD-3 HR. In the event of the dissolution or inactivity of any homeowners' associations in the PD-3 HR, Mapleton City shall have the right to assume title of the open space and parks, and the city shall then charge the individual

property owners within the applicable areas for the improvements, maintenance, and administrative fees required for the above mentioned open space and parks.

18.78C.070: ADDITIONAL SETBACK REQUIREMENTS OR LIABILITY DISCLAIMERS:

Nothing in this Chapter shall be construed to preclude Mapleton City from setting additional setback requirements, or requiring inclusion of liability disclaimers associated with physical hazards of a geologic nature. Such additional requirements are to be part of any final plat or development agreement.

18.78C.080A: RESIDENTIAL DETACHED:

18.78C.080A.010: PERMITTED USES:

18.78C.080A.020: PERMITTED ACCESSORY USES:

18.78C.080A.030: CONDITIONAL USES:

18.78C.080A.040: LOT REQUIREMENTS:

18.78C.080A.050: SETBACK REQUIREMENTS:

18.78C.080A.060: BUILDING HEIGHT:

18.78C.080A.070: LANDSCAPING AND STREET TREE REQUIREMENTS:

18.78C.080A: RESIDENTIAL DETACHED

The Planned Development-3 Harmony Ridge district (PD-3 HR) incorporates a residential detached land use element within the overall development with the associated requirements as contained herein.

18.78C.080A.010: PERMITTED USES:

Cultural, religious activities, or civic uses.

Detached single-family residential dwelling units.

Educational institutions.

Home occupations, subject to the provisions of section 18.84.380 of this title.

Public parks and recreation.

Utility facilities.

18.78C.080A.020: PERMITTED ACCESSORY USES:

Accessory buildings are subject to the provisions of section 18.26.020 of this title.

Parks and playgrounds and other associated recreational amenities.

Swimming pools and related equipment.

18.78C.080A.030: CONDITIONAL USES:

Accessory apartments that may or may not be located within the primary dwelling unit. Section 18.84.030 of this title shall not be construed to prohibit accessory apartments within the PD-3 HR. Section 18.84.410 of this title shall apply to accessory apartments within the PD-3 HR district with the following limited exceptions:

- A. The minimum lot size where the home is located shall not be less than twelve thousand (12,000) square feet.
- B. A single-family dwelling with an owner occupied accessory apartment shall provide at least one (1) additional parking stall. The designated parking stall for the accessory apartment may not be located within the front yard setback or side yard setback that is adjacent to a street. The designated parking stall may not be located within a garage, unless at least two (2) other parking stalls within a garage are available for the primary dwelling unit.
- C. Detached buildings (second floor of a garage) may be permitted as accessory apartments in the PD-3 HR district and may have external entrances and a maximum height not to exceed the height of the main structure.

18.78C.080A.040: LOT REQUIREMENTS:

For the purpose of this chapter, the detached residential lots are separated into four different districts, according to the Harmony Ridge Conceptual Plan, each with unique requirements:

- A. Bench Estate lot requirements
 - 1. Minimum area: 12,000 square feet
 - 2. Minimum frontage: 70 feet
 - 3. Minimum depth: 100 feet
- B. Estate lot requirements:
 - 1. Minimum area: 6,000 square feet
 - 2. Minimum frontage: 55 feet
 - 3. Minimum depth: 75 feet
- C. Cottage Estate lot requirements:
 - 1. Minimum area: 5500 square feet
 - 2. Minimum frontage: 50 feet
 - 3. Minimum depth: 75 feet
- D. Garden Estate lot requirements:
 - 1. Minimum area: 3200 square feet
 - 2. Minimum frontage: 45 feet
 - 3. Minimum depth: 65 feet

18.78C.080A.050: SETBACK REQUIREMENTS:

For the purpose of this chapter, the detached residential lots are separated into four different districts according to the Harmony Ridge Conceptual Plan, each with unique requirements:

- A. Bench Estate lot setbacks:
 - 1. Garage setback with direct access to a public roadway shall be no less than twenty-five feet (25') measured from the property line to the face of the garage door. In no case shall the driveway length be less than twenty-five feet (25') measured from the back of sidewalk to the face of the garage door.
 - 2. Front and corner side yard setbacks shall be no less than fifteen feet (15') measured from the property line to the porch, exterior wall of the house or side entry garage. Roof eaves and uncovered steps may extend into this setback a maximum of two feet (2').
 - 3. Rear yard setbacks shall be no less than fifteen feet (15') measured parallel from the rear lot line to the exterior wall of the garage, porch, or living space. Roof eaves and uncovered steps may extend into this setback a maximum of two feet (2').
 - 4. Side yard setbacks shall be no less than eight feet (8') measured parallel from the side lot line to the exterior wall of the garage, porch or living space. Roof eaves and uncovered steps may extend into this setback a maximum of two feet (2').
- B. Estate lot setbacks:
 - 1. Garage setbacks with direct access to a public roadway shall be no less than twenty feet (20') measured from the property line to the face of the garage door. In no case shall the driveway length be less than twenty feet (20') measured from the back of sidewalk to the face of the garage door.

2. Front and corner side yard setbacks shall be no less than fifteen feet (15') measured from the property line to the front porch, exterior wall of the house or side entry garage. Roof eaves and uncovered steps may extend into this setback a maximum of two feet (2').
 3. Rear yard setbacks shall be no less than ten feet (10') measured parallel from the rear lot line to the exterior wall of the garage, porch, or living space. Roof eaves and uncovered steps may extend into this setback a maximum of two feet (2').
 4. Side yard setbacks shall be no less than five feet (5') measured parallel from the side lot line to the exterior wall of the garage, porch or living space. Roof eaves and uncovered steps may extend into this setback a maximum of two feet (2').
- C. Cottage Estate lot setbacks:
1. Garage setbacks with direct access to a public roadway shall be no less than twenty feet (20') measured from the property line to the face of the garage door. In no case shall the driveway length be less than twenty feet (20') measured from the back of sidewalk to the face of the garage door.
 2. Front and corner side yard setbacks shall be no less than twelve feet (12') measured from the property line to the front porch, exterior wall of the house or side entry garage. Roof eaves and uncovered steps may extend into this setback a maximum of two feet (2').
 3. Rear yard setbacks shall be no less than ten feet (10') measured parallel from the rear lot line to the exterior wall of the garage, porch, or living space. Roof eaves and uncovered steps may extend into this setback a maximum of two feet (2').
 4. Side yard setbacks shall be no less than five feet (5') measured parallel from the side lot line to the exterior wall of the garage, porch or living space. Roof eaves and uncovered steps may extend into this setback a maximum of two feet (2').
- D. Garden Estate (alley loaded) lot setbacks:
1. Front and corner side yard setbacks shall be no less than twelve feet (12') measured from the property line to the porch, exterior wall of the house or side entry garage. Roof eaves and uncovered steps may extend into this setback a maximum of two feet (2').
 2. Rear yard setbacks shall be no less than twenty feet (20') measured perpendicular from the edge of alley roadway improvements to the face of the garage door. Setbacks for porch or exterior wall of the house or side entry garage shall be no less than five feet (5'). Roof eaves and uncovered steps may extend into this setback maximum of two feet (2').
 3. Side yard setbacks shall be no less than five feet (5') measured parallel from the side lot line to the exterior wall of the garage, porch or living space. Roof eaves and uncovered steps may extend into this setback a maximum of two feet (2').

18.78C.080A.060: BUILDING HEIGHT:

The following standards apply to all structures within the Residential Detached:

- A. Except as provided under Subsection B, the building height for the main structure may not exceed thirty-feet (30') 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.
- 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
 4. 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.

18.78C.080A.070: LANDSCAPING AND STREET TREE REQUIREMENTS:

All landscaping shall conform to the requirements found in chapter 17.15 of this code and the master landscape plan for the development.

Street trees shall be required, where appropriate, between the sidewalk and the curb of every street. Said trees shall be a minimum size of no less than two inch (2") caliper and one tree shall be placed at least every thirty feet (30') ~~as recommended by the AG.~~ Tree species shall be the same as required in the adopted street tree list for the city of Mapleton City or as otherwise approved by the City.

18.78C.080B: RESIDENTIAL ATTACHED:

18.78C.080B.010: PERMITTED USES:

18.78C.080B.020: PERMITTED ACCESSORY USES:

18.78C.080B.030: SETBACK REQUIREMENTS:

18.78C.080B.040: BUILDING HEIGHT:

18.78C.080B.050: LANDSCAPING AND STREET TREE REQUIREMENTS:

18.78C.080B: RESIDENTIAL ATTACHED

The Planned Development-3 Harmony Ridge district (PD-3 HR) incorporates a residential attached land use element within the overall development with the associated requirements as contained herein.

18.78C.080B.010: PERMITTED USES:

Attached townhomes, condominiums, apartments or other similar uses.

Cultural, religious activities, or civic uses.

Educational institutions.

Home occupations, subject to the provisions of section 18.84.380 of this title.

Public parks and recreation.

Utility facilities.

18.78C.080B.020: PERMITTED ACCESSORY USES:

Accessory buildings are subject to the provisions of section 18.26.020.

Parks and playgrounds and other associated recreational amenities.

Swimming pools and related equipment.

18.78C.080B.030: SETBACK REQUIREMENTS:

For the purpose of this chapter, attached residential units are separated into two different districts according to the Harmony Ridge Conceptual Plan, each with unique requirements:

A. Rear-loaded (alley) townhome unit setbacks:

1. Front yard setbacks shall be no less than twelve feet (12') measured from the front property line to the front porch, exterior wall of the house or side entry garage. Roof eaves and uncovered steps may extend into this setback a maximum of two feet (2').
2. Rear yard setbacks shall be no less than twenty feet (20') measured perpendicular from the edge of alley roadway improvements to the face of the garage door. Setbacks for porch or exterior wall of the house or side entry garage shall be no less than five feet (5'). Roof eaves and uncovered steps may extend into this setback a maximum of two feet (2').
3. Corner unit side setback shall not be less than ten feet (10') measured from the property line to the face of the exterior wall.

4. A minimum distance between adjacent buildings shall be ten feet (10') measured from wall to wall. Roof eaves and uncovered steps may extend into this setback a maximum of two feet (2').
- B. Front-loaded townhome unit setbacks:
1. Garage setbacks with direct access to a public roadway shall be no less than twenty feet (20') measured from the property line to the face of the garage door. In no case shall the driveway length be less than twenty feet (20') measured from back of sidewalk to the face of the garage door.
 2. Front yard setbacks shall be no less than twelve feet (12') measured from the front property line to the front porch, exterior wall of the house or side entry garage. Roof eaves and uncovered steps may extend into this setback a maximum of two feet (2').
 3. Rear yard setbacks shall be no less than ten feet (10') measured parallel from the rear lot line to the exterior wall of the garage, porch, or living space. Roof eaves and uncovered steps may extend into this setback a maximum of two feet (2').
 4. Corner unit side setback shall not be less than ten feet (10') measured from the property line to the face of the exterior wall.
 5. A minimum distance between adjacent buildings shall be ten feet (10') measured from wall to wall. Roof eaves and uncovered steps may extend into this setback a maximum of two feet (2').
- C. Condominium or apartment setbacks:
1. Front, side and rear yard setbacks shall be no less than fifteen feet (15') minimum between buildings, parking, other structures and all public roadways. Roof eaves and uncovered steps may extend into this setback a maximum of two feet (2').

18.78C.080B.040: BUILDING HEIGHT:

The following standards apply to all structures within the Residential Attached:

- A. Except as provided under Subsection B, the building height for the main structure may not exceed thirty-feet (30') 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.
- 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
 4. 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.

18.78C.080B.050: LANDSCAPING AND STREET TREE REQUIREMENTS:

All landscaping shall conform to the requirements found in chapter 17.15 of this code and the master landscape plan for the PD-3 HR.

Street trees shall be required, where appropriate, between the sidewalk and the curb of every street. Said trees shall be a minimum size of no less than two inch (2") caliper and one tree shall be placed at least every twenty feet (20') and no closer than is recommended by a landscape architect for each specific species of street tree. Tree species shall be the same as required in the adopted street tree list for the city of Mapleton City or as otherwise approved by the City.

All parking lots designed for six (6) or more parking spaces shall provide landscaping in accordance with the provisions of this section. Parking lots less than six (6) parking spaces shall not be required to provide landscaping other than yard area landscaping and landscaped buffer requirements as specified in other sections of this chapter.

A total of twenty-five percent (25%) of the paved surface area of the parking area will be shaded at tree maturity when the sun is directly overhead.

Landscaped areas shall be improved in conformance with the following requirements:

- A. Interior parking lot landscaping shall be improved in conformance with the following:
 - 1. Interior parking lot landscaping areas shall be dispersed throughout the parking lot. Landscaped islands shall be required at the end of the parking rows, and at the midpoint of parking rows which exceed ten (10) parking stalls, or every ten (10) stalls if parking rows exceed twenty (20) stalls.
 - 2. Interior parking lot landscaping areas shall be a minimum of one hundred twenty (120) square feet in area and shall be a minimum of five feet (5') in width, as measured from back of curb to back of curb.
- B. The plants used to improve the landscape areas defined above shall conform to the following:
 - 1. Primary plant materials used in the interior parking lots shall be deciduous shade tree species in conformance with applicable provisions of section 17.15.070 of this chapter. Ornamental trees, shrubbery, hedges, and other plants may be used to supplement the shade tree plantings in perimeter planting areas, but shall not be the only plants used in such landscaping.
 - 2. One shade tree shall be provided for every one hundred twenty (120) square feet of landscaping area.
 - 3. A minimum of fifty percent (50%) of every interior parking lot landscaping area shall be planted with ground cover at a density that will achieve complete cover within two (2) years.
- C. Six inch by six inch (6"x6") minimum poured concrete curb controls shall be constructed around all required landscaping within the interior of parking lots for the protection of the landscaping.

- 18.78C.080C: COMMERCIAL / RETAIL / MIXED USE:**
- 18.78C.080C.010: INTENT:**
- 18.78C.080C.020: PERMITTED USES:**
- 18.78C.080C.030: MIXED USE:**
- 18.78C.080C.040: LOTS, BUILDINGS, YARDS AND OPEN SPACES:**
- 18.78C.080C.050: PROJECT PLAN APPROVALS:**
- 18.78C.080C.060: ARCHITECTURAL REQUIREMENTS:**
- 18.78C.080C.070: OUTSIDE STORAGE PROHIBITED:**

18.78C.080C: COMMERCIAL / RETAIL / MIXED USE

The Planned Development-3 Harmony Ridge District (PD-3 HR) incorporates a Commercial / Retail / Mixed Use land use element within the overall development with the associated requirements as contained herein.

18.78C.080C.010: INTENT:

The intent of the Commercial / Retail / Mixed Use zone within the PD-3 HR district is to provide a zone primarily for the accommodation of commercial, retail and mixed uses to serve the residential areas.

18.78C.080C.020: PERMITTED USES:

The following principal uses are permitted in the Commercial / Retail / Mixed Use zone within the PD-3 HR district. Any use of land contrary to those uses specifically allowed herein, shall be considered "prohibited" in the Commercial / Retail / Mixed Use zone.

- Antiques (indoor display only) sales.
- Apparel and accessories - retail sales.
- Art studio, sales and galleries.

Athletic clubs, bodybuilding studios, spas, aerobic centers.

Auto washing, detailing, and polishing.

Bakery.

Banks and credit unions (excluding check cashing, "payday" loans and title loan services).

Beauty supplies.

Books, stationery, art, and hobby supplies sales.

Bookstore.

Camera and photograph supply stores.

Clothing and apparel - retail sales (excludes manufacturing).

Commercial printing (only related to retail sales of printed products).

Computer goods and services.

Dancing schools, martial arts studio.

Delicatessen and sandwiches.

Doctors' offices and dental offices.

Drug and proprietary stores.

Drugstores.

Educational services.

Employment services.

Fitness centers.

Florists.

Frames and art supplies.

Furniture, home furnishings, and equipment retail sales.

Garden supplies.

Government and quasi-governmental offices.

Grocery stores and convenience food stores.

Hair salon and cosmetics (including barbershop).

Hardware sales including plumbing and garden supplies.

Health food stores.

Hobbies and games.

Hotels and motels.

Ice cream parlor.

Insurance sales office.

Jewelry sales and repair.

Paint, glass, and wallpaper retail sales.

Personal services - includes laundry, dry cleaning, photography, beauty and barber services, clothing repair, shoe repair, etc.

Picture frames, mirrors, etc.

Professional offices (general).

Professional offices (miscellaneous uses, including tax preparation, CPA and legal services, insurance sales, and similar professional uses).

Real estate office.

Residential uses when located above the first floor.

Restaurants.

Restaurants (drive-through).

Shoe store and shoe repair.

Small appliance center.

Specialty shops.

Sporting goods.

Sporting goods, bicycles, and toys sales.

Sundries (newspapers, candy, soda and gifts).

Travel agencies.

Video rental (excludes sexually oriented businesses as defined in section 5.06.040 of this code).

Video rental shops (excludes adult video).

Watch, clock, jewelry repair, etc.

Wedding reception center.

18.78C.080C.030: MIXED USE:

Mixed use structures are subject to provisions of this section:

- A. A mixed use commercial and single-family residential structure shall be permitted subject to the following required conditions:

1. Single-family residential dwelling units shall be located directly above the commercial use on the second or third story of the building. No basement units shall be permitted. No residential units shall be permitted above or below another residential dwelling unit.
2. All residential dwelling units must meet all applicable requirements of the international residential building code as adopted by Mapleton City. Each dwelling unit will be of sufficient size to provide for a salubrious environment for the enjoyment of the residents who will occupy it. Each dwelling unit shall have a kitchen suitable for cooking and preparing meals, a bathroom with shower and bathing facilities, a living room and a bedroom. Studio apartments are permitted so long as they provide space for the amenities as described in this subsection.
3. In addition to the required parking for the commercial use, there shall be no less than two (2) parking spaces per residential dwelling unit provided. Shared parking, which may reduce the overall parking requirement, may be utilized based on a parking study performed and certified by a qualified and licensed traffic engineer and as approved by the City. The traffic study shall take into account proposed and future allowable uses, residential densities, hours of operation, accessibility and circulation requirements.
4. The maximum density is outlined under section 18.78C.010 of this chapter. The site and parking requirements will be the limiting factor to the overall number of residential dwelling units. However, the planning commission, based on concern for health, safety and welfare, may limit the total number of proposed residential dwelling units.

B. Design Standards For Mixed Use Structures:

1. The structure shall not have the appearance of an apartment building, meaning that residential entrances and entryways shall not be visible on the front facade of the building.
2. The combined height of commercial and residential structure shall not exceed the height requirement established in this chapter.
3. Mixed use structures shall appear as if they were a well-designed commercial / retail structure. Building signage shall be limited to only the entrance or entrances of the commercial portion(s) of the building.
4. Flat or parapet roofs shall be prohibited. Furthermore, any mechanical equipment on the roof shall be appropriately screened by the same exterior building materials used on the facade of the structure and shall be used for the screening of the mechanical equipment.
5. Section 17.12.090 of the Mapleton City Code shall not apply to buildings or structures within this land use area. Amended requirements are as follows:
 - a. Building materials shall be approved by the Mapleton City Planning Commission.
 - b. Colors shall reflect the natural surroundings in Mapleton City. Bright colors shall not be permitted.
 - c. Carports shall be allowed, but shall not be permitted in front of the building. Other appropriate locations shall be approved by the Mapleton City-Planning Commission.

18.78C.080C.040: LOTS, BUILDINGS, YARDS, AND OPEN SPACES:

- A. Setbacks: The following setback specifications are required:
 1. A minimum ten foot (10') landscaped front yard setback is required.
 2. A ten foot (10') landscaped side or rear setback is required for all lot lines along the exterior boundary of Harmony Ridge or between different land use classifications. A five foot (5') landscaped rear and side yard setback is required for all other side and rear lot lines.
- B. Buildings: The following standards apply to all structures within the Commercial / Retail / Mixed Use:
 1. Except as provided under Subsection 2, the building height for the main structure may not exceed thirty-feet (30') to the midpoint of the structure.

2. 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.
3. For measurement purposes:
 - a. The height of a structure is measured from the top of the established natural grade of the highest point of the lot;
 - b. 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;
 - c. 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
 - d. 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.

C. Screening and Landscaping Requirements:

1. All required setback areas shall be landscaped and shall conform to chapter 17.15 of this code. Furthermore, the landscaping will contain fifteen (15) trees per acre, or a fraction thereof, and be of at least two inch (2") caliper, measured three feet (3') from the ground. All evergreen trees shall be at least six feet (6') in height.
 2. All fencing and screening treatments shall be designed as an integral part of the overall site architecture and landscaping and approved by the Mapleton City Planning Commission. Allowable fencing and screening material includes wrought iron, masonry, or materials matching those of the main building. Black vinyl coated fencing may be used for areas not requiring screening and as specifically approved by the Mapleton City Planning Commission.
 3. Waste receptacles, storage tanks, or other similar items are not permitted in the front setback, and shall be screened from public view with allowable fencing and materials as approved by the Mapleton City Planning Commission.
- D. Parking:** Parking will be required to be in compliance with section 18.84.270 of this title. No vehicle parking will be allowed in any required setback area. Shared parking, which may reduce the overall parking requirement, may be utilized based on a parking study performed and certified by a qualified and licensed traffic engineer and as approved by the City. The traffic study shall take into account proposed and future allowable uses, residential densities, hours of operation, accessibility and circulation requirements.
- E. Driveway Access:** No private accesses will be allowed onto Highway 89 or U.S. 6.
- F.** No minimum frontage on a public street is required as long as adequate and permanent access, parking and circulation is provided from a public street.

18.78C.080C.050: PROJECT PLAN APPROVALS:

Project plan approval will be required to be in compliance with Section 18.64.060: "Project Plan Approval," of this title.

18.78C.080C.060: ARCHITECTURAL REQUIREMENTS:

Section 17.12.090 of Mapleton City Code shall not apply to buildings or structures within this land use area. Amended requirements are as follows:

- A. Building materials shall be approved by the Mapleton City Planning Commission.
- B. Colors shall reflect the natural surroundings in Mapleton City. Bright colors shall not be permitted.
- C. Carports shall be allowed, but shall not be permitted in front of the building. Other appropriate locations shall be approved by the Mapleton City Planning Commission.

18.78C.080C.070: OUTSIDE STORAGE PROHIBITED:

The outside storage of any equipment, vehicles or product, is strictly prohibited. Any vacant land or parcel of property within the

Commercial / Retail / Mixed Use zone of the PD-3 HR district shall also be prohibited from storage of vehicles, commercial vehicles, building materials, weeds, junk and other debris.

18.78C.080D: FLEX SPACE

18.78C.080D.010: INTENT

18.78C.080D.020: PERMITTED USES:

18.78C.080D.030: MIXED COMMERCIAL AND RESIDENTIAL USES:

18.78C.080D.040: LOTS, BUILDINGS, YARDS, AND OPEN SPACES:

18.78C.080D.050: PROJECT PLAN APPROVALS:

18.78C.080D.060: ARCHITECTURAL REQUIREMENTS:

18.78C.080D.070: OUTSIDE STORAGE PROHIBITED:

18.78C.080D: FLEX SPACE

The Planned Development-3 Harmony Ridge District (PD-3 HR) incorporates a Flex Space land use element within the overall development with the associated requirements as contained herein.

18.78C.080D.010: INTENT:

The intent of the Flex Space zone within the PD-3 HR district is to provide a zone that transitions from the heavier land uses associated with the commercial / light industrial to the residential uses.

18.78C.080D.020: PERMITTED USES:

The following principal uses are permitted in the Flex Space zone within the PD-3 HR district. Any use of land contrary to those uses specifically allowed herein, shall be considered "prohibited" in the Flex Space zone.

Antiques (indoor display only) sales.

Apparel and accessories - retail sales.

Art studio, sales and galleries.

Athletic clubs, bodybuilding studios, spas, aerobic centers.

Auto washing, detailing, and polishing.

Bakery.

Banks and credit unions (excluding check cashing, "payday" loans and title loan services).

Beauty supplies.

Books, stationery, art, and hobby supplies sales.

Bookstore.

Camera and photograph supply stores.

Clothing and apparel - retail sales (excludes manufacturing).

Commercial printing (only related to retail sales of printed products).

Computer goods and services.

Dancing schools, martial arts studio.

Delicatessen and sandwiches.

Doctors' offices and dental offices.

Drug and proprietary stores.

Drugstores.

Educational services.

Employment services.

Fitness centers.

Florists.

Frames and art supplies.

Furniture, home furnishings, and equipment retail sales.

Garden supplies.

Government and quasi-governmental offices.

Grocery stores and convenience food stores.

Hair salon and cosmetics (including barbershop).

Hardware sales including plumbing and garden supplies.

Health food stores.

Hobbies and games.

Hotels and motels.

Ice cream parlor.

Insurance sales office.

Jewelry sales and repair.

Paint, glass, and wallpaper retail sales.

Personal services - includes laundry, dry cleaning, photography, beauty and barber services, clothing repair, shoe repair, etc.

Picture frames, mirrors, etc.

Professional offices (general).

Professional offices (miscellaneous uses, including tax preparation, CPA and legal services, insurance sales, and similar professional uses).

Real estate office.

Residential uses when located above the first floor.

Restaurants.

Restaurants (drive-through).

Shoe store and shoe repair.

Small appliance center.

Specialty shops.

Sporting goods.

Sporting goods, bicycles, and toys sales.

Sundries (newspapers, candy, soda and gifts).

Travel agencies.

Video rental (excludes sexually oriented businesses as defined in section 5.06.040 of this code).

Video rental shops (excludes adult video).

Watch, clock, jewelry repair, etc.

Wedding reception center.

18.78C.080D.030: MIXED COMMERCIAL AND RESIDENTIAL USES:

Mixed use structures are subject to provisions of this section:

- A. A mixed use commercial and single-family residential structure shall be permitted subject to the following required conditions:
 - 1. Single-family residential dwelling units shall be located directly above the commercial use on the second or third story of the building. No basement units shall be permitted. No residential units shall be permitted above or below another residential dwelling unit.
 - 2. All residential dwelling units must meet all applicable requirements of the international residential building code as adopted by Mapleton City. Each dwelling unit will be of sufficient size to provide for a salubrious environment for the enjoyment of the residents who will occupy it. Each dwelling unit shall have a kitchen suitable for cooking and preparing meals, a bathroom with shower and bathing facilities, a living room and a bedroom. Studio apartments are permitted so long as they provide space for the amenities as described in this section.
 - 3. In addition to the required parking for the commercial use, there shall be no less than two (2) parking spaces per residential dwelling unit provided. Shared parking, which may reduce the overall parking requirement, may be utilized based on a parking study performed and certified by a qualified and licensed traffic engineer and as approved by the City. The traffic study shall take into account proposed and future allowable uses, residential densities, hours of operation, accessibility and circulation requirements.
 - 4. The maximum density is outlined under section 18.78C.010 of this chapter. The site and parking requirements will be the limiting factor to the overall number of residential dwelling units. However, the planning commission, based on concern for health, safety and welfare, may limit the total number of proposed residential dwelling units.
- B. Design Standards For Mixed Use Structures:
 - 1. The structure shall not have the appearance of an apartment building, meaning that residential entrances and entryways shall not be visible on the front facade of the building.
 - 2. The combined height of commercial and residential structure shall not exceed the height requirement established in this chapter.

3. Mixed use structures shall appear as if they were a well-designed commercial / retail structure. Building signage shall be limited to only the entrance or entrances of the commercial portion(s) of the building.
4. Flat or parapet roofs shall be prohibited. Furthermore, any mechanical equipment on the roof shall be appropriately screened by the same exterior building materials used on the facade of the structure and shall be used for the screening of the mechanical equipment.
5. Section 17.12.090 of the Mapleton City Code shall not apply to buildings or structures within this land use area. Amended requirements are as follows:
 - a. Building materials shall be approved by the Mapleton City Planning Commission.
 - b. Colors shall reflect the natural surroundings in Mapleton City. Bright colors shall not be permitted.
 - c. Carports shall be allowed, but shall not be permitted in front of the building. Other appropriate locations shall be approved by the Mapleton City Planning Commission.

18.78C.080D.040: LOTS, BUILDINGS, YARDS, AND OPEN SPACES:

- A. Setbacks: The following setback specifications are required:
 1. A minimum ten foot (10') landscaped front yard setback is required.
 2. A ten foot (10') landscaped side or rear setback is required for all lot lines along the exterior boundary of Harmony Ridge or between different land use classifications.
- B. Buildings: The following standards apply to all structures within the Flex Space:
 1. Except as provided under Subsection 2, the building height for the main structure may not exceed thirty-feet (30') to the midpoint of the structure.
 2. 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.
 3. For measurement purposes:
 - a. The height of a structure is measured from the top of the established natural grade of the highest point of the lot;
 - b. 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;
 - c. 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
 - d. 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.
- C. Screening and Landscaping Requirements:
 1. All required setback areas shall be landscaped, and shall conform to chapter 17.15 of this code. Furthermore, the landscaping will contain fifteen (15) trees per acre, or a fraction thereof, and be of at least two inch (2") caliper, measured three feet (3') from the ground. All evergreen trees shall be at least six feet (6') in height.
 2. Fencing and screening treatments shall be designed as an integral part of the overall site architecture and landscaping and approved by the Mapleton City Planning Commission. Allowable fencing and screening material includes wrought iron, masonry, or materials matching those of the main building. Black vinyl coated fencing may be used for areas not requiring screening and as approved by the Mapleton City Planning Commission.
 3. Waste receptacles, storage tanks, or other similar items are not permitted in the front setback, and shall be screened from public view with allowable fencing and materials as approved by the Mapleton City Planning Commission.

- D. **Parking:** Parking will be required to be in compliance with section 18.84.270 of this title. No vehicle parking will be allowed in any required setback area. Shared parking, which may reduce the overall parking requirement, may be utilized based on a parking study performed and certified by a qualified and licensed traffic engineer and as approved by the City. The traffic study shall take into account proposed and future allowable uses, residential densities, hours of operation, accessibility and circulation requirements.
- E. **Driveway Access:** No private accesses will be allowed onto U.S. 6.
- F. No minimum frontage on a public street is required as long as adequate and permanent access, parking and circulation is provided from a public street.

18.78C.080D.050: PROJECT PLAN APPROVALS:

Project plan approval will be required to be in compliance with Section 18.64.060: "Project Plan Approval," of this title.

18.78C.080D.060: ARCHITECTURAL REQUIREMENTS:

Section 17.12.090 of Mapleton City Code shall not apply to buildings or structures within this land use area. Amended requirements are as follows:

- A. Building materials shall be approved by the Mapleton City Planning Commission.
- B. Colors shall reflect the natural surroundings in Mapleton City. Bright colors shall not be permitted.
- C. Carports shall be allowed, but shall not be permitted in front of the building. Other appropriate locations shall be approved by the Mapleton City Planning Commission.

As the Flex Space zone is intended to be a transitional area from commercial / retail uses to residential neighborhoods, exterior materials are to match the established Commercial Design Standards of Harmony Ridge.

18.78C.080D.070: OUTSIDE STORAGE PROHIBITED:

The outside storage of any equipment, vehicles or product, is strictly prohibited unless specifically approved by the Mapleton City Planning Commission. Such approval will also include conditions for appropriate screening methods and materials. Any vacant land or parcel of property within the Flex Space zone of the PD-3 HR district shall also be prohibited from storage of vehicles, commercial vehicles, building materials, weeds, junk and other debris.

18.78C.080E: COMMERCIAL / LIGHT INDUSTRIAL

18.78C.080E.010: INTENT:

18.78C.080E.020: PERMITTED USES:

18.78C.080E.030: LOTS, BUILDINGS, YARDS, AND OPEN SPACES:

18.78C.080E.040: PROJECT PLAN APPROVALS:

18.78C.080E.050: OUTSIDE STORAGE PROHIBITED:

18.78C.080E: COMMERCIAL / LIGHT INDUSTRIAL

The Planned Development-3 Harmony Ridge district (PD-3 HR) incorporates a Commercial / Light Industrial land use element within the overall development with the associated requirements as contained herein.

18.78C.080E.010: INTENT:

The intent of the Commercial / Light Industrial zone within the PD-3 HR district is to provide employment related uses including light manufacturing, assembling, warehousing, and wholesale activities. Associated office and support commercial uses are allowed. Uses that emit significant amount of air, water or noise pollution will not be allowed.

18.78C.080E.020: PERMITTED USES:

The following principal uses are permitted in the Commercial / Light Industrial zone within the PD-3 HR district. Any use of land contrary to those uses specifically allowed herein, shall be considered "prohibited" in the Commercial / Light Industrial zone.

Accounting, auditing, bookkeeping services.

Advertising services.

Aircraft and accessories sales, service, and manufacturing.

Apparel and other finished products made from fabrics, leathers, etc.

Art studios, including the sculptures, ironwork, pottery, etc.

Audio visual production.

Automotive repair, including brakes, mufflers, tire repair and replacement, body shops, etc.

Bakery products.

Bottling and canning soft drinks and carbonated waters.

Building materials, hardware, farm equipment, and supplies sales.

Commercial testing laboratories and services.

Confectionery and related products.

Consumer and mercantile credit reporting services; adjustment and collection services.

Converted paper and paperboard products manufacturing.

Cut stone and stone products production.

Cutlery, hand tools, and general hardware manufacturing.

Data processing services.

Drugs (manufacturing).

Duplicating, mailing and stenographic services.

Educational services.

Electrical appliance repair.

Engineering and planning services.

Farm and construction vehicles sales and manufacturing.

Finance, insurance, and real estate services.

Flat glass product manufacturing.

Gas and electric utility company office.

Glass and glassware production (pressed or blown).

Governmental and postal services.

Gymnasiums, athletic clubs, body building studios.

Hotels and motels.

Insurance carriers, agents, brokers, and services.

Legal services.

Light manufacturing of furniture and fixtures.

Mail order houses.

Microfilming/services.

Miscellaneous machinery sales, service, repair, and manufacturing.

Office machine sales, repair, and manufacturing (small).

Parks.

Perfumes, cosmetics, and other toiletries preparations.

Physician's medical and dental offices and laboratory services in single offices or medical centers.

Pottery and related products production.

Printing, publishing, and allied industries.

Professional, scientific and controlling instruments; photographic and optical goods; watches and clocks.

Recreation and community centers.

Research services.

Security and commodity brokers, dealers, exchange, and services.

Sewage pumping stations.

Textile mill products.

Warehousing with office spaces.

18.78C.080E.030: LOTS, BUILDINGS, YARDS, AND OPEN SPACES:

A. Setbacks: The following setback specifications are required:

1. A minimum ten foot (10') landscaped front yard setback is required.
2. A ten foot (10') landscaped side or rear setback is required for all lot lines along the exterior boundary of Harmony Ridge or between different land use classifications.

B. Buildings: The following standards apply to all structures within the Commercial / Light Industrial:

1. Except as provided under Subsection 2, the building height for the main structure may not exceed thirty-feet (30') to the midpoint of the structure.

2. 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.
3. For measurement purposes:
 - a. The height of a structure is measured from the top of the established natural grade of the highest point of the lot;
 - b. 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;
 - c. 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
 - d. 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.

C. Screening and Landscaping Requirements:

1. All required setback areas shall be landscaped and shall conform to chapter 17.15 of this code. Furthermore, the landscaping will contain fifteen (15) trees per acre, or a fraction thereof, and be of at least two inch (2") caliper, measured three feet (3') from the ground. All evergreen trees shall be at least six feet (6') in height.
2. All fencing and screening treatments shall be designed as an integral part of the overall site architecture and landscaping and approved by the Mapleton City Planning Commission. Allowable fencing and screening material includes wrought iron, masonry, or materials matching those of the main building. Black vinyl coated fencing may be used for areas not requiring screening and as specifically approved by the Mapleton City Planning Commission.
3. Waste receptacles, storage tanks, or other similar items are not permitted in the front setback, and shall be screened from public view with allowable fencing and materials as approved by the Mapleton City Planning Commission.

D. Parking: Parking will be required to be in compliance with section 18.84.270 of this title. No vehicle parking will be allowed in any required setback area. Shared parking, which may reduce the overall parking requirement, may be utilized based on a parking study performed and certified by a qualified and licensed traffic engineer and as approved by the City. The traffic study shall take into account proposed and future allowable uses, residential densities, hours of operation, accessibility and circulation requirements.

E. Driveway Access: No private accesses will be allowed onto Highway 89 or U.S. 6.

F. No minimum frontage on a public street is required as long as adequate and permanent access, parking and circulation is provided from a public street.

G. Hard surfaced areas used as operational yard areas for trucks, trailers and other incidental vehicles, other than passenger automobiles and light trucks, and which are not parking lots for employees, clients and customers, shall be exempt from parking lot interior landscaping requirements. Setback landscaping requirements shall apply.

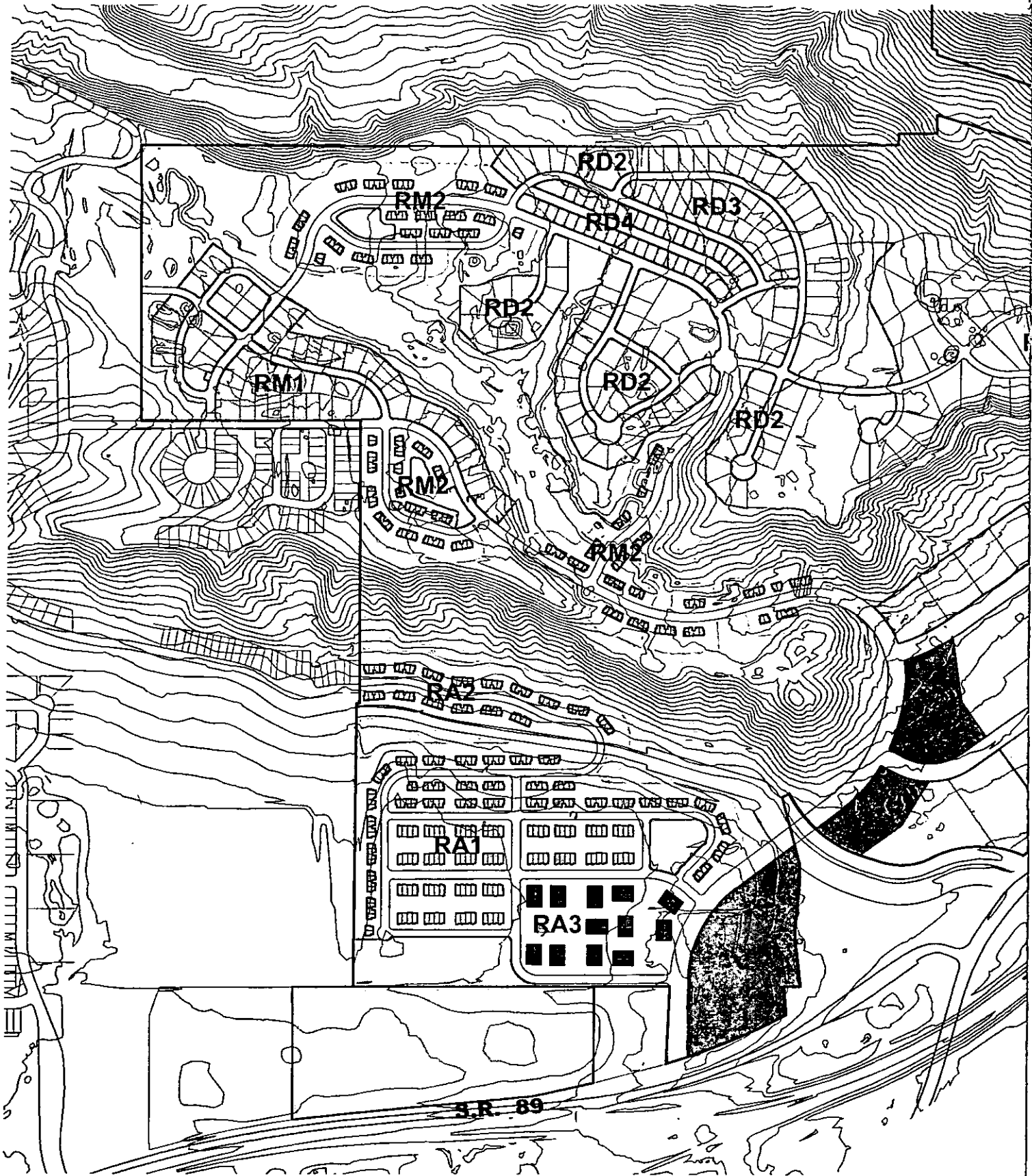
H. Where the proposed land use is one which requires the approval of other local, state, federal or other regulatory agencies, evidence of such approval or compliance shall be submitted as part of the application process and documentation.

18.78C.080E.040: PROJECT PLAN APPROVALS:

Project plan approval will be required to be in compliance with Section 18.64.060: "Project Plan Approval," of this title.

18.78C.080E.050: OUTSIDE STORAGE AND MANUFACTURING REQUIREMENTS:

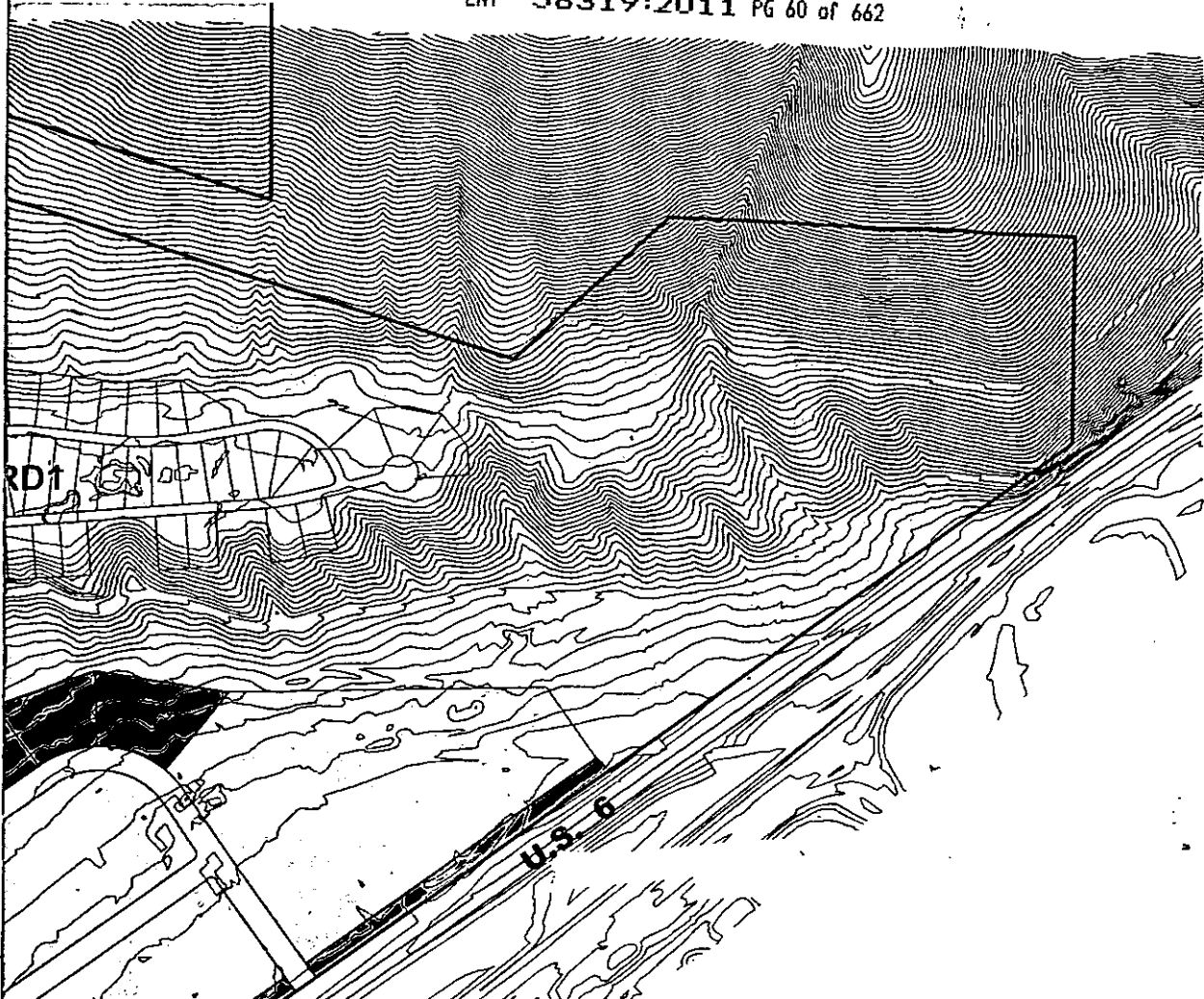
The outside storage of any equipment, vehicles or product is not permitted unless adequately screened from public view and adjacent parcels by an approved fencing materials and landscaping and as approved by the Mapleton City Planning Commission. The outside manufacturing of products is not permitted unless adequately screened from public view and adjacent parcels by an approved fencing materials and landscaping and as approved by the Mapleton City Planning Commission.





**ENGINEERS
SURVEYORS
PLANNERS**

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www.lei-eng.com



LAND USE TABLE

RESIDENTIAL DETACHED		RESIDENTIAL UNITS
	RD1 - BENCH ESTATE LOTS	52
	RD2 - ESTATE LOTS	95
	RD3 - COTTAGE ESTATE LOTS	21
	RD4 - GARDEN ESTATE LOTS	39
RESIDENTIAL MIXED		
	RM1 - ESTATE LOTS	64
	RM2 - FRONT-LOADED TOWN HOMES	199
RESIDENTIAL ATTACHED		
	RA1 - REAR-LOADED TOWN HOMES	96
	RA2 - FRONT-LOADED TOWN HOMES	188
	RA3 - STACKED FLAT CONDOMINIUMS	96
COMMERCIAL/INDUSTRIAL		
	COMMERCIAL / RETAIL / MIXED	
	COMMERCIAL & LIGHT INDUSTRIAL	
	FLEX	
OTHER		
	PARKS (PUBLIC & HOA)	
	APPROXIMATE PRESERVED OPEN SPACE / PUBLIC FACILITIES	
TOTAL RESIDENTIAL UNITS		850
TOTAL COMERCIAL/INDUSTRIAL ERU		200
OVERALL TOTAL ERU		1050

NOTES

- ROADS SHOWN ARE FOR CONCEPT PURPOSES. FINAL CLASSIFICATIONS OR ALIGNMENTS MAY VARY.
- FINAL PRESERVED OPEN SPACE AREA TO VARY BASED ON FINAL LOT CONFIGURATION.

HARMONY RIDGE
MAPLETON, UTAH
EXHIBIT E - DENSITY PLAN

REVISIONS

LEI PROJECT #:
2008-4005

DRAWN BY:
RWH

DESIGNED BY:
GDM

SCALE:
1" = 600'

DATE:
05/17/2011

SHEET
E

Exhibit F-1 – Harmony Ridg



ENGINEERS
SURVEYORS
PLANNERS

2011

the Residential Design Standards

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Ridge



July 11, 2011

Section 1: Project Overview

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1A: Harmony Ridge Introduction

Introduction

Located along the Wasatch Front at the foot of the Sierra Bonita Mountains, **Harmony Ridge** has been planned as a premier 481-acre master planned mixed use community with approximately 850 residential units and significant light industrial, commercial and retail components. Harmony Ridge is designed with sustainability in mind and will provide a variety of residential housing, unique neighborhood shops and businesses all while preserving a large portion of the community as natural open space.

The Harmony Ridge site is located at the southern end of Mapleton City, at the mouth of Spanish Fork Canyon. This location provides easy access to major transportation corridors, adjacent cities and surrounding public lands. In addition, the unique topography of the site will provide unparalleled views of Utah County and beyond.

Harmony Ridge will provide residents with a wide variety of residential choices, all within walking or biking distance of shopping and employment opportunities. The master plan also preserves approximately 224 acres, just less than 50 percent of the project site, as natural open space, and provides 40.2 acres of active open space. The integrated parks and trails system of Harmony Ridge are highlighted by playgrounds, sports fields, and a series of trails. As a pedestrian friendly environment, Harmony Ridge will enable residents to walk or bike on the trail system or play with their children at the neighborhood field without ever getting into a car.



1B: Design Team

LEI Planners - Engineers - Surveyors (LEI)

LEI has created these Design Standards as a resource for home owners, architects, designers and builders. These Standards will step through the process of designing and building homes in a manner that is consistent with the design intent of Harmony Ridge and compatible with the overall community character.

LEI's land planning team philosophy is simple: create sustainable places where people want to live, work and play. We believe in creating places that are eco-sensitive, balanced, and sustainable; places where people can easily interact and build communities; and places that are as unique and varied as the environments in which we work.

LEI is located in Spanish Fork, Utah and will act as the point source of contact for all correspondence or inquiries regarding these Residential Design Standards.



3302 North Main Street
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(801) 798-0555 (Office)
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greg@lei-eng.com

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1C: Overview of the Design Process

How to Use These Residential Design Standards

The Harmony Ridge Design Standards have been developed as a road map for architects, designers, home builders and home owners. The Design Standards should be consulted from the outset and should remain a guiding document throughout the design and building process.

For Architects and Designers:

The Design Standards establish a framework of standards and limitations designed to contribute to the overall sense of place. The Design Standards shall be used at every step of the design process; from siting the house or structure, overall architectural theme, architectural elements, materials, and finishes.

For Home Builders:

The Design Standards are intended to demonstrate the desired architectural character and to be an aid in achieving the overall vision of the community. The Design Standards will also direct the choice of materials and construction methods, as well as the desired quality of detailing.

Section 1: Project Overview

For Home Buyers:

The Design Standards are intended to help in making decisions about the type of lot to choose and the home design suitable for each lot. They are also a guide to help review any design that will be produced by the architect, designer or home builder before starting the formal review process.

The Residential Design Standards are meant to guide choices and preferences, educate on the desired character of Harmony Ridge Standards are not intended to replace professional design assistance.

1D: The Architectural Committee

All designs within Harmony Ridge must be approved by the Architectural Committee (AC). The AC consists of professional designers who have the responsibility of evaluating all home and landscape designs proposed within Harmony Ridge to ensure that they meet the intent and specific guidelines. The AC is authorized to approve, approve with conditions, or deny any and all applications based on adherence to these Residential Design Standards. The AC is also authorized to offer suggestions and to work with the designer, home builder, and/or home owner to find tenable design solutions.

1F: Review Process and Schedule

The following stepped process and schedule has been established to assist in the design process and also streamline the AC review and approval duties:

1. Visit the Site

The Owner / Designer / Builder are encouraged to conduct a site visit in order to assess the site in preparation for the required site plan according to Section 4A.

2. Review the Design Standards and Applicable Covenants, Conditions, and Restrictions (CC&R's).

All applicable requirements, processes and submittals should be reviewed in detail to assure compliance throughout the design and approval phases. If necessary, the AC will be available to clarify design requirements.

3. Prepare and Submit Preliminary Drawings

Following the site visit and review of the Residential Design Standards and applicable CC&R's, a preliminary drawing package is to be prepared and shall include the following:

- a. Site plan (minimum scale: 1"=20') according to criteria within Section 4A.
- b. Floor plans (minimum scale: 1/4"=1').
 - i. Square footage calculations by floor, living area and garage.
- c. Elevation views (minimum scale: 1/4"-1') including:
 - i. Accurate finished grade shown according to Section 4A.
 - ii. All elevations with detailed materials, heights and colors in accordance with these Design Guidelines.
- d. Landscape plan (minimum scale: 1"-20') according to criteria within Section 4A.
- e. Architectural Committee checklist, required items and fee.

4. Architectural Committee Preliminary Design Review & Comment

Within ten (10) business days following submittal of two (2) copies of the preliminary drawings, the AC shall complete the following:

Harmony Ridge Residential Design Standards

- a. Review design for compliance to these Residential Design Standards.
- b. Recommendations of possible changes and upgrades to better reflect the intent of these Residential Design Standards.
- c. Preparation of written comments and red lined drawings, as applicable.

5. Preliminary Design Revision / Final Design Preparation

As necessary, the preliminary design shall be updated and/or information secured according to the AC's review and comment. The AC will be available as necessary to clarify comments and red lines.



6. Architectural Committee Final Design Review & Comment

Following satisfactory completion of any preliminary design revisions and their incorporation into a final design, two (2) copies of the final design shall be submitted to the AC for review and comment. Within ten (10) business days of submittal, the AC shall complete the following:

- a. Final design review for compliance to these Residential Design Standards.
- b. Review of prior comments and red lines and their incorporations into the plan.
- c. Preparation of written comments, red lines, or approval as applicable.

7. Final Approval

Following successful completion of the preliminary and final design phases, the AC shall prepare a letter of approval with any necessary instructions or conditions.

8. Mapleton City Building Permit

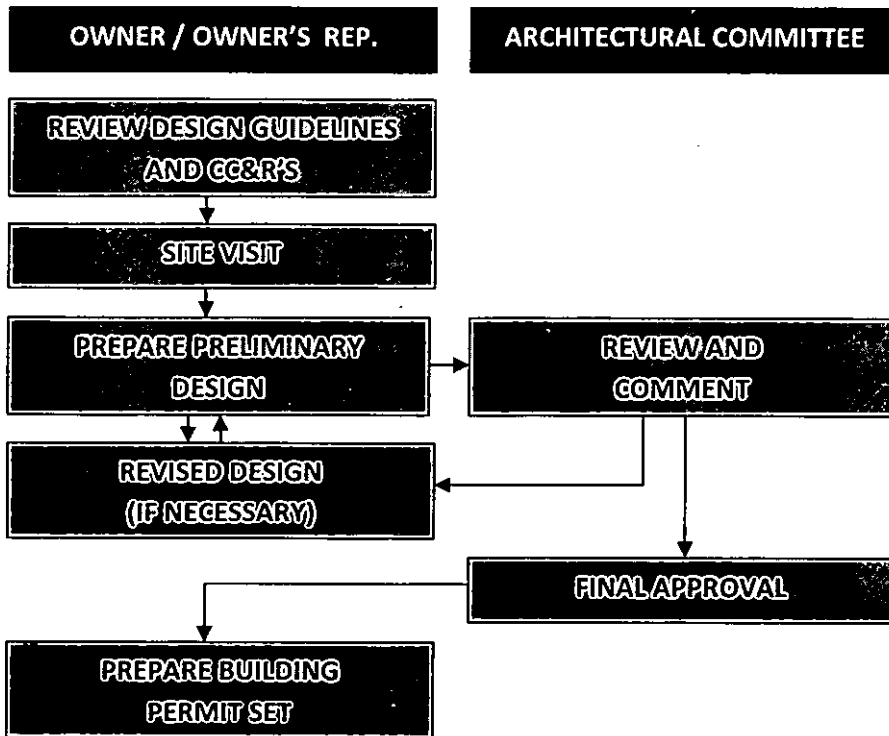
All required information, drawings and AC Final Approval Letter as per the Mapleton City Building Permit Checklist shall be submitted and approved by the City before a building permit is issued.

Section 1: Project Overview

1G: Review Process Table

The following table provides a brief explanation of the elements reviewed by the local municipality and the AC during the design review process:

Summary Design Submittal / Review Process



1H: Site Plan

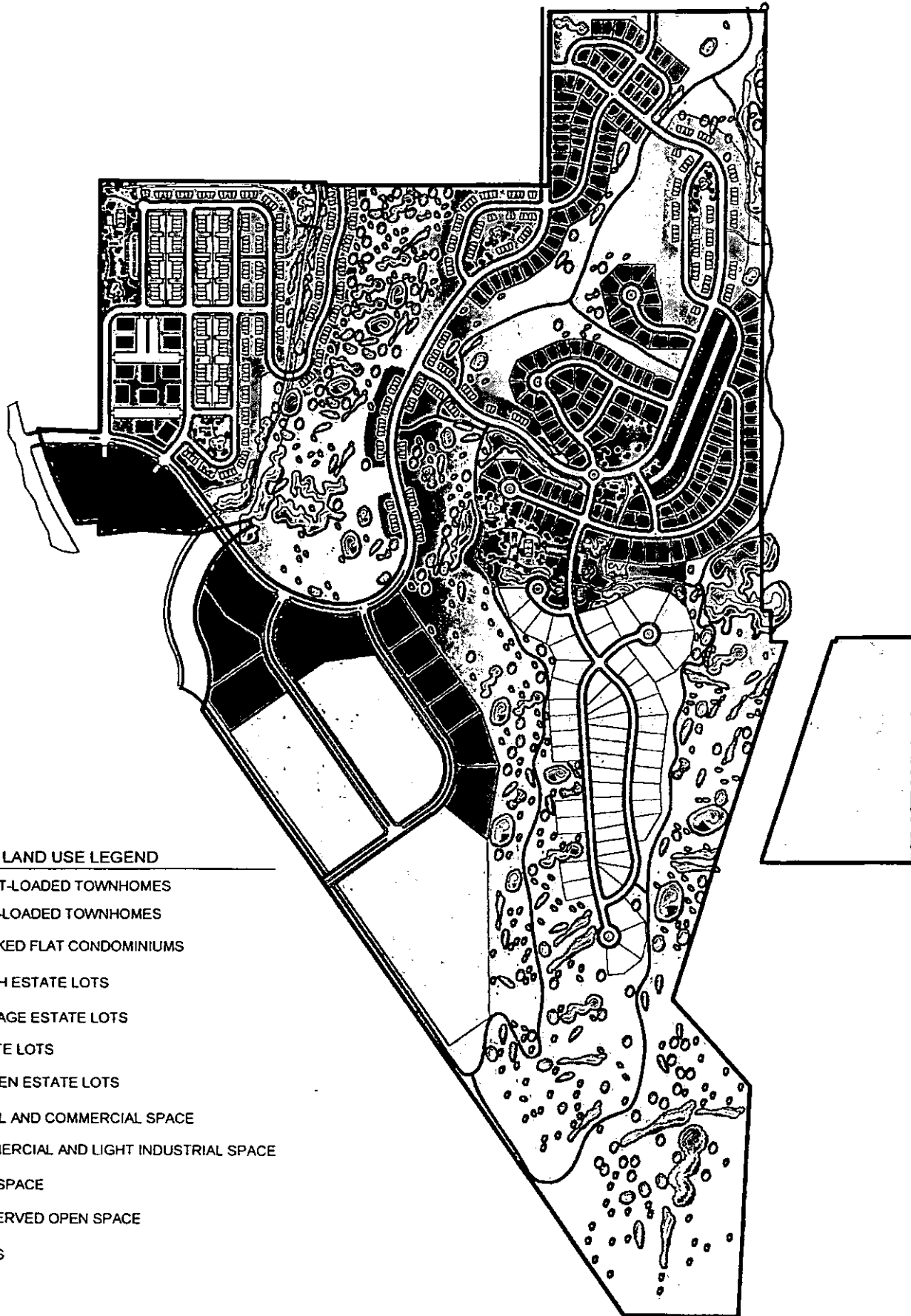
Harmony Ridge offers a wide variety of residential unit types from townhomes to large estate homes with pristine views of the Wasatch Mountains and Utah County. This variety among home types and home design will help to create a true sense of community.

The site plan for Harmony Ridge is centralized around access and integration of parks highlighted by playgrounds and a series of trails. The parks are connected throughout the community with a network of pedestrian trails and sidewalks. As a pedestrian friendly environment, Harmony Ridge will enable residents to hike or bike on the trail system or play with their children at the neighborhood play field without ever getting in a car.

General Site Plan Information:

- 481 acres
- Over 20 acres of public / private park
- Over 200 acres of preserved open space
- Approximately 850 residential units

Harmony Ridge Residential Design Standards



Section 2: General Standards

2A: General Lot Standards

This section includes basic elements which must be considered in the initial site investigation and will help match the proposed plan to an acceptable building lot.

The residential units within Harmony Ridge are classified into seven groups based on unit type, lot size and location within the project. Each unit classification will have distinct recommendations and requirements.

2B: Lot Setbacks

Lot setbacks are necessary for parking, access and utilities but they can also help influence the character of the neighborhood. The following setbacks are defined for Harmony Ridge:

- **Garage Front Setback** - For garages with access directly to a public roadway, the garage front setback is to be the minimum required distance from the front property line (sidewalk) to the face of the garage door. For alley load units, the garage front setback is to be the minimum required distance from the alley curb to the face of the garage door.
- **Front Setback** - The minimum distance required from the front property line (sidewalk) to the front porch, exterior wall of the house or side entry garage. Roof eaves and uncovered steps may extend into this setback a maximum of two (2) feet.
- **Rear Setback** - The minimum distance as measured parallel from the rear lot line to the exterior wall of the garage, porch, or living space. Roof eaves and uncovered steps may extend into this setback. Rear setbacks for Estate lots would apply to porch or living space.
- **Side Setback** - The minimum distance as measured parallel from the side lot line to the exterior wall of the garage, porch or living space. Roof eaves and uncovered steps may extend into this setback a maximum of two feet (2'). Side setback requirements for townhomes and multi-family units will apply to end units only.

Lot Types	Setbacks			
	Garage Front	Front	Rear	Side
Bench Estate Lots	25'	15'	15'	8'
Estate Lots	20'	15'	10'	5'
Cottage Estate Lots	22'	12'	10'	5'
Garden Estate Lots	N/A	12'	18'	5'
Rear-Loaded Townhomes	N/A	12'	18'	5'
Front-Loaded Townhomes	20'	12'	10'	5'

Stacked flat condominiums or apartments will require a fifteen foot (15') minimum between buildings, parking, other structures and all public roadways.

2C: Garage / House Relationship (Detached Housing)

The relationship between the garage and the main house is critical to maintain the character of the community and should be carefully planned. The goal is to avoid "garage dominated" street-scapes by encouraging a variety

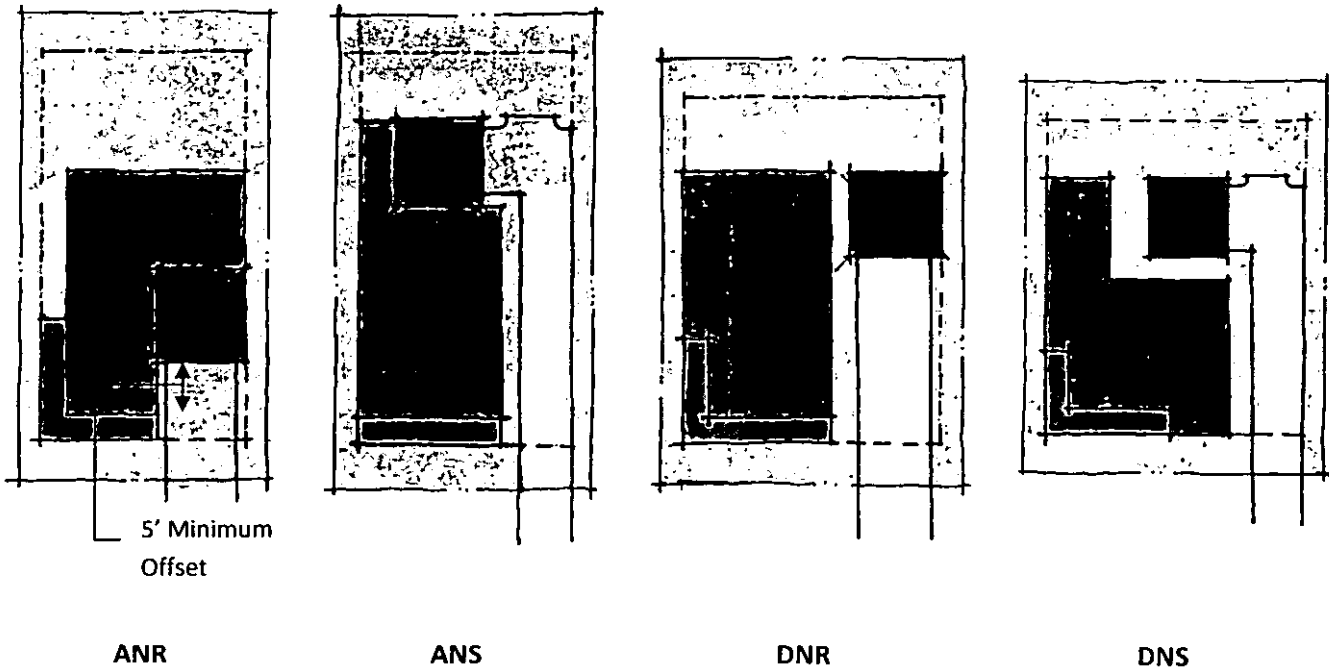
Harmony Ridge Residential Design Standards

of garage locations and treatments. These variations are depicted based on general lot frontage and possible house/garage relationships. It is understood that some sites, housing products or owner preference may result in lot layouts and houses with the garage as a prominent feature of the front elevation. These prominent garage plans should be kept to a minimum and must incorporate mitigating measures. For specific guidelines pertaining to garages, and allowable mitigation measures refer to Section 3G.

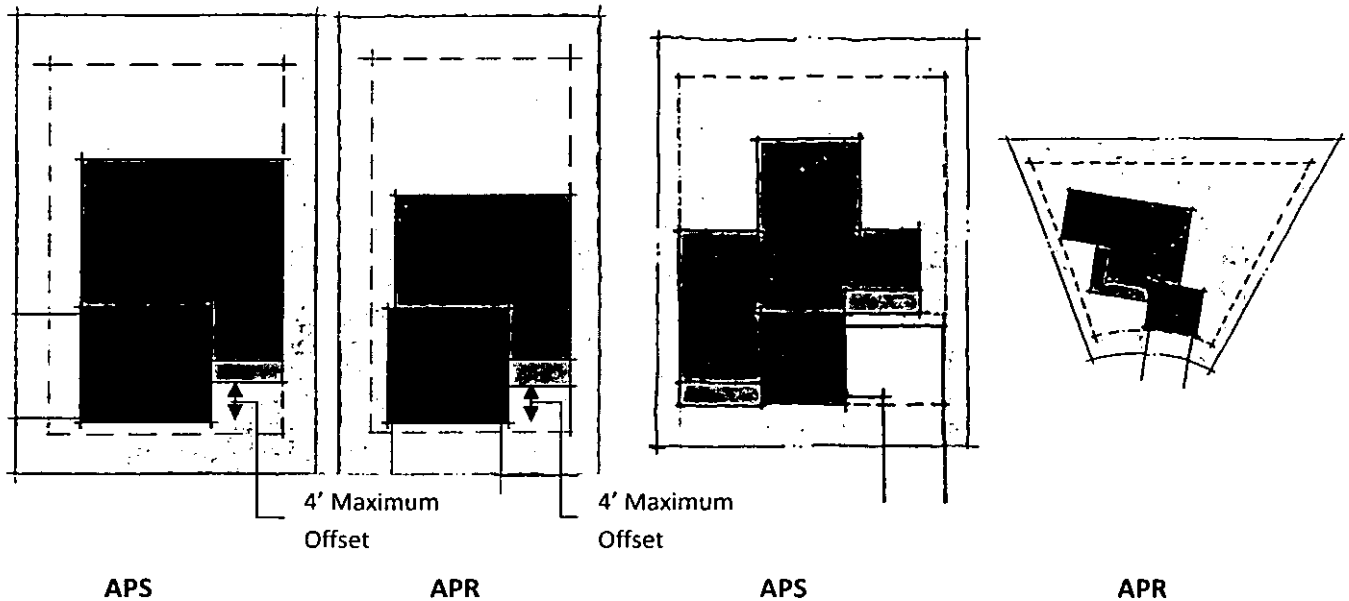
In order to determine the type and extent of required mitigation, the house/garage relationship has been broken down to the following types, each of which is illustrated based on lot frontages:

House/Garage Relationship Key

- A - Garage is ***Attached*** to house
- D - Garage is ***Detached*** from house
- P - Garage is a ***Prominent*** feature of the front elevation (4' maximum offset)
- N - Garage is ***Not*** a prominent feature of the front elevation (5' minimum offset)
- R - Garage door is oriented toward the ***Road***
- S - Garage door is oriented toward the ***Side***



Section 2: General Standards



2D: House Redundancy (Detached Housing)

No identical detached house plan is allowed on adjacent lots. Identical detached house plans are allowed on the corresponding frontage across the street as long as structure is a different color. In cases where a developer/builder purchases a "block" of lots or pads, a total no less than five (5) different home designs with differing exterior elevations, rooflines, colors and materials must be provided and reviewed by the AC.

2E: Building Orientation (Attached Housing)

The front elevation of every building shall face a street or small park or be visible and directly accessible from a street. Units which are located across from a park must face the front elevation towards the park. Corner lots which have a side fronting a park have the option of facing the park or the adjacent street fronting side. Units with rear yards bordering a local or collector street must be buffered by a permanent nonsee-through barrier with a minimum height of six feet (6') in compliance with Section 4B: Fencing.

The front elevation and primary entrance of every building shall face:

1. A street, or
2. A plaza, or
3. A small park, or
4. A landscaped walkway that is visible and directly accessible from a street.

The orientation of attached housing must have the following:

1. Corner units facing a street shall have at least 20 percent of the wall in window or door areas unless specifically approved by the Architectural Committee.

Harmony Ridge Residential Design Standards

2. Parking areas shall not be located between buildings and the street with exception of driveways. Parking lots may be located on the sides, behind buildings or within the interior circulation.
3. Buildings shall be directly accessed from the street, sidewalk, or interior circulation.
4. Ground floor pedestrian entrances must be oriented toward the street, an open space accessible from a street or interior circulation.

Section 3: General Architecture Standards

3A: General Architectural Standards

The General Architectural Standards section includes information to assist design beyond the site planning phase. It identifies the most important aspects of building design and creates general design standards that will establish the criteria by which all projects will be judged in the review process. This section will begin with general principles about general architectural character, overall building massing and scale, and will culminate with very specific information needed to design architectural elements and details for the building.



3B: General Architectural Character

In general, the architectural design should be simple in form and detailing while responding to the unique character of the site and the contemporary living patterns. The key to achieving this result is application of the following characteristics:

1. A composition of many equal masses, which make the main body visually ambiguous, should be avoided;
2. Employ adequate architectural elements such as garages, porches, stairs and dormers, which are added to the main body of the house;
3. Use screened and covered porches to create an extension of the living space and function as a transition between the privacy of the interior and the purely public sidewalks and streets or as approved through the Architectural Committee;
4. Roof massing should also be hierarchical to express the primary, secondary, and tertiary parts of the building;
5. Mono pitched roofs may be used as additions to the primary building;
6. Roofs may be simple gabled or hipped with a roof pitch, between 5-8:12. Porches may have lower roof pitches, but may not be less than 3:12;

Harmony Ridge Residential Design Standards

7. Porches should be well proportioned. Where double story porches are used they should be related to the first story in length and location;
8. Porches are strongly encouraged on all residential units and where utilized, shall be a minimum depth of 6 feet;
9. Porches may be single or double story;
10. Column style is critical in complimenting the design and style of a structure. Columns should accentuate the porch and stoop entry design.
11. Employ careful design and simple detailing of facades;
12. It is encouraged where possible, the building be oriented in order to maximize views, solar access and daylight;
13. Use landscaping to tie the neighborhood together and connect the buildings to their surroundings.
14. Total building height may not exceed thirty feet (30') in height to the midpoint of the structure for townhomes, single family units, and stacked flats. See Section 18.78C.080A.060.C and 18.78C.080B.040.C of the Mapleton City Code for measurement system. If the entire 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.
15. Attached or detached accessory units are allowed according to Mapleton City.



3C: General Building Element Standards

The architectural goal for Harmony Ridge is simple: well proportioned massing, a rich color palette and sufficient details to create a current form of traditional architecture. Each of the following major elements and components must be addressed:

Section 3: General Architecture Standards

The Main Body

Most traditional houses are distinguished by a Main Body, which is the principal mass and most important form. Secondary additions may be attached to the Main Body. These can be one or two stories and may be set back from the front.

In order to ensure variety within the front elevation, all housing structures must incorporate the following elements unless otherwise approved by the Architectural Committee:

1. A minimum number of foundation corners are to be incorporated:
 - a. Bay windows continuous to the foundation count as two (2) corners maximum.
 - b. A minimum of six (6) foundation corners are to be located along the front elevation unless otherwise stated below.
 - Bench Estate Lots – 12 corners.
 - Estate Lots – 10 corners.
 - Cottage Estate Lots – 8 corners.
 - Garden Estate Lots – 8 corners.
 - Rear-Loaded Townhomes – 3 corners per unit along front elevation.
 - Front-Loaded Townhomes – 3 corners per unit along front elevation.
 - Stacked Flat Condominiums – Not applicable (case by case scenario).
2. A minimum overall relief of six (6) feet for single family detached shall be incorporated into the front elevation. Relief to be measured from the most distant wall planes of the front elevation.
3. All structures to contain a minimum of two (2) separate and distinct roof lines on the front elevation.
4. No full height second story exterior wall is to be on the same plane as the garage door plane except rear load townhomes.

Building Height

Total building height may not exceed thirty feet (30') in height to the midpoint of the structure for townhomes, single family units, and stacked flats. See Section 18.78C.080A.060.C and 18.78C.080B.040.C of the Mapleton City Code for measurement system. If the entire 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.

House Size

All houses must provide a minimum finished area. For purposes of calculating required finished area, square footage of basements shall not qualify. For multi-story houses, finished area on floors that are at

Harmony Ridge Residential Design Standards

least fifty percent (50%) below the finished grade of the lot shall not count towards the required finished area.

Lot Types	Rambler		Multi-Story	
	No Basement	With Basement	No Basement	With Basement
Bench Estate Lots	2,200	1,900	2,500	2,300
Estate Lots	1,800	1,600	2,200	2,000
Cottage Estate Lots	1,600	1,400	2,000	1,800
Garden Estate Lots	1,400	1,200	1,800	1,200
Rear-Loaded Townhomes	N/A	N/A	1,200	1,200
Front-Loaded Townhomes	N/A	N/A	1,200	1,200
Stacked Flat Condominiums	750	750	N/A	N/A

3E: Roof Form

Roof forms should be kept simple, generally with uniform pitch and symmetry. The following guidelines should be observed in the design process unless otherwise approved by the Architectural Committee:

- Roof components such as dormers, cupolas and terraces are encouraged and must be of proper scale and proportion;
- Simple gable and hip roofs are strongly encouraged. These roof forms may be symmetrically designed;
- Every building should have a primary roof and smaller, well-proportioned secondary attachments;
- All secondary roofs should be below the primary ridge line;
- The number and size of all secondary roofs are to be limited to ensure the primary roof remains prominent;
- Complex and non-traditional roofs are discouraged;
- Flat skylights or bubble skylights are discouraged on all roof elevations facing roadways.

Roof Pitches

The roof pitch should be selected to be proportional with the height and mass of the main body and be between 5:12 and 8:12. Roof pitches in excess of 8:12 may be allowed through approval of the AC, based on enhanced architectural style. Porches and secondary attachments may have lower roof pitches, but may not be less than 3:12.

Eaves and Facia

- Minimum eave overhangs are to be twelve inches (12") in all directions and required on all major building masses. Eaves are to be proportionate to the overall mass of the building.
- Facia is to be a minimum of six inches (6") in height. Thicker facia is allowed if it is proportional and complimentary to the building mass and related to trim accents. Facia and eaves are to match or compliment the color of the trim or other accents of the house.

Section 3: General Architecture Standards

3F: Window and Door Composition

Window and door proportion, location and spacing play an integral part in defining the character of the housing within Harmony Ridge. Particular attention must be paid to such elements that do not result in significant additional expense, but have a dramatic effect on the appeal of the house.

The AC will review the placement, shapes, materials and colors to ensure the overall architectural theme is consistent with the other features of the home.



Windows

Shapes

- Windows should be simple in shape, arrangement and detail;
- Unusually shaped windows such as triangles and trapezoids are strongly discouraged;
- The number of window styles on a building should be limited;
- Windows with vertical emphasis are strongly encouraged; as a rule the height should be twice the width.

Window Placement

- Windows are strongly encouraged on front as well as south elevations;
- First floor windows should be lower and taller than second floor windows;
- Large proportionate windows are encouraged on appropriate facades;
- Facades that are wholly or predominantly glass are discouraged;
- Windows should be placed as singular elements or as appropriate repetitive groups;
- All facades should be given equal care and attention in window composition and placement;

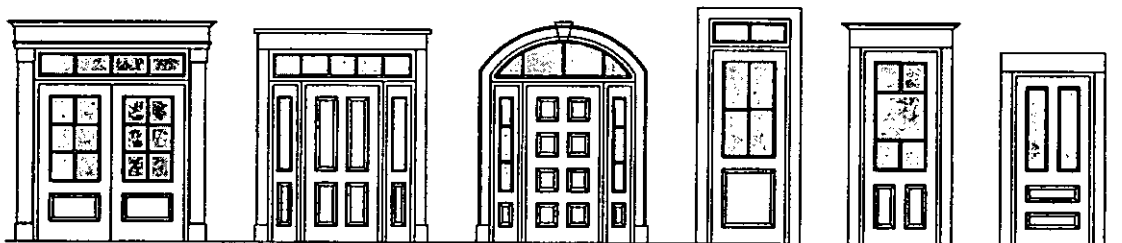
Harmony Ridge Residential Design Standards

Materials and Colors

- Windows may be constructed of wood, vinyl or aluminum;
- True or simulated divided pane windows are encouraged as they enhance the character or style of the house;
- Window frame color to be selected, or painted, to match or compliment trim elements of the house.

Doors

Front entrance doors should be designed, or selected, to compliment the design, style, and character of the entry and overall architectural aesthetic of the home. Doors and the wood trim that surrounds them are to be an integral part of facade composition, and should be combined with windows and other architectural elements to create a balanced design.



Proportions and Shapes

- Transom windows above doors are strongly encouraged. Recommended transom heights are 12" - 18" and should be incorporated as a single door/ transom unit with continuous casing trim. Over-Scaled, two story, or separate transoms are discouraged;
- Moulded or full-glass French doors are not appropriate for use as a front entrance door;
- Sliding doors are allowed, but not as the primary entrance doors.

Materials and Colors

- Doors may be constructed of wood, wood with aluminum or fiberglass cladding, or appropriately patterned metal;
- Door color can be used as a distinguishing feature of a home. However, the color must be selected to compliment rather than distract from the overall architectural style and features of the home;
- Storm or security doors are only allowed if the design, material, and color match that of the entrance door unless otherwise approved by the Architectural Committee.

3G: Garage Doors and Treatments

As discussed in Section 2C: Garage House Relationship, the placement and orientation of the garage will have significant influence on the character of neighborhoods within Harmony Ridge. Because of this dominance, proper location, selection of garage door materials, facade treatments and driveway surfaces are imperative. Section 2A identified several appropriate configurations of house and garage relationships which shall include the following features and improvements:

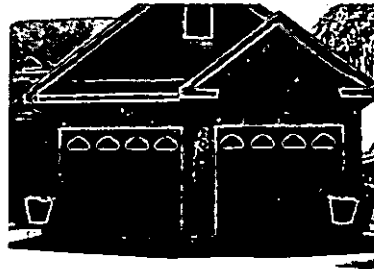
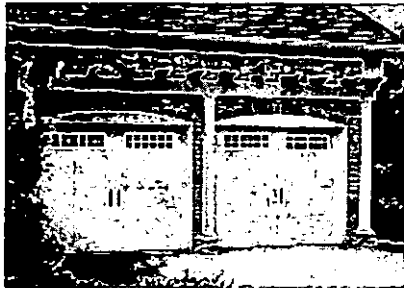
Section 3: General Architecture Standards

- **xPS:** Garage is a prominent feature of the front elevation, but is oriented to the side. This relationship must incorporate a minimum of two (2) of the outlined garage features or improvements.
- **xNR:** Garage door is not prominent, but oriented toward the road. This relationship must incorporate a minimum of two (2) of the outlined garage features or improvements.
- **xPR:** Garage is a prominent feature of the front elevation AND the garage door is oriented toward the road. This relationship must incorporate a minimum of three (3) of the outlined garage features or improvements.

The AC will review the garage design in relation to the other components of the home such as windows, doors, and color in order to ensure the various architectural components complement one another.

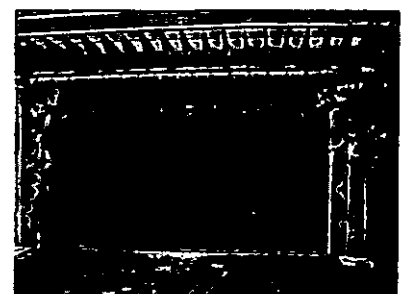
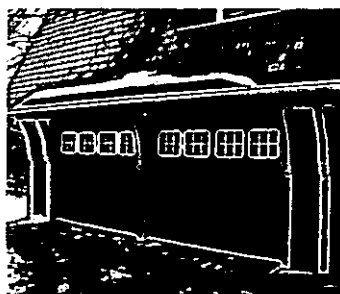
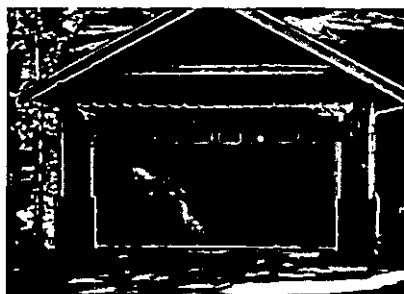
Separated Doors

Single, separate garage doors are encouraged rather than overall larger doors. Minimum separation is to be 18 inches.



Trellis / Treatment

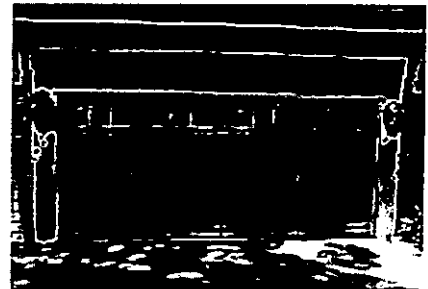
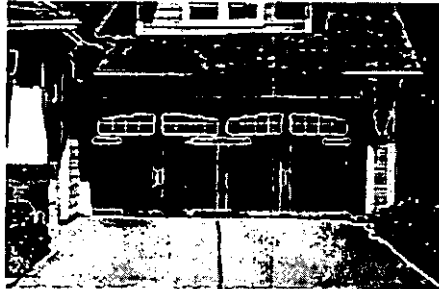
A trellis, columns, or offset features are encouraged to create depth and interest for the garage face. If used, these features should match or compliment other similar trim materials, style and color.



Harmony Ridge Residential Design Standards

Windows and Trim

Windows and trim treatment of garage doors should be selected to compliment the architectural style, features, doors and windows of the house.



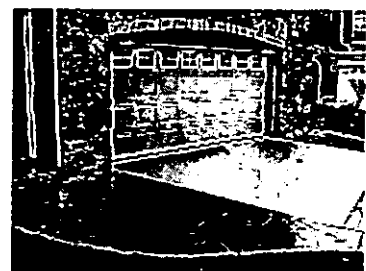
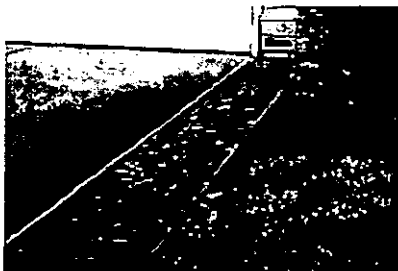
Color and Material

Numerous options for colors, materials, finishes and hardware are available to compliment the color, style or other elements of the house.



Driveway Material / Detailing

Garage doors may also be de-emphasized by the use of alternate driveway materials or detailing. These alternatives may include stamped concrete, exposed aggregate, colored concrete, pavers or other approved surfaces.



Section 3: General Architecture Standards

Three Car Garage Requirements

If a third car garage is to be provided, the following criteria must be met unless otherwise approved by the Architectural Committee:

1. The third car door to be placed on a different plane (two (2) foot minimum offset) or direction than the other garage doors.
2. All garage doors to be the same height unless approved by the AC.
3. All garage doors to be the same color and style unless specifically approved by the AC.



Garage Size Requirements

A minimum of a functional two car garage is required for all houses. The minimum dimensions of the garage are to be 20'x20' clear space exclusive of steps or other obstructions.

3H: Architectural Details

All architectural elements should be simple and well detailed. Quality trim, accents and additive elements are essential to achieving the desired architectural standards within Harmony Ridge. The AC will review each of the following items to ensure they are consistent with the overall design of the house and within the specified standards of Guidelines.

Chimney Details

- Direct vent fireplace caps are encouraged **not to** be visible from the roadways and must be reviewed by the Architectural Committee. Additional venting, screening or facade treatment may be required.
- Chimneys are to blend in with the general architectural character of the building;
- The massing and detailing are to be kept traditional and simple so that it can be expressed as a part of the building and not seen as a separate architectural element;
- Chimneys that project out from exterior walls should extend to the foundation/grade;
- Chimneys may be clad with lap siding, brick, or stone. Materials such as shakes and stucco are not appropriate.

Harmony Ridge Residential Design Standards

Shutters

Shutter may be used as an architectural detail provided that the selected style, material and color are consistent with the overall character of the house. All shutters must be the same size as the windows and appear operable.



3I: Building Materials and Colors

These Design Guidelines are intended to achieve an interesting, cohesive and attractive community through implementation of proper design rather than simply a control of the building materials. Therefore, a wide variety of products are allowed, but must be implemented based on actual architectural styling. A maximum of three different wall cladding materials / types may be utilized on any house.

Wall Cladding

Exterior walls may utilize the following materials based on their applicable limitations:

- **X:** Acceptable application of product based on architectural style.
- **Limited:** The application of the product should be minimized unless approved by the AC. Such approval will be based on actual material, architectural style and integration with other selected materials.
- **Review:** Use of these products require specific approval by the AC. Such approval will be based on actual material, superiority of material, architectural style and integration with other selected materials.

Section 3: General Architecture Standards

	Main Wall			Soffit / Facia Columns	Accents Gables	Foundation Finish
	Front Elevation	Side Elevation	Rear Elevation			
Brick	X	X	X			X
Stone (natural & artificial)	X	X	X			X
Stucco	X	X	X	Review	Review	X
Cement Fiber Board						
Lap Siding	X	X	X		X	
Board & Batton	Limited	X	X		X	
Shake	Limited	Limited	Limited		X	
Plain / Beaded				X	X	
Trim / Specialty				X	X	X
Engineered Wood						
Lap Siding	X	X	X		X	
Board & Batton	Limited	X	X		X	
Shake	Limited	Limited	Limited		X	
Plain / Beaded				X	X	
Trim / Specialty				X	X	
Natural Wood (Stained)				X	X	
Aluminum				X		

Front Elevation

Particular attention must be paid to material choices for the front elevation. A minimum of twenty-five percent (25%) of the front elevation wall area, exclusive of doors and windows, must be either brick or stone. Exception to this requirement may be granted by the AC based on superior architecture, use of materials and appropriate architectural styling.

Material Transitions

All material transitions are to be carefully reviewed, particularly between different elevations of the house. Material terminations to be made at natural boundaries such as corners, differing planes, and fence intersections.

Roofing

Roofing may utilize the following materials based on their applicable limitations:

- **Asphalt Shingles:** Architectural or dimensional profiles are allowed with a minimum of a 30 year warranty. With the wide variety of available products, colors and types, the selected material should be complimentary to the overall architectural styling of the house.
- **Cedar Shake:** Allowed.
- **Tile:** Use of tile roofing to be based on the overall architectural styling of the house and as approved by the AC.
- **Slate:** Use of slate roofing to be based on the overall architectural styling of the house and as approved by the AC.
- **Other Materials:** The use of other roofing materials will be based on approval by the AC.

Harmony Ridge Residential Design Standards

Colors

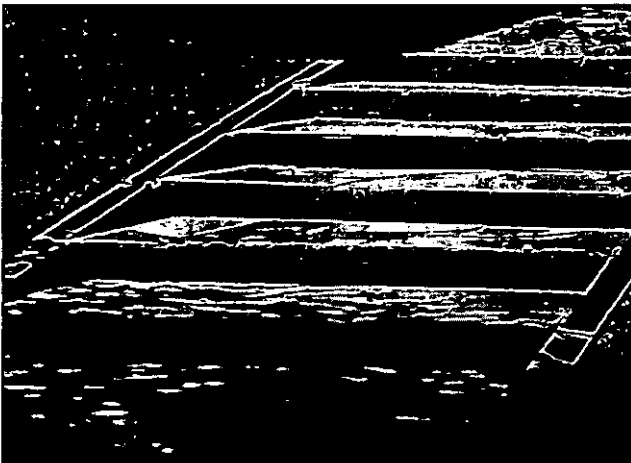
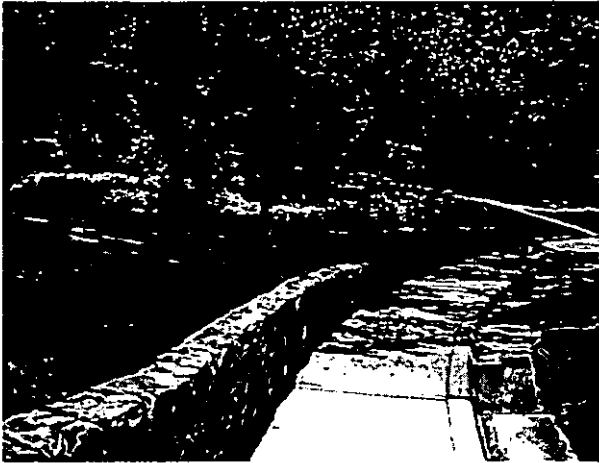
The allowable color palette for Harmony Ridge includes low-intensity colors taken directly from the natural surroundings and may include more vivid, primary colors. Fluorescent, unique or colors not typically found in the natural surroundings are prohibited. Color schemes should vary and contrast with adjacent houses. All exterior natural wood products must be painted or stained. Other materials such as stone and brick should not be painted or covered with opaque stains. No more than three (3) colors may be used on a single house for field, accents and trim, unless otherwise approved. All accessory buildings are to utilize the same colors as the main building.

Material and Color Board Submittal

As part of the approval process, a materials and colors "board" shall be submitted to the AC in conjunction with the Preliminary Plan Review. This submittal must include samples, "cut sheets" or detailed information concerning the following:

- Exterior materials as depicted and detailed on the proposed house plans;
- Details on porch columns, windows, doors trim, etc.;
- Roofing material type and color; and
- Colors for field, accents and trim.

Section 4: Landscape and Site Planning



Harmony Ridge Residential Design Standards

4A: Landscape and Site Planning

Introduction

This section begins by introducing the residential landscape design objectives for Harmony Ridge. This section does not provide full and specific landscape design regulations. Rather it establishes an overall set of guidelines, leaving the final arrangement and design of each yard to the judgment and preference of the individual homeowners. This section also provides guidelines and suggestions for site plan preparation, grading and drainage. Landscaping is to conform with Chapter 17.15, "Landscape Standards" of the Mapleton City Code, subject to the following amendments:

General Landscape Design Guidelines

The primary objectives for all residential lots within Harmony Ridge are to create a traditional neighborhood feel, to preserve the limited existing natural vegetation, and to encourage the use of native, water-wise plants, while maximizing outdoor living space for residents. The following general landscape design guidelines are applicable to all lot types within Harmony Ridge:

1. All front and street side (corner lots) yard landscaping is to be installed prior to receiving a certificate of occupancy from Mapleton City. An exception may be granted by posting a bond according to Mapleton City Ordinance
2. A minimum of three (3) 2" caliper street trees (depending on lot width) are to be installed within the planter strip (space between sidewalk and curb). The location of these trees are to be shown on the submitted site plan and may be altered by the AC. Street trees types shall be planted according to the Architectural Committee.
3. All front and street side (corner lots) yards are to be 100 percent irrigated with an automatic sprinkler system. It is recommended that all lawn be spray irrigated and all planter areas be drip irrigated. Suggested water times are from 10:00 p.m. to 7:00 a.m.

Site Planning

The proper layout and design of a residential lot can greatly enhance the street appeal of a house. In addition, a well designed lot helps minimize the costs of operation, energy use, and overall maintenance.

As discussed in Section 1E, the following items shall be reviewed during the initial site visit:

- **Lot Orientation** – It is encouraged to maximize solar exposure and determine the most reasonable access point.
- **Grade of Existing Lot** – This will be used to determine finish floor elevation of the house in order to maintain proper drainage, minimize material import/export costs and eliminate significant grade changes between adjacent lots.
- **Preservation of Existing View** – Mountains, skylines, and open spaces.
- **Utility Locations** – The location of sewer lateral, water and pressurized irrigation services (as applicable), electrical boxes, telecommunication boxes, fire hydrants, street lights and signs are to be shown all site plan drawings. Utilizing the information obtained during the initial site visit, a site plan shall be prepared for submittal.

Section 4: Landscape and Site Planning

The following items are to be shown on the site plan:

1. All property lines with bearings and distances.
2. Required building setbacks according to these Design Guidelines.
3. Location of all existing structures on adjacent lots.
4. Location and dimensions of all existing and proposed driveways, sidewalks, patios, and retaining walls.
5. Location of all significant existing trees or vegetation.
6. Retaining walls in excess of 4 feet in height are not permitted without the prior written approval of the AC. In addition, retaining walls are not permitted between adjoining properties without the approval of the AC.
7. Existing grade contours for the entire lot at a maximum interval of one foot (1'). In addition, the location and grade of adjoining lot improvements including driveways, landscaping and house shall be included, if available.
8. Finished floor(s) elevation, finished grade elevations adjacent to structure, garage floor elevation, and finished grade at all lot corners.
9. Finish grade contours and spot elevations demonstrating the ability to maintain required slope away from structure for a minimum of ten feet (10'), indication of driveway slope, and drainage pattern for final lot grading.
10. Storm water management details including handling of roof drains and adequate detail to demonstrate no drainage will discharge to adjoining single family detached lots.
11. Erosion Control details demonstrating ability to control erosion on slopes greater than four feet (4') horizontal: one foot (1') vertical. These controls may include landscaping according to the CC&R's, retaining walls, terracing, drainage soils, catchment areas, or other reasonable methods approved by the AC.
12. North arrow and graphic scale.

4B: Fencing

Fencing serves a dual purpose by providing both character and security to the property. Fences are functional decorative and enhance the look of your residential lots. The design, materials and layout of the fence shall adhere to the following standards in order to ensure the proper selection of materials and keeping with the intended architectural character of Harmony Ridge.

Material

The following materials may be used:

- **Vinyl** – All vinyl fences must be light colored. The use of semi-private, lattice or decorative fencing is encouraged.
- **Ornamental Iron** – All ornamental iron fences shall be powder coated. Brick or stone columns may be used in conjunction with ornamental iron fences.
- **Pre-cast Concrete** – All pre-cast concrete fences shall consist of decorative columns and panels (pattern and color), and will require approval by the Architectural Committee.

Harmony Ridge Residential Design Standards

Location

Fences, walls, hedges or other dividing structures in excess of three feet (3') are not permitted within the front yard setback.

Height

Fences, walls, or other dividing structures shall not exceed six (6) feet in height.

Other Restrictions

Chain link fencing is not a permitted fencing type for any residential lot. However, chain link may be used for dog kennels provided that they are located in the rear yard and not visible from the roadway.

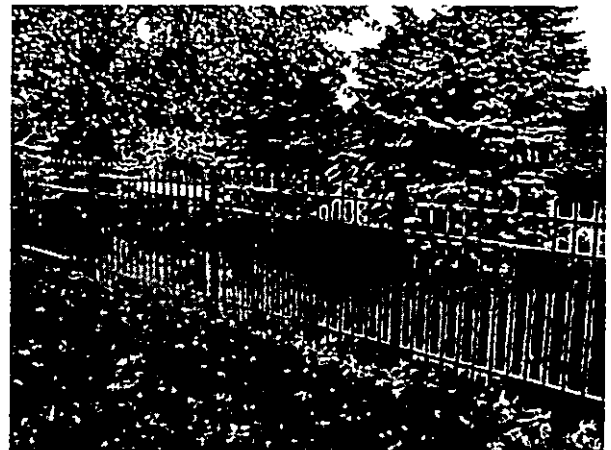
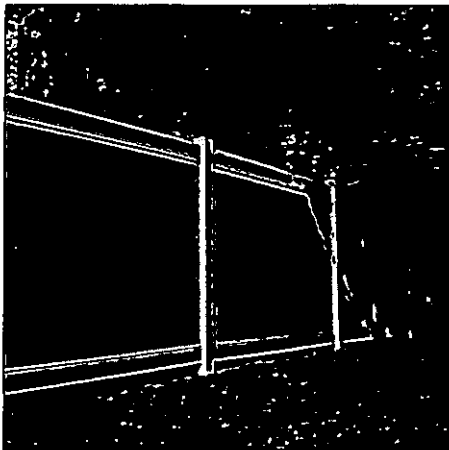
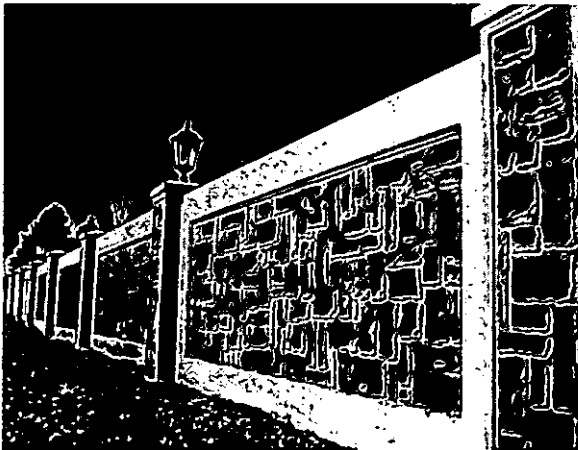


Exhibit F-2 – Harmony Ridge Commer



ENGINEERS
SURVEYORS
PLANNERS

2011

cial / Industrial Design Standards

ENT 56319:2011 PG 90 of 662



Ridge

July 11, 2011

Section 1: Project Overview

1A: Harmony Ridge Introduction

Introduction

Located along the Wasatch Front at the foot of the Sierra Bonita Mountains, **Harmony Ridge** has been planned as a premier 481-acre master planned mixed use community with approximately 850 residential units and significant light industrial, commercial and retail components. Harmony Ridge is designed with sustainability in mind and will provide a variety of residential housing, unique neighborhood shops and businesses, all while preserving a large portion of the community as natural open space.

The Harmony Ridge site is located at the southern end of Mapleton City, at the mouth of Spanish Fork Canyon. This location provides easy access to major transportation corridors, adjacent cities and surrounding public lands. In addition, the unique topography of the site will provide unparalleled views of Utah County and beyond.

Harmony Ridge is unique and distinct from other developments in Utah, affording a more conducive environment for living and doing business. This mixed-use development will offer many options for industrial, office, commercial and retail space along the scenic Wasatch Front, conveniently located near several major highways.



Harmony Ridge Commercial Design Standards

1B: Design Team

LEI Planners - Engineers - Surveyors (LEI)

LEI has created these Design Standards as a resource for owners, architects, designers and builders. These Standards will step through the process of designing and building structures in a manner that is consistent with the design intent of Harmony Ridge and compatible with the overall community character.

LEI's land planning team philosophy is simple: create sustainable places where people want to live, work and play. We believe in creating places that are eco-sensitive, balanced, and sustainable; places where people can easily interact and build communities; and places that are as unique and varied as the environments in which we work.

LEI is located in Spanish Fork, Utah and will act as the point source of contact for all correspondence or inquiries regarding the Harmony Ridge development and these Commercial Design Standards.



3302 North Main Street
 Spanish Fork Utah 84660
 (801) 798-0555 (Office)
 (801) 798-9393 (Fax)
greg@lei-eng.com

ENGINEERS

SURVEYORS

PLANNERS

1C: The Architectural Committee

All building designs within Harmony Ridge must be approved by the Architectural Committee (AC). The AC consists of Mapleton City representative(s) and professional designers who have responsibility of evaluating all building, site and landscape designs to ensure that they meet the intent and specific guidelines of these standards. The AC is authorized to approve, approve with conditions, or deny any and all applications based on adherence to these Commercial Design Standards. The AC is also authorized to offer suggestions and to work with the designer, developer, and/or business owner to find tenable design solutions.

1D: Applicable Codes and Standards

In general, these design standards mirror requirements of similar zoning classifications within the Mapleton City Code. Modifications to the standard city zoning are made to bring potential projects into compliance with the overall intent of Harmony Ridge. Should conflicts be found between these standards and Mapleton City Code, the most strict standard shall apply.

Section 2: Commercial / Retail

2: Commercial / Retail

Areas within Harmony Ridge designated as Commercial / Retail are intended to provide small scale retail, personal and business services to serve the immediate residential areas. Development within this area is to conform with Chapter 18.64, "GC-1 General Commercial Zone" and referenced sections of the Mapleton City Code, subject to the following amendments:

1. Permitted Uses to include the following:
 - a. Retail business
 - b. Restaurants
 - c. Convenience stores
 - d. Residential uses when located above the first floor
 - e. Other similar uses as determined by the AC
2. Conditional Uses and associated requirements to be as determined by the AC.
3. No minimum frontage on a public street is required so long as adequate and permanent access, parking and circulation is provided from a public street.
4. A ten foot (10') landscaped front yard setback is allowed if parking areas are located on the interior side or in the back of the building or structure.
5. A ten foot (10') landscaped side or rear yard setback is required for all lot lines along the exterior boundary of Harmony Ridge or between different land use classifications.
6. A five foot (5') landscaped rear and side yard setback if parking is located to the rear.
7. All deciduous trees, as required, shall be at least two inch (2") caliper. All evergreen trees shall be at least six feet (6') in height.
8. Shared parking, which may reduce the overall parking requirement, may be utilized based on a parking study performed and certified by a qualified and licensed traffic engineer. The traffic study shall take into account proposed and future allowable uses, residential densities, hours of operation, accessibility and circulation requirements.



Harmony Ridge Commercial Design Standards

9. No private accesses will be allowed onto Highway 89 or U.S. 6.
10. Prior to the approval procedure outlined within Section 18.64.060: "Project Plan Approval," a preliminary project plan, accessory structure, or proposed change in the use of the property shall be submitted to and approved by the Architectural Committee.
11. The outside storage of any equipment, vehicles or otherwise is strictly prohibited.
12. Section 17.12.090 of the Mapleton City Code shall not apply to buildings or structures within this land use area. Amended requirements are as follows:
 - a. Building materials shall be approved by the Mapleton City Council, with recommendation from the Planning Commission and Architectural Committee.
 - b. Colors shall reflect the natural surroundings in Mapleton City. Bright colors shall not be permitted.
 - c. Carports shall be allowed, but shall not be permitted in front of the building. Other appropriate locations may be permitted with recommendation from the Architectural Committee and Planning Commission to the City Council.
13. Building height for the main structure shall not exceed thirty feet (30') at the midpoint of the structure. 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. See Section 18.78C.080C.040.B.3 of the Mapleton City Code for measurement system.
14. Fencing and screening treatments shall be designed as an integral part of the overall site architecture and landscaping. Allowable fencing and screening material includes wrought iron, masonry, or materials matching those of the main building. Black vinyl coated fencing may be used for areas not requiring screening and as approved by the Architectural Committee.
15. Waste receptacles, storage tanks, or other similar items are not permitted in the front setback, and shall be screened from public view with allowable fencing and materials.



Section 3: Flex

3: Flex

Areas with Harmony Ridge designated as Flex are intended to serve as a transition from the heavier land uses associated with the commercial / light industrial to the residential uses. Scale, materials and architectural elements are to be complimentary to residential uses. Development within this area is to conform with Chapter 18.64, "GC-1 General Commercial Zone" of the Mapleton City Code, subject to the following amendments:

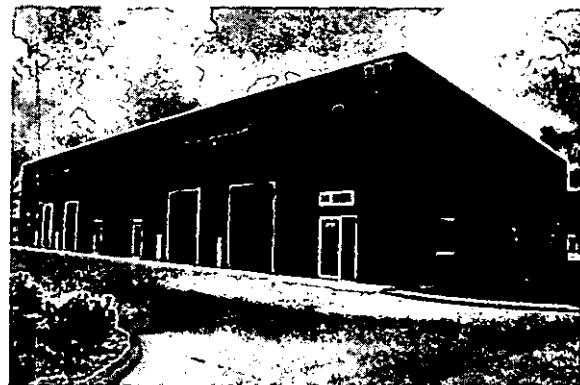
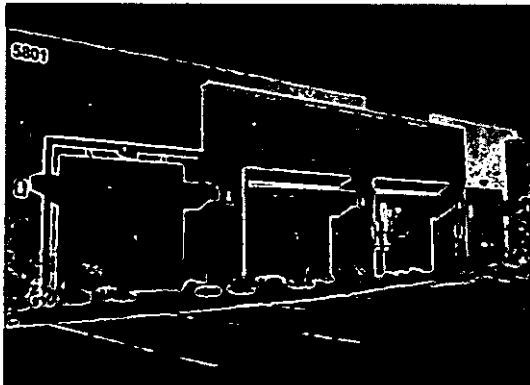
1. Permitted Uses to include the following:
 - a. General office
 - b. Professional office
 - c. Civic uses
 - d. Municipal
 - e. Child care
 - f. Instruction studios
 - g. Financial institutions
 - h. Restaurants
 - i. Personal services businesses
 - j. Specialty retail including, but not limited to, gift shops, bookstores, florist, crafts, collectibles, apparel, food and beverage and other similar items
 - k. Hotels and motels
 - l. Residential uses when located above the first floor
 - m. Health and fitness facilities
 - n. Other similar uses as determined by the AC

2. Conditional Uses include the following:
 - a. Assisted living
 - b. Nursing
 - c. Retirement
 - d. Car wash
 - e. Parking structures
 - f. Wind generated power
 - g. Attached residential
 - h. Other similar uses as determined by the AC

3. No minimum frontage on a public street is required so long as adequate and permanent access, parking and circulation is provided from a public street.
4. A ten foot (10') landscaped front or side yard setback is allowed if parking areas are located on the interior side or in the back of the building or structure.
5. A fifteen foot (15') landscaped side or rear yard setback is required for all lot lines along the exterior boundary of Harmony Ridge or between land use classifications.

Harmony Ridge Commercial Design Standards

6. All trees, as required, shall be at least two inch (2") caliper. All evergreen trees shall be six feet (6') in height.
7. Shared parking, which may reduce the overall parking requirement, may be utilized based on a parking study performed and certified by a qualified and licensed traffic engineer. The traffic study shall take into account proposed and future allowable uses, residential densities, hours of operation, accessibility and circulation requirements.
8. No private accesses will be allowed onto U.S. 6.
9. Prior to the approval procedure outlined within Section 18.64.060: "Project Plan Approval," a preliminary project plan, accessory structure, or proposed change in the use of the property shall be submitted to and approved by the Architectural Committee.
10. The outside storage of any equipment, vehicles or otherwise is strictly prohibited unless specifically approved through the Architectural Committee. Such approval will also include conditions for appropriate screening methods and materials.
11. Section 17.12.090 of the Mapleton City Code shall not apply to buildings or structures within this land use area. Amended requirements are as follows:
 - a. Building materials shall be approved by the Mapleton City Council, with recommendation from the Planning Commission and Architectural Committee.
 - b. Colors shall reflect the natural surroundings in Mapleton City. Bright colors shall not be permitted.
 - c. Carports shall be allowed, but shall not be permitted in front of the building. Other appropriate locations may be permitted with recommendation from the Architectural Committee and Planning Commission to the City Council.



12. As the Flex land use area is intended to be a transitional area from commercial / industrial uses to residential neighborhood, exterior materials are to match the established residential standards as outlined:

Wall Cladding

Exterior walls may utilize the following materials based on their applicable limitations:

Section 3: Flex

- **X:** Acceptable application of product based on architectural style.
- **Limited:** The application of the product should be minimized unless approved by the AC. Such approval will be based on actual material, architectural style and integration with others elected materials.
- **Review:** Use of these products require specific approval by the AC. Such approval will be based on actual material, superiority of material, architectural style and integration with other selected materials.

	Main Wall			Soffit / Facia Columns	Accents Gables	Foundation Finish
	Front Elevation	Side Elevation	Rear Elevation			
Brick	X	X	X			X
Stone (natural & artificial)	X	X	X			X
Stucco	X	X	X	Review	Review	X
Cement Fiber Board						
Lap Siding	X	X	X		X	
Board & Batton	Limited	X	X		X	
Shake	Limited	Limited	Limited		X	
Plain / Beaded				X	X	
Trim / Specialty				X	X	X
Engineered Wood						
Lap Siding	X	X	X		X	
Board & Batton	Limited	X	X		X	
Shake	Limited	Limited	Limited		X	
Plain / Beaded				X	X	
Trim / Specialty				X	X	
Natural Wood (Stained)				X	X	
Aluminum				X		

Material Transitions

All material transitions are to be carefully reviewed, particularly between different elevations of the buildings. Material terminations to be made at natural boundaries such as corners, differing planes, and fence intersections.

Roofing

Roofing may utilize the following materials based on their applicable limitations:

- **Asphalt Shingles:** Architectural or dimensional profiles are allowed with a minimum of a 30 year warranty. With the wide variety of available products, colors and types, the selected material should be complimentary to the overall architectural styling of the building.
- **Cedar Shake:** Allowed.

Harmony Ridge Commercial Design Standards

- **Tile:** Use of tile roofing to be based on the overall architectural styling of the building and as approved by the AC.
- **Slate:** Use of slate roofing to be based on the overall architectural styling of the building and as approved by the AC.
- **Other Materials:** The use of other roofing materials will be based on approval by the AC.

Colors

The allowable color palette for Harmony Ridge includes low-intensity colors taken directly from the natural surroundings and may include more vivid, primary colors. Fluorescent, unique or colors not typically found in the natural surroundings are prohibited. All exterior natural wood products must be painted or stained. Other materials such as stone and brick should not be painted or covered with opaque stains. No more than three (3) colors may be used on a single building for field, access and trim, unless otherwise approved. All accessory building shall utilize the same colors as the main building.

Material and Color Board Submittal

As part of the approval process, a materials and colors "board" is to be submitted to the AC in conjunction with the Preliminary Plan Review. This submittal must include samples, "cut sheets" or detailed information concerning the following:

- Exterior materials as depicted on the proposed plans;
- Details on porch columns, windows and doors trim;
- Roofing material type and color; and
- Colors for field, accents and trim.

16. Building height for the main structure shall not exceed thirty feet (30') at the midpoint of the structure. 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. See Section 18.78C.080D.040.B.3 of the Mapleton City Code for measurement system.
17. Fencing and screening treatments shall be designed as an integral part of the overall site architecture and landscaping. Allowable fencing and screening material includes wrought iron, masonry, or materials matching those of the main building. Black vinyl coated fencing may be used for areas not requiring screening and as approved by the Architectural Committee.
18. All waste receptacles, storage tanks, or other similar items shall not be placed in the front setback and shall be screened from public view with allowable fencing and screening materials

Section 4: Commercial / Light Industrial

4: Commercial / Light Industrial

Areas within the Harmony Ridge designated as Commercial / Light Industrial are intended to provide employment related uses including light manufacturing, assembling, warehousing, and wholesale activities. Associated office and support commercial uses are allowed. Uses that emit significant amount of air, water or noise pollution will not be allowed. Development within this area is to conform with Chapter 18.64, "GC-1 General Commercial Zone" of the Mapleton City Code, subject to the following amendments:

1. Permitted Uses to include the following:
 - a. Retail businesses
 - b. General office
 - c. Professional office
 - d. Financial institutions
 - e. Private schools, professional vocational
 - f. Personal service businesses
 - g. Instructional studies
 - h. Research, development and testing services
 - i. Health clubs
 - j. Hotels and motels
 - k. Indoor manufacturing, assembly and storage of finished products
 - l. Wholesale trade businesses
 - m. Office supply, copying, and printing businesses
 - n. Municipal facilities
 - o. Other similar uses as determined by the AC
2. Conditional Uses include the following:
 - a. Wind generated power
 - b. Outdoor storage or display of any materials or merchandise
 - c. Telecommunication towers
 - d. Other similar uses as determined by the AC
3. No minimum frontage on a public street is required so long as adequate and permanent access and circulation is provided from a public street.
4. A fifteen foot (15') landscaped front or side yard setback is allowed if parking areas are located on the interior side or in the back of the building or structure.
5. A fifteen foot (15') landscaped side or rear yard setback is required for all lot lines along the exterior boundary of Harmony Ridge or between land use classifications. Highway 89 and U.S. 6 frontage to incorporate a minimum landscaped setback of fifteen feet (15').
6. All trees, as required, shall be at least two inch (2") caliper. All evergreen trees shall be six feet (6') in height.

Harmony Ridge Commercial Design Standards

7. Shared parking, which may reduce the overall parking requirement, may be utilized based on a parking study performed and certified by a qualified and licensed traffic engineer. The traffic study to take into account proposed and future allowable uses, residential uses, hours of operation, accessibility and circulation requirements.
8. No private accesses will be allowed onto U.S. 6.
9. Prior to the approval procedure outlined within Section 18.64.060: "Project Plan Approval," a preliminary project plan, accessory structure, or proposed change in the use of the property shall be submitted to and approved by the Architectural Committee.
10. Building height for the main structure shall not exceed thirty feet (30') at the midpoint of the structure. 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. See Section 18.78C.080E.030.B.3 of the Mapleton City Code for measurement system.
11. Where the proposed land use is one which requires the approval of other local, state, federal or other regulatory agencies, evidence of such approval or compliance shall be submitted as part of the application process and documentation.
12. Hard surfaced areas used as operational yard areas for trucks, trailers and other incidental vehicles, other than passenger automobiles and light trucks, and which are not parking lots for employees, clients and customers, shall be exempt from parking lot interior landscaping requirements. Setback landscaping requirements shall apply.
13. Outdoor storage is not permitted unless adequately screened from public view and adjacent parcels by an approved fencing materials and landscaping.
14. Fencing and screening treatments shall be designed as an integral part of the overall site architecture and landscaping. Allowable fencing and screening material includes wrought iron, masonry, or materials matching those of the main building. Black vinyl coated fencing may be used for areas no requiring screening and as approved by the Architectural Committee.
15. All waste receptacles, storage tanks or other similar items shall not be placed in the front setback and shall be screened from public view with allowable fencing materials.
16. Building materials should be selected to convey a sense of permanence, quality and consistency within the overall Harmony Ridge project. Masonry and concrete panels are the preferred building materials. Metal skins may be used for building elevations not visible to the public and with approval of the Architectural Committee. The allowable material color palette includes low-intensity colors taken directly from the natural surroundings. Fluorescent and unique colors are prohibited.

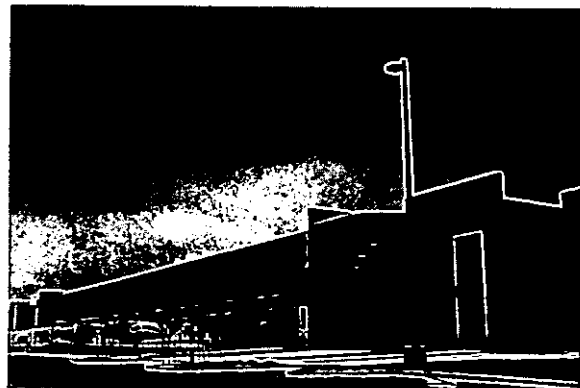


EXHIBIT "G"**Parks and Open Space Plan and Design Standards****G-1****Park #1**

This park shall be owned and maintained by Mapleton City. It is approximately 3.8 acres in size, and is anticipated to become contiguous with the larger city park to be located on the CUP parcel. As a stand-alone park, it is intended to provide passive and active recreation opportunities for residents of the higher density Village neighborhood. Coupled with the CUP City Park, it is intended to serve as part of a more regional city park.

Amenities:

- One (1) children's playground. The playground shall include a Miracle Recreation Equipment Model 714-S156 playground equipment, or equal. The playground shall be surfaced with a loose, shock-absorbing material such as shredded rubber, sand, shredded bark, or wood chips and shall be installed to a minimum depth of twelve (12) inches and/or according to the manufacturer's specifications. The playground shall also be surrounded by a four (4) foot wide sidewalk to provide accessibility and to contain surface materials. Benches for seating and parental observation shall be located intermittently around the playground and adjacent to the sidewalk.
- One (1) covered gathering pavilion with restrooms. The pavilion shall be approximately 34' wide by 84' long and shall accommodate eight (8) picnic tables. At one end of the gathering pavilion, a structure including one (1) men's restroom, one (1) women's restroom, and a secure storage room area shall be provided. An outdoor, charcoal cooking grill and a drinking fountain/water source shall also be provided with the pavilion. The pavilion will include internal (under roof) lights and electricity outlets.
- One (1) full size basketball court. The basketball court shall consist of a concrete playing surface and shall include two (2) fixed-height, in-ground basketball standards at each end. The concrete playing surface pad shall measure sixty (60) feet by ninety four (94) feet. The court shall have painted lines to delineate out-of-bounds, half court, three points, and free-throw keys and shall measure fifty (50) feet by eighty four (84) feet, allowing five (5) feet of clear space between the court boundary and the playing surface edge. The basketball court should be oriented on a north-south axis and shall be drained end to end at one (1) inch per ten (10) feet. The basketball court will not include lighting.
- One (1) volleyball court. The volleyball court shall consist of a sand playing surface and shall include two (2) fixed poles to accommodate a removable net. The sand playing surface shall be installed to a minimum depth of twelve (12) inches and shall measure forty (40) feet by seventy (70) feet. The court dimensions shall measure thirty (30) feet by sixty (60) feet, allowing five (5) feet of clear space between the court boundary and the playing surface edge. The volleyball court should be oriented on a north-south axis and shall be drained end to end at one (1) inch per ten (10) feet.

- One (1) parking lot. The parking lot shall consist of an asphalt surface with curb and gutter, and shall accommodate a minimum of forty four (44) parked vehicles. The parking lot shall serve users of the park and shall also serve as trailhead parking.

Landscaping:

The landscaping for Park #1 shall include a combination of soft surfaces and hard surfaces, and internal pedestrian circulation routes.

- **Grass.** All of the grass area, with the exception of the storm water management area, shall be hydro-seeded with a drought tolerant seed mix. The storm water management area shall be finished with a drought tolerant sod variety.
- **Trees.** All deciduous trees shall be balled and burlapped nursery stock, and shall be a minimum of two (2) inch caliper. Suitable deciduous tree types include: Maple, Beech, Ash, Honeylocust, Crab Apple, Poplar, Flowering Plum, Oak, Sumac, Willow, and Linden. All evergreen trees shall be balled and burlapped nursery stock, and shall be a minimum height of six (6) feet. Suitable evergreen types include: Fir, Cedar, Spruce, and Pine.
- **Irrigation.** The irrigation system shall be designed to minimize water consumption and run off, and shall include the following:
 - Weather Track Central Control System or equivalent
 - Master Valve and Flow Sensor on all main lines
 - Brass Valves on all stations
 - Hunter/Rainbird spray heads or equivalent

Lawn areas shall be irrigated with a combination of pop-up rotors and spray heads, while designated planter bed areas shall be irrigated with drip irrigation. The final irrigation system design shall be approved by Mapleton City officials.

- **Pathways.** Pedestrian pathways shall be designed to connect the park's amenities to one another and to the parking lot, and to sidewalks along the streets. All Park #1 pathways shall:
 - be constructed of concrete on a prepared sub-grade
 - be broom finished perpendicular to traffic flow
 - be a minimum of five (5) feet in width

Park #2

This park shall be owned and maintained by the Harmony Ridge Home Owner's Association. It is approximately 1.1 acres in size, and is anticipated to be constructed during the first phase of the development. This park will provide active recreation opportunities and common open space for residents of the higher density Village neighborhood.

Amenities:

- One (1) Tot-Lot playground. The playground shall include a Miracle Recreation Equipment Model 714-S156 playground equipment, or equal. The playground shall be surfaced with a loose, shock-absorbing material such as shredded rubber, sand, shredded bark, or wood chips and shall be installed to a minimum depth of twelve (12) inches and/or according to the manufacturer's specifications. The playground shall also be surrounded by a four (4) foot wide sidewalk to provide accessibility and to contain surface materials. Benches for seating and

parental observation shall be located intermittently around the playground and adjacent to the sidewalk.

- One (1) full size basketball court. The basketball court shall consist of a concrete playing surface and shall include two (2) fixed-height, in-ground basketball standards at each end. The concrete playing surface pad shall measure sixty (60) feet by ninety four (94) feet. The court shall have painted lines to delineate out-of-bounds, half court, three points, and free-throw keys and shall measure fifty (50) feet by eighty four (84) feet, allowing five (5) feet of clear space between the court boundary and the playing surface edge. The basketball court should be oriented on a north-south axis and shall be drained end to end at one (1) inch per ten (10) feet. The basketball court will not include lighting.
- One (1) row of parking stalls. The parking stalls shall consist of an asphalt surface with curb and gutter, and shall accommodate a minimum of twelve (12) parked vehicles. The parking stalls shall be designated to serve users of the park.

Landscaping:

The landscaping for Park #2 shall include a combination of soft surfaces and hard surfaces, and internal pedestrian circulation routes.

- **Grass.** All of the grass area shall be hydro-seeded with a drought tolerant seed mix.
- **Trees.** All deciduous trees shall be balled and burlapped nursery stock, and shall be a minimum of two (2) inch caliper. Suitable deciduous tree types include: Maple, Beech, Ash, Honeylocust, Crab Apple, Poplar, Flowering Plum, Willow, and Linden. All evergreen trees shall be balled and burlapped nursery stock, and shall be a minimum height of six (6) feet. Suitable evergreen types include: Fir, Cedar, Spruce, and Pine.
- **Irrigation.** The irrigation system shall be designed to minimize water consumption and run off, and shall include the following:
 - Weather Track Central Control System or equivalent
 - Master Valve and Flow Sensor on all main lines
 - Brass Valves on all stations
 - Hunter/Rainbird spray heads or equivalent

Lawn areas shall be irrigated with a combination of pop-up rotors and spray heads, while designated planter bed areas shall be irrigated with drip irrigation. The final irrigation system design shall be approved by Mapleton City officials.

- **Pathways.** Pedestrian pathways shall be designed to connect the park's amenities to one another and to the parking lot, and to sidewalks along streets. All Park #2 pathways shall:
 - be constructed of concrete on a prepared sub-grade
 - be broom finished perpendicular to traffic flow
 - be a minimum of four (4) feet in width

Park #3

This park shall be owned and maintained by the Harmony Ridge Home Owner's Association. It is approximately 0.8 acre in size, and is anticipated to be constructed during a later phase of the development. This park will provide "back yard" active recreation opportunities and common open space to residents living in the upper bench townhomes.

Amenities:

- One (1) Tot-Lot playground. The playground shall include a Miracle Recreation Equipment Model 714-S156 playground equipment, or equal. The playground shall be surfaced with a loose, shock-absorbing material such as shredded rubber, sand, shredded bark, or wood chips and shall be installed to a minimum depth of twelve (12) inches and/or according to the manufacturer's specifications. The playground shall also be surrounded by a four (4) foot wide sidewalk to provide accessibility and to contain surface materials. Benches for seating and parental observation shall be located intermittently around the playground and adjacent to the sidewalk.
- One (1) half size basketball court. The basketball court shall consist of a concrete playing surface and shall include one (1) fixed-height, in-ground basketball standard at the north end. The concrete playing surface pad shall measure sixty (60) feet by fifty two (52) feet. The court shall have painted lines to delineate out-of-bounds, three points, and free-throw key and shall measure fifty (50) feet by forty two (42) feet, allowing five (5) feet of clear space between the court boundary and the playing surface edge. The basketball court should be oriented on a north-south axis and shall be drained end to end at one (1) inch per ten (10) feet. The basketball court will not include lighting.

Landscaping:

The landscaping for Park #3 shall include a combination of soft surfaces and hard surfaces, and internal pedestrian circulation routes.

- **Grass.** All of the grass area shall be hydro-seeded with a drought tolerant seed mix.
- **Trees.** All deciduous trees shall be balled and burlapped nursery stock, and shall be a minimum of two (2) inch caliper. Suitable deciduous tree types include: Maple, Beech, Ash, Honeylocust, Crab Apple, Poplar, Flowering Plum, Willow, and Linden. All evergreen trees shall be balled and burlapped nursery stock, and shall be a minimum height of six (6) feet. Suitable evergreen types include: Fir, Cedar, Spruce, and Pine. All existing stands of mature vegetation within Park #3 shall be preserved to the greatest extent possible.
- **Irrigation.** The irrigation system shall be designed to minimize water consumption and run off, and shall include the following:
 - Weather Track Central Control System or equivalent
 - Master Valve and Flow Sensor on all main lines
 - Brass Valves on all stations
 - Hunter/Rainbird spray heads or equivalent

Lawn areas shall be irrigated with a combination of pop-up rotors and spray heads, while designated planter bed areas shall be irrigated with drip irrigation. The final irrigation system design shall be approved by Mapleton City officials.

- **Pathways.** Pedestrian pathways shall be designed to connect the park's amenities to one another and to the sidewalk along the streets. All Park #3 pathways shall:
 - be constructed of concrete on a prepared sub-grade
 - be broom finished perpendicular to traffic flow
 - be a minimum of four (4) feet in width

Park #4

This park shall be owned and maintained by the Harmony Ridge Home Owner's Association. It is approximately 0.8 acre in size, and is anticipated to be constructed during a later phase of the development. This park will provide "back yard" active recreation opportunities and common open space to residents living in the upper bench townhomes.

Amenities:

- One (1) Tot-Lot playground. The playground shall include a Miracle Recreation Equipment Model 714-S156 playground equipment, or equal. The playground shall be surfaced with a loose, shock-absorbing material such as shredded rubber, sand, shredded bark, or wood chips and shall be installed to a minimum depth of twelve (12) inches and/or according to the manufacturer's specifications. The playground shall also be surrounded by a four (4) foot wide sidewalk to provide accessibility and to contain surface materials. Benches for seating and parental observation shall be located intermittently around the playground and adjacent to the sidewalk.
- One (1) half size basketball court. The basketball court shall consist of a concrete playing surface and shall include one (1) fixed-height, in-ground basketball standard at the north end. The concrete playing surface pad shall measure sixty (60) feet by fifty two (52) feet. The court shall have painted lines to delineate out-of-bounds, three points, and free-throw key and shall measure fifty (50) feet by forty two (42) feet, allowing five (5) feet of clear space between the court boundary and the playing surface edge. The basketball court should be oriented on a north-south axis and shall be drained end to end at one (1) inch per ten (10) feet. The basketball court will not include lighting.

Landscaping:

The landscaping for Park #4 shall include a combination of soft surfaces and hard surfaces, and internal pedestrian circulation routes.

- **Grass.** All of the grass area shall be hydro-seeded with a drought tolerant seed mix.
- **Trees.** All deciduous trees shall be balled and burlapped nursery stock, and shall be a minimum of two (2) inch caliper. Suitable deciduous tree types include: Maple, Beech, Ash, Honeylocust, Crab Apple, Poplar, Flowering Plum, Willow, and Linden. All evergreen trees shall be balled and burlapped nursery stock, and shall be a minimum height of six (6) feet. Suitable evergreen types include: Fir, Cedar, Spruce, and Pine.
- **Irrigation.** The irrigation system shall be designed to minimize water consumption and run off, and shall include the following:
 - Weather Track Central Control System or equivalent
 - Master Valve and Flow Sensor on all main lines
 - Brass Valves on all stations
 - Hunter/Rainbird spray heads or equivalent

Lawn areas shall be irrigated with a combination of pop-up rotors and spray heads, while designated planter bed areas shall be irrigated with drip irrigation. The final irrigation system design shall be approved by Mapleton City officials.

- **Pathways.** Pedestrian pathways shall be designed to connect the park's amenities to the sidewalk along the streets. All Park #4 pathways shall:
 - be constructed of concrete on a prepared sub-grade
 - be broom finished perpendicular to traffic flow
 - be a minimum of four (4) feet in width

Park #5

This park shall be owned and maintained as natural, landscaped open space by the Harmony Ridge Home Owner's Association. It is approximately 3.0 acres in size and is intended to serve as the entry focal point of the upper bench residential development. This park will also provide passive recreation space for residents living in the upper bench neighborhoods.

Landscaping:

The landscaping for Park #5 shall include a combination low maintenance and drought tolerant grass and wildflowers, designated planter bed areas, and soft surface pedestrian trails.

- **Grass.** All of the grass area shall be hydro-seeded with a drought tolerant grass and wildflower seed mix.
- **Trees.** All deciduous trees shall be balled and burlapped nursery stock, and shall be a minimum of two (2) inch caliper. Suitable deciduous tree types include: Maple, Beech, Ash, Honeylocust, Crab Apple, Poplar, Flowering Plum, Oak, Sumac, Willow, and Linden. All evergreen trees shall be balled and burlapped nursery stock, and shall be a minimum height of six (6) feet. Suitable evergreen types include: Fir, Cedar, Spruce, and Pine.
- **Irrigation.** The irrigation system shall be designed to minimize water consumption and run off, and shall include the following:
 - Weather Track Central Control System or equivalent
 - Master Valve and Flow Sensor on all main lines
 - Brass Valves on all stations
 - Hunter/Rainbird spray heads or equivalent

Lawn areas shall be irrigated with a combination of pop-up rotors and spray heads, while designated planter bed areas shall be irrigated with drip irrigation. The final irrigation system design shall be approved by Mapleton City officials.

- **Trails.** Pedestrian trails shall be designed to connect to Harmony Ridge's trail network, as well as Mapleton City's overall trail network, and to the sidewalks along the streets. All Park #5 trails shall:
 - be constructed of a natural surface (crushed stone, gravel, decomposed granite, etc) on a prepared sub-grade
 - be a minimum of five (5) feet in width

Park #6

This park shall be owned and maintained by Mapleton City. Overall, it is approximately 8.8 acres in size, but is divided into two parts by a residential street. On the east side of the street is 3.2 acres of preserved, natural open space that will serve as a major trailhead, and on the west side of the street is

5.6 acres of maintained park space that will offer passive and active recreation opportunities for the residents of Harmony Ridge.

Amenities:

- One (1) children's playground. The playground shall include a Miracle Recreation Equipment Model 714-S156 playground equipment, or equal. The playground shall be surfaced with a loose, shock-absorbing material such as shredded rubber, sand, shredded bark, or wood chips and shall be installed to a minimum depth of twelve (12) inches and/or according to the manufacturer's specifications. The playground shall also be surrounded by a four (4) foot wide sidewalk to provide accessibility and to contain surface materials. Benches for seating and parental observation shall be located intermittently around the playground and adjacent to the sidewalk.
- One (1) covered gathering pavilion with restrooms. The pavilion shall be approximately 34' wide by 84' long and shall accommodate eight (8) picnic tables. At one end of the gathering pavilion, a structure including one (1) men's restroom, one (1) women's restroom, and a secure storage room area shall be provided. An outdoor, charcoal cooking grill and a drinking fountain/water source shall also be provided with the pavilion. The pavilion will include internal (under roof) lights and electricity outlets.
- One (1) trellis pavilion. The trellis pavilion shall be in the shape of a half-hexagon with an approximate size of 16' wide by 67' long. The trellis pavilion shall be timber framed and roofed, and shall stand on a concrete pad equal in size to its footprint, with an additional open air concrete pad in front of the trellis for gathering. The trellis pavilion will include internal (under roof) lights and electrical outlets.
- One (1) restroom facility. The restroom facility shall be located adjacent to the trailhead parking lot, and shall provide one (1) men's restroom and one (1) women's restroom, and a secure maintenance storage room area. The restroom facility shall be constructed of concrete masonry block, and will measure approximately 28' wide by 19' long.
- One (1) full size basketball court. The basketball court shall consist of a concrete playing surface and shall include two (2) fixed-height, in-ground basketball standards at each end. The concrete playing surface pad shall measure sixty (60) feet by ninety four (94) feet. The court shall have painted lines to delineate out-of-bounds, half court, three points, and free-throw keys and shall measure fifty (50) feet by eighty four (84) feet, allowing five (5) feet of clear space between the court boundary and the playing surface edge. The basketball court should be oriented on a north-south axis and shall be drained end to end at one (1) inch per ten (10) feet. The basketball court will not include lighting.
- Two (2) tennis courts. The tennis courts shall consist of a concrete playing surface and shall include two (2) fixed poles to accommodate a removable net on each court. The concrete playing surface shall measure one hundred two (102) feet by ninety eight (98) feet, and shall be fenced on all sides. Each tennis court shall measure thirty six (36) feet by seventy eight (78) feet, allowing ten (10) feet of clear space between the courts and the fenced playing surface edge. The tennis courts shall have painted lines to delineate out-of-bounds, baselines, service areas, and alleys. The tennis courts should be oriented on a north-south axis and shall be drained either side to side (preferred), or end to end at 0.8 to 1% slope. The tennis courts shall be

completely fenced by ten (10) foot chain link fencing and will also include a drinking fountain and a hose bib water source. The tennis courts will not include lighting.

- One (1) parking lot. The parking lot shall consist of an asphalt surface with curb and gutter, and shall accommodate a minimum of twenty (20) parked vehicles. The parking lot shall be designated to serve users of the park.
- One (1) trailhead parking lot. This parking lot shall consist of an asphalt surface with curb and gutter, and shall accommodate a minimum of ten (10) parked vehicles. The trailhead parking lot shall be designated to serve users of the community and regional trail network

Landscaping:

The landscaping for Park #6 shall include a combination of soft surfaces and hard surfaces, and internal pedestrian circulation routes.

- **Grass.** All of the grass area, with the exception of the storm water management area, shall be hydro-seeded with a drought tolerant seed mix. The storm water management area shall be finished with a drought tolerant sod variety.
- **Trees.** All deciduous trees shall be balled and burlapped nursery stock, and shall be a minimum of two (2) inch caliper. Suitable deciduous tree types include: Maple, Beech, Ash, Honeylocust, Crab Apple, Poplar, Flowering Plum, Oak, Sumac, Willow, and Linden. All evergreen trees shall be balled and burlapped nursery stock, and shall be a minimum height of six (6) feet. Suitable evergreen types include: Fir, Cedar, Spruce, and Pine. All existing stands of mature vegetation within Park #6 shall be preserved to the greatest extent possible.
- **Irrigation.** The irrigation system shall be designed to minimize water consumption and run off, and shall include the following:
 - Weather Track Central Control System or equivalent
 - Master Valve and Flow Sensor on all main lines
 - Brass Valves on all stations
 - Hunter/Rainbird spray heads or equivalent

Lawn areas shall be irrigated with a combination of pop-up rotors and spray heads, while designated planter bed areas shall be irrigated with drip irrigation. The final irrigation system design shall be approved by Mapleton City officials.

- **Pathways.** Pedestrian pathways shall be designed to connect the park's amenities to one another and to the parking lot, and to sidewalks along the streets and the community and regional trail networks. All Park #6 pathways shall:
 - be constructed of concrete on a prepared sub-grade;
 - be broom finished perpendicular to traffic flow; and
 - be a minimum of five (5) feet in width.
- **Trails.** Pedestrian trails shall be designed to connect to Harmony Ridge's trail network, as well as Mapleton City's overall trail network, and to the sidewalks along the streets. All Park #5 trails shall:
 - be constructed of a natural surface (crushed stone, gravel, decomposed granite, etc) on a prepared sub-grade
 - be a minimum of six (6) feet in width

Greenbelts

Two pedestrian greenbelts are shown on the Parks and Open Space Plan, which are intended to provide pedestrian connections to and from the Mapleton City Lateral Canal trail through the higher density Village neighborhood to Park #1 and the Stacked Flat residential units. At forty (40) feet wide, the greenbelts will provide common open space in an otherwise higher density residential environment and will enhance the walkability of Harmony Ridge.

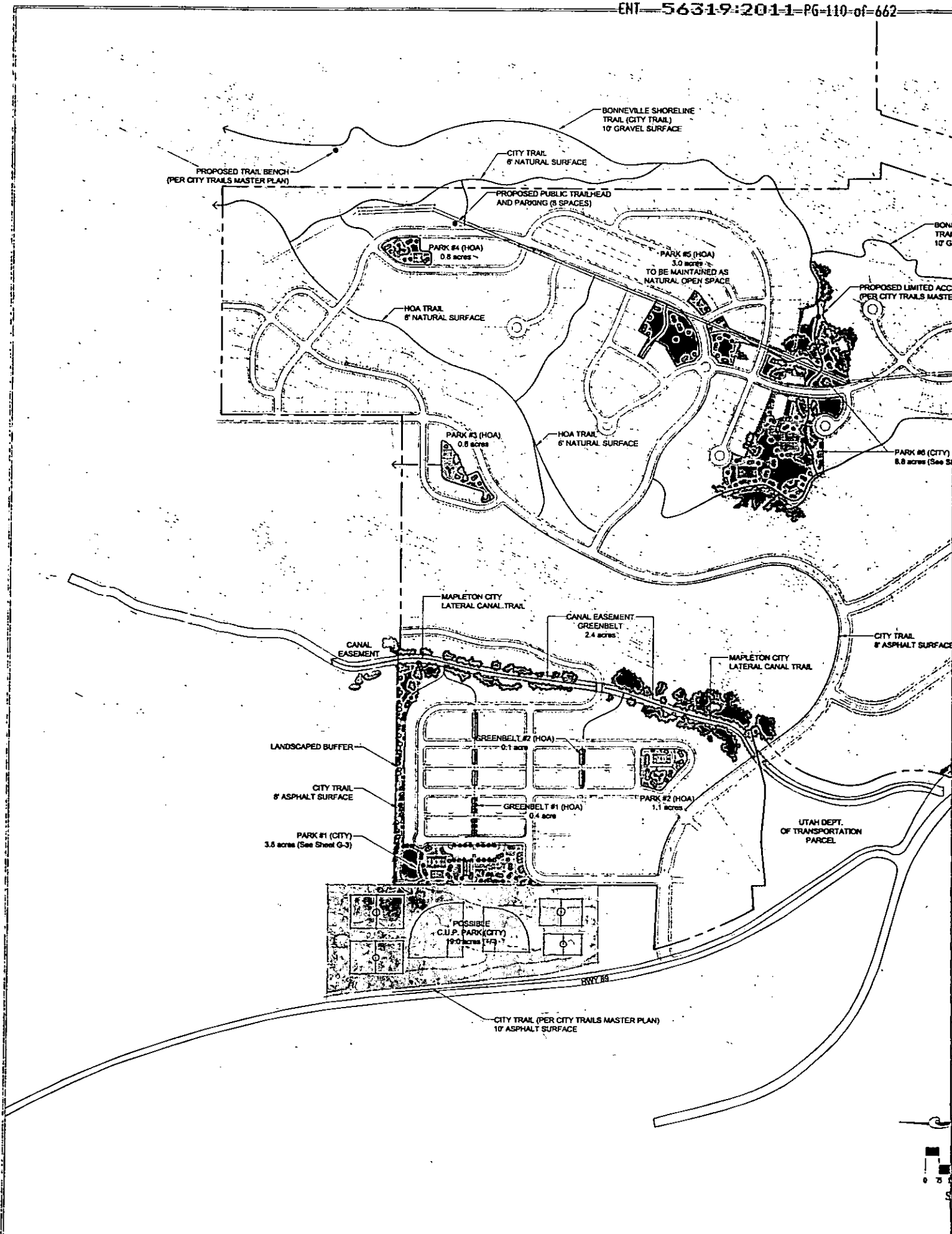
Landscaping:

The landscaping for Greenbelts shall include a combination of soft surfaces and hard surfaces, and pedestrian circulation routes.

- **Grass.** All of the grass areas within greenbelts shall be planted with a drought tolerant sod variety.
- **Trees.** All deciduous trees shall be balled and burlapped nursery stock, and shall be a minimum of two (2) inch caliper. Suitable deciduous tree types include: Maple, Beech, Ash, Honeylocust, Crab Apple, Flowering Plum, and Linden.
- **Irrigation.** The irrigation system shall be designed to minimize water consumption and run off, and shall include the following:
 - Weather Track Central Control System or equivalent
 - Master Valve and Flow Sensor on all main lines
 - Brass Valves on all stations
 - Hunter/Rainbird spray heads or equivalent

Lawn areas shall be irrigated with pop-up spray heads, while designated planter bed areas shall be irrigated with drip irrigation. The final irrigation system design shall be approved by Mapleton City officials.

- **Pathways.** Pedestrian pathways shall be designed to connect parks and open spaces to the community and regional trail networks through the higher density Village neighborhood. All Greenbelt pathways shall:
 - be constructed of concrete on a prepared sub-grade
 - be broom finished perpendicular to traffic flow
 - be a minimum of five (5) feet in width

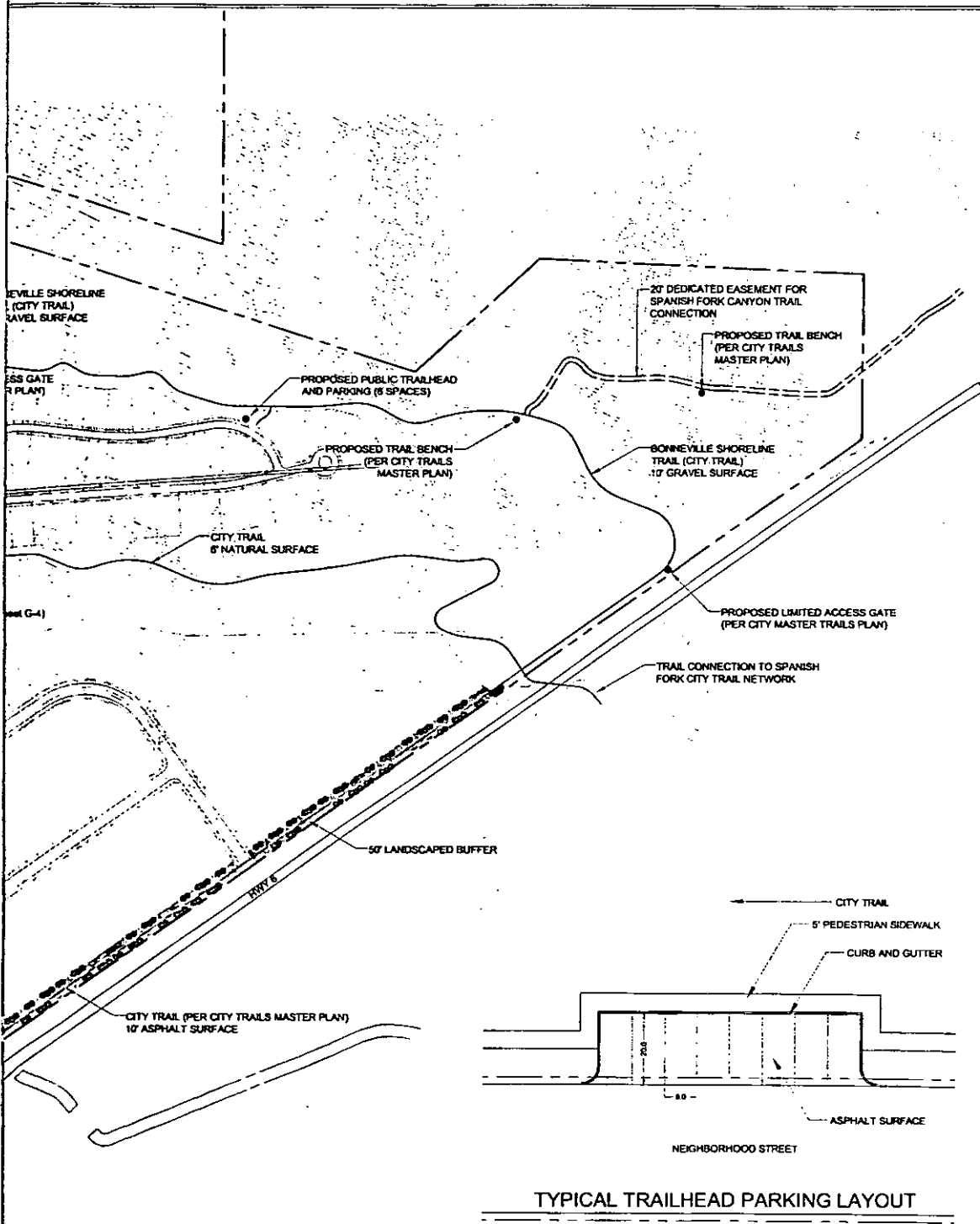




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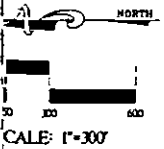
**HARMONY RIDGE
MAPLETON, UT
EXHIBIT G - PARKS AND OPEN SPACE PLAN**



CONCEPTUAL PARK AMENITIES MATRIX

Name	Responsibility	Size	Playground	Trellis Pavilion	Pavilion / Restroom	Bathroom	Parking Lot	Trailhead	Basketball Court	Volleyball Court	Soccer	Baseball / Softball
Park #1	City	3.8 acres	1		1		1	1	1	1		
Park #2	HOA	1.1 acres	1				1		1			
Park #3	HOA	0.8 acres	1						1			
Park #4	HOA	0.5 acres	1						1			
Park #5	HOA	3.0 acres							1			
Park #6	City	5.8 acres	1	1	1	1	2	1	1	2		
City Greenball	City	2.4 acres										
Greenball #1	HOA	0.4 acres										
Greenball #2	HOA	0.1 acres										
C.U.P. Park	City	19.0 acres									4	2
TOTAL		48.2 acres	5	1	2	1	4	2	6	3	4	2

NOTES:
 1. ALL PARK IMPROVEMENTS AND AMENITIES (HOA AND PUBLIC) TO BE APPROVED BY MAPLETON CITY.
 2. ALL BONDING FOR PARK IMPROVEMENTS AND AMENITIES (HOA AND PUBLIC) TO CONFORM TO MAPLETON CITY STANDARDS.



REVISIONS

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LD PROJECT #: 2008-4005
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 CHECKED BY: GDM
 SCALE: 1" = 300'
 DATE: 7/13/2011
 SHEET

G-2

Landscaped Buffer

Stormwater Management Area

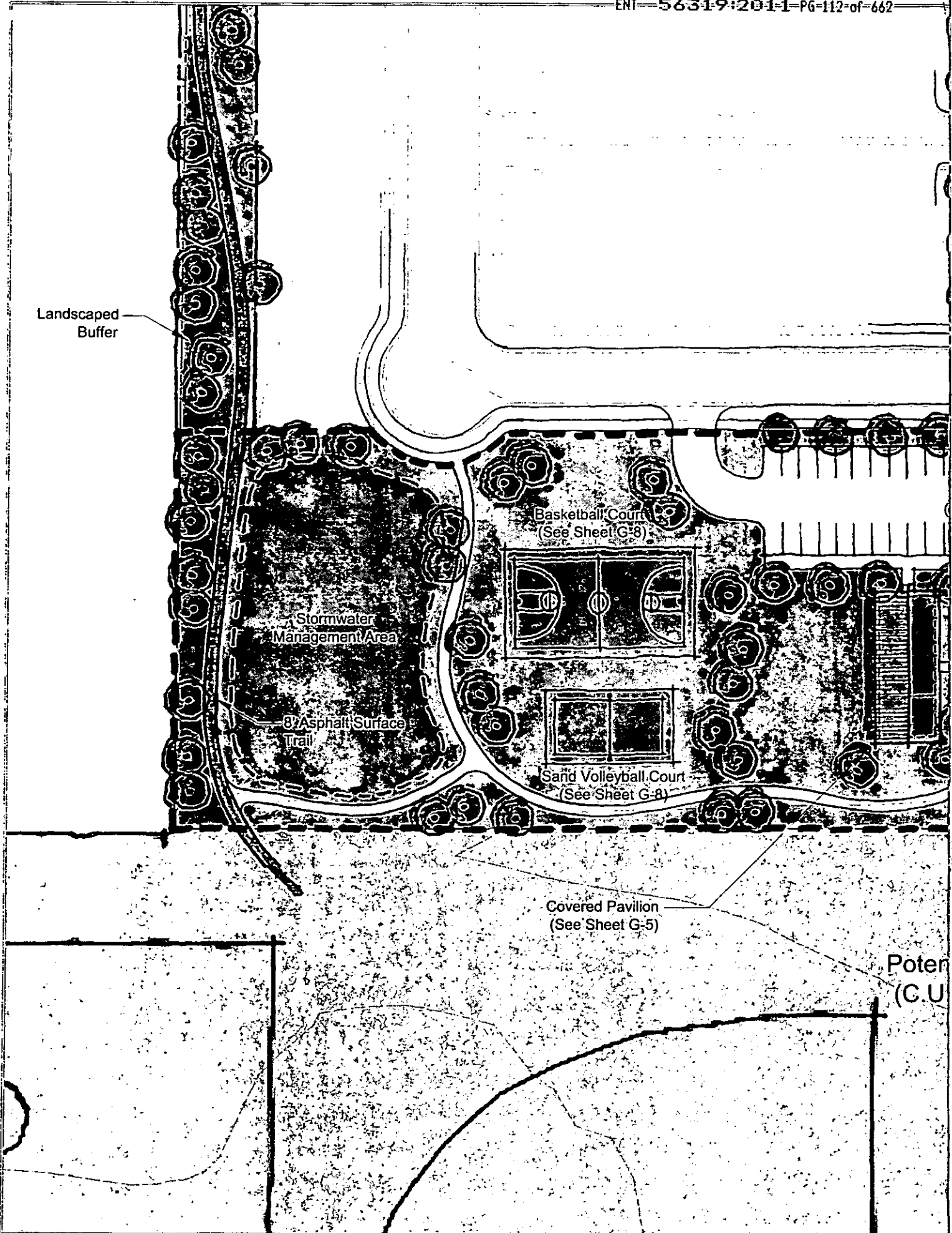
8' Asphalt Surface Trail

Basketball Court
(See Sheet G-8)

Sand Volleyball Court
(See Sheet G-8)

Covered Pavilion
(See Sheet G-5)

Poten
(C.U)





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Pedestrian Greenbelt

Parking
(44 Spaces)

5' Concrete Pedestrian
Pathway

Children's Playground
(See Sheet G-7)

Partial City Park
P. Property)

HARMONY RIDGE
MAPLETON, UT

EXHIBIT G - PARKS AND OPEN SPACE - CITY PARK #1

REVISIONS

NO.	DATE	DESCRIPTION

LEI PROJECT #
2008-4005

DRAWN BY:
AKC

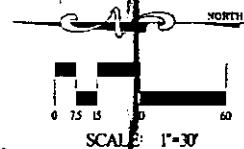
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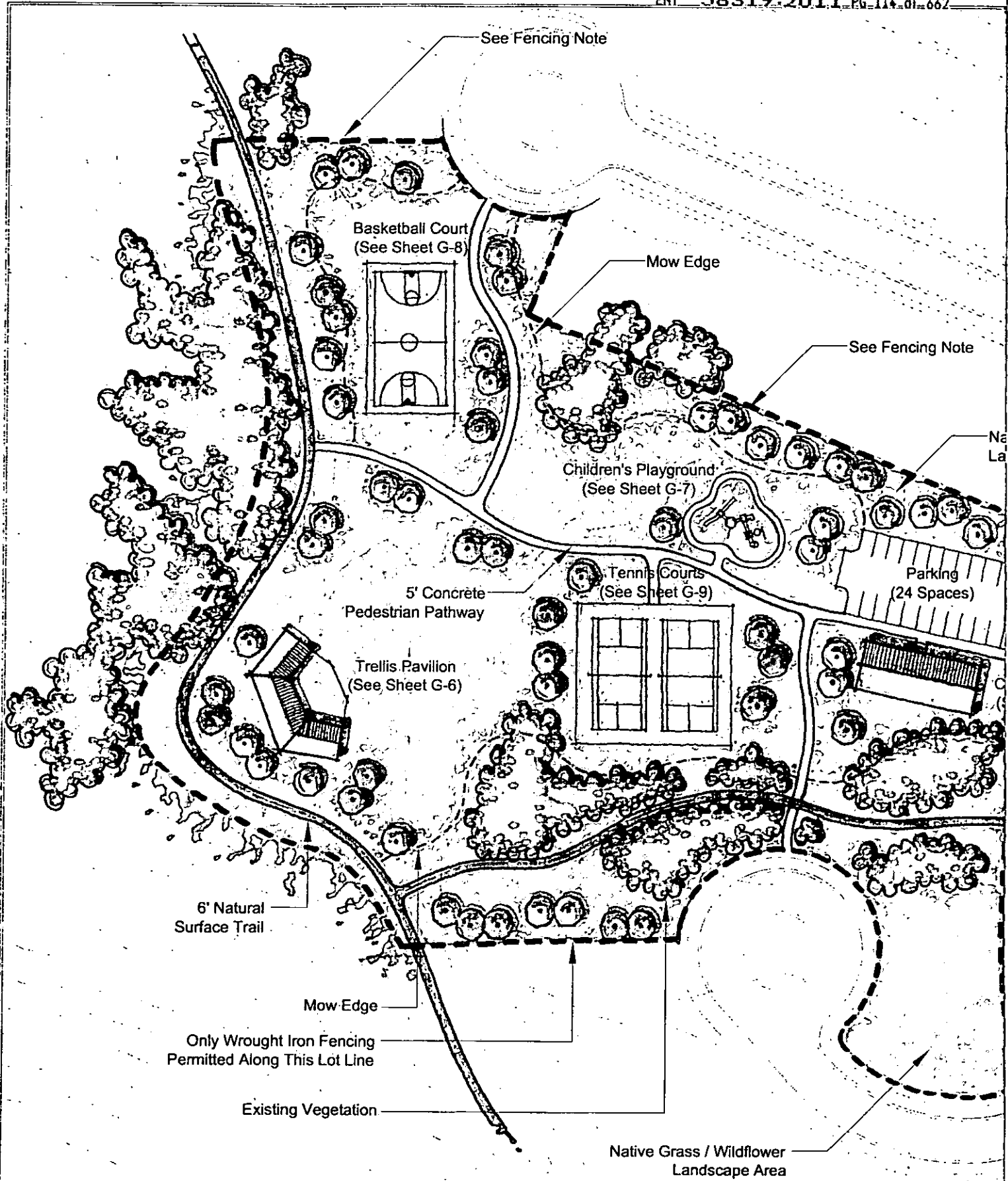
SCALE:
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DATE:
7/13/2011

SHEET

G-3





Note: All park boundaries shared with building lots shall have consistent, non-privacy fencing.

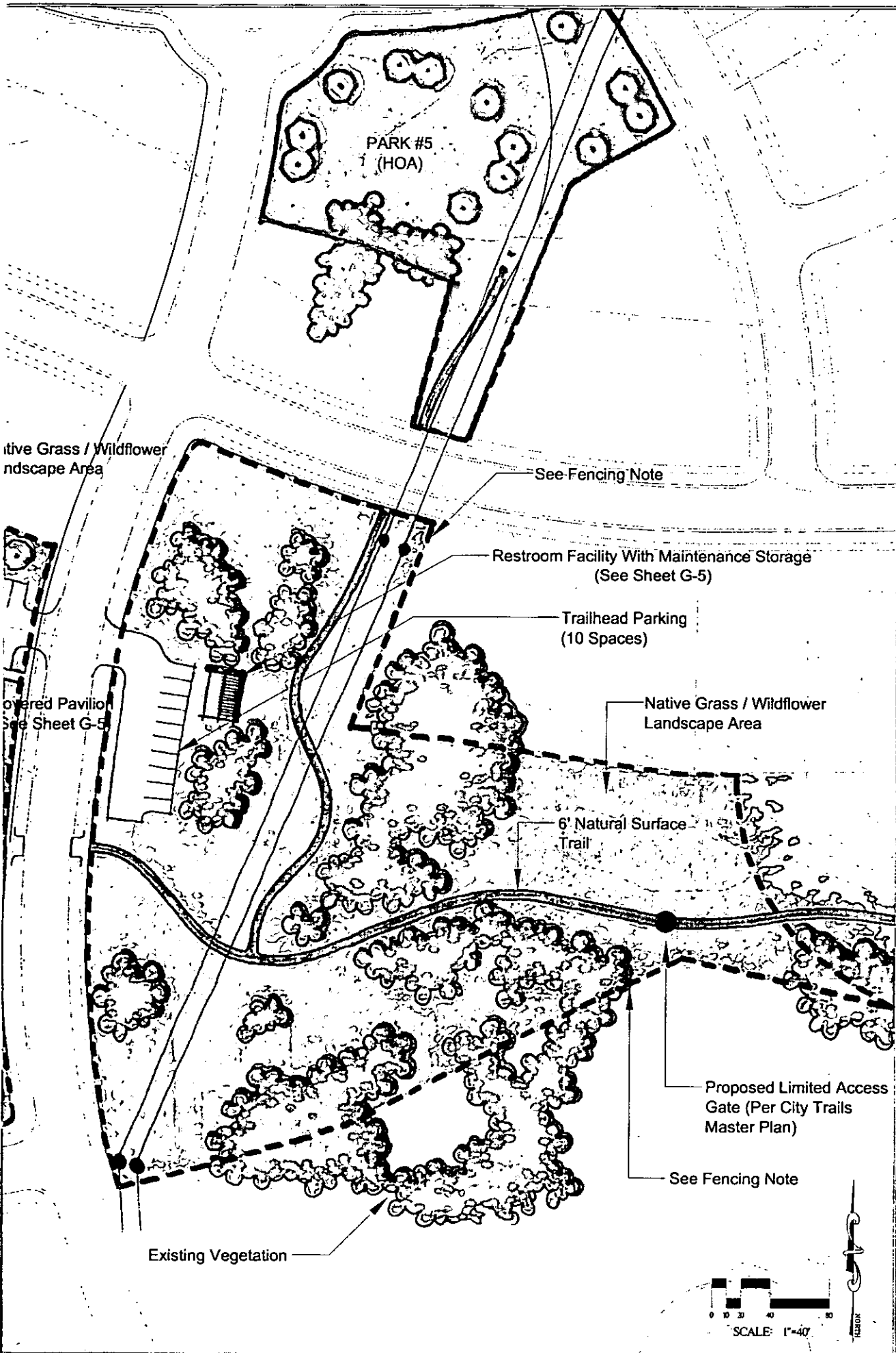


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**HARMONY RIDGE
MAPLETON, UT**

EXHIBIT G - PARKS AND OPEN SPACE - CITY PARK #2



REVISIONS

LEI PROJECT #
2008-4005

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AKC

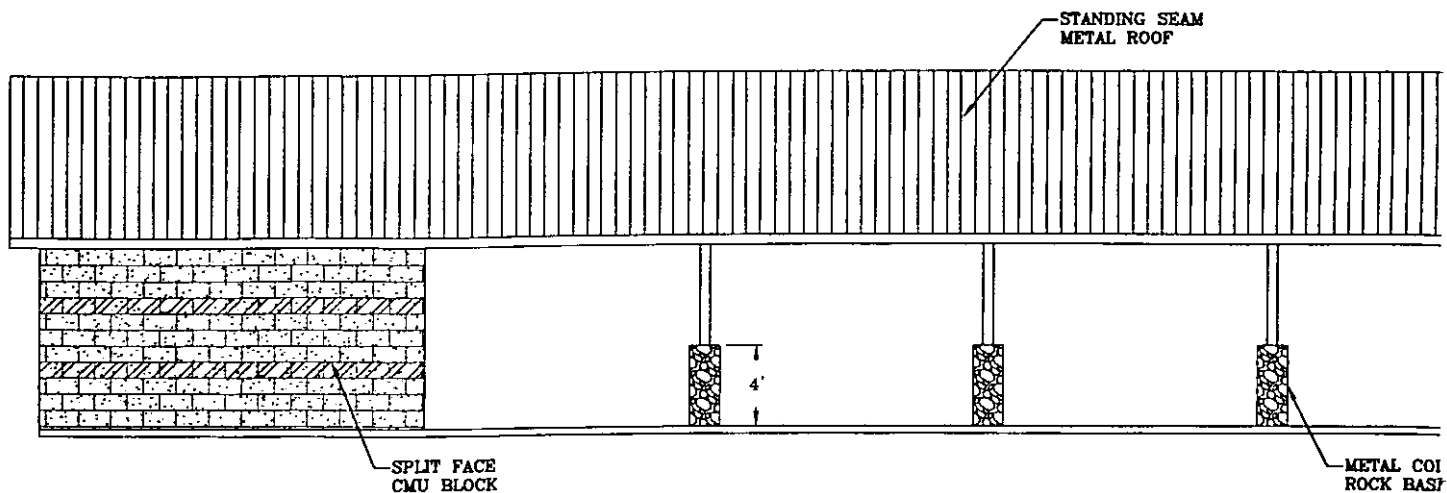
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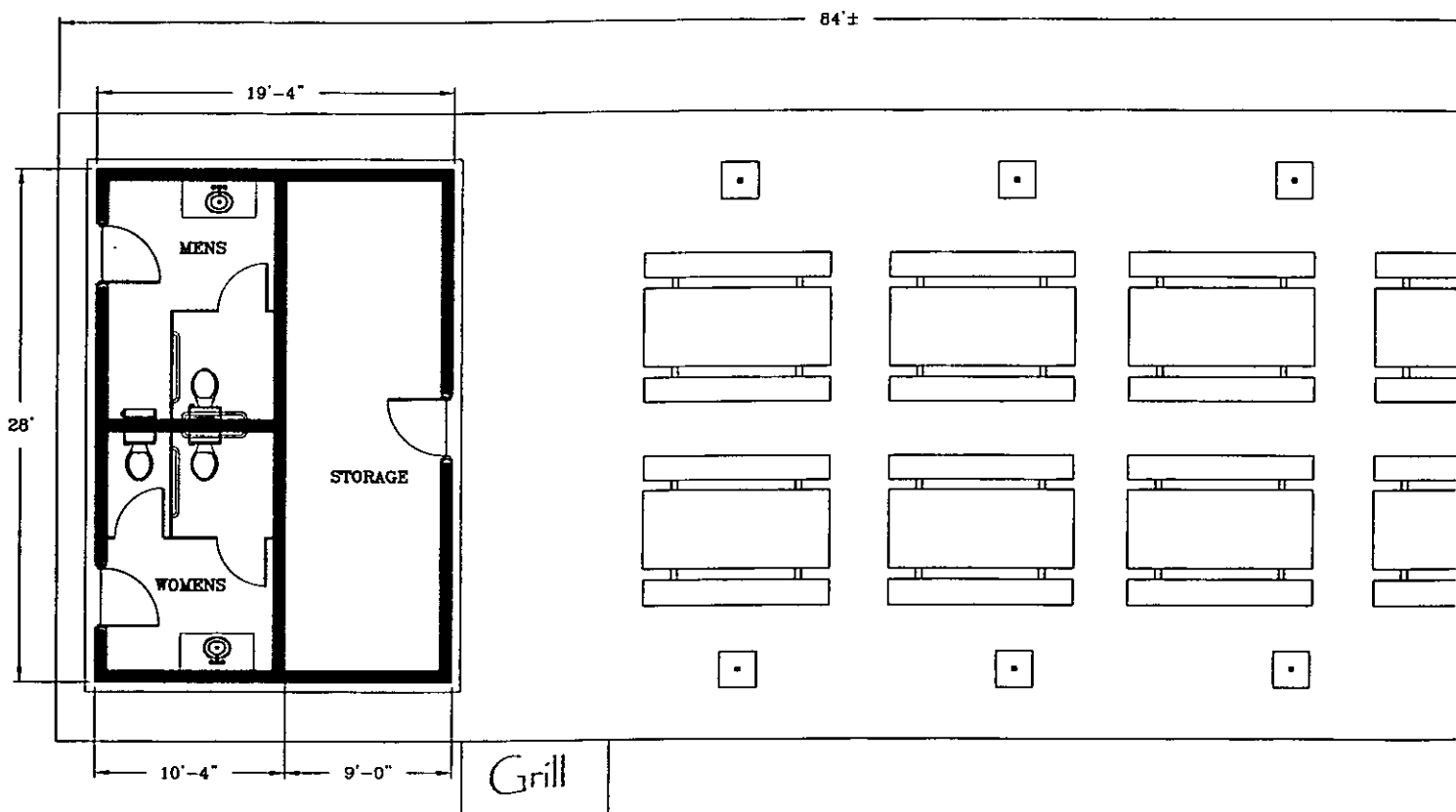
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SHEET

G-4



ELEVATION



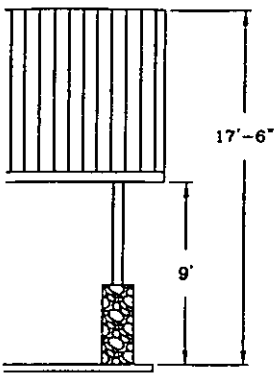
FLOOR PLAN

GATHERING PAVILION WITH RESTROOMS
(PARK #1 & 6)

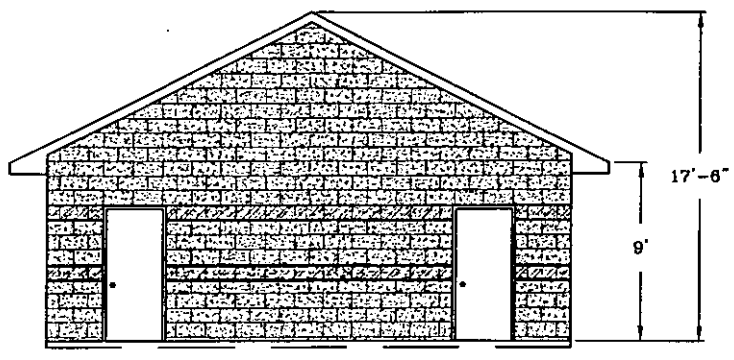


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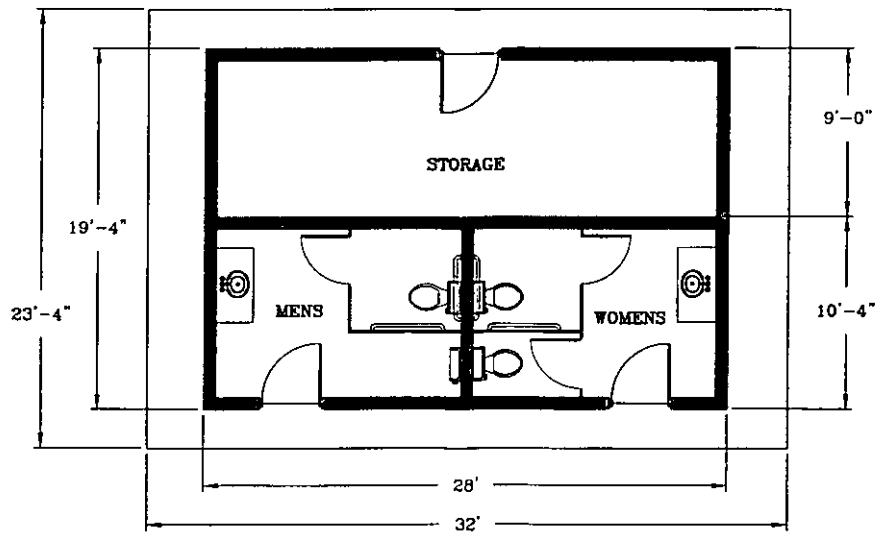
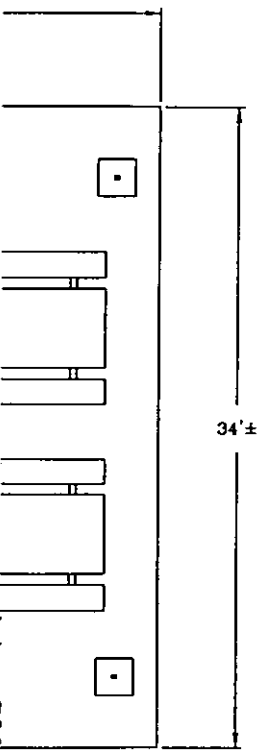
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COLUMN WITH



ELEVATION



FLOOR PLAN

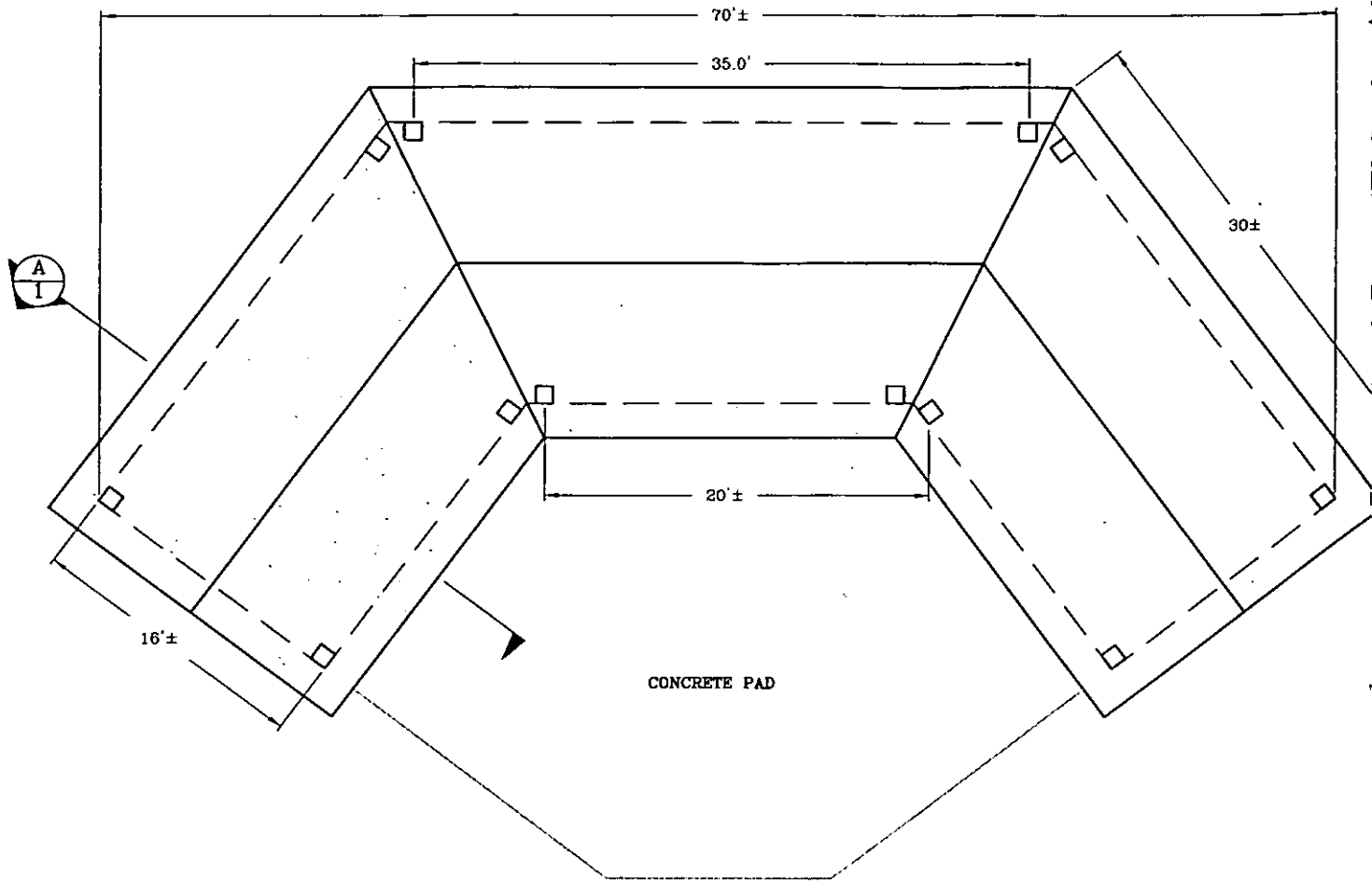
RESTROOM
(PARK #6)

HARMONY RIDGE
MAPLETON, UTAH
EXHIBIT G
AMENITIES - PAVILION & RESTROOM

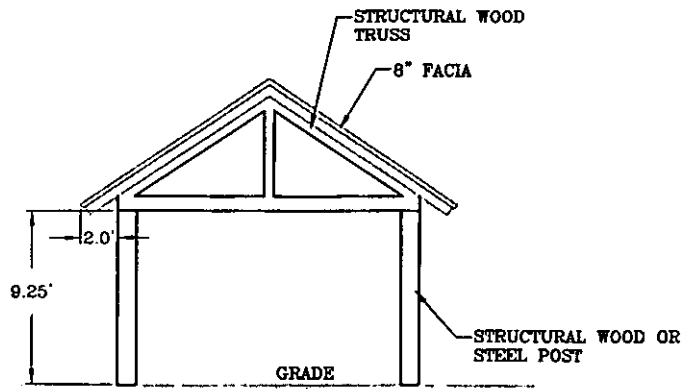
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2008-4005
DRAWN BY:
RWH
DESIGNED BY:
GDM
SCALE:
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DATE:
03/17/2011

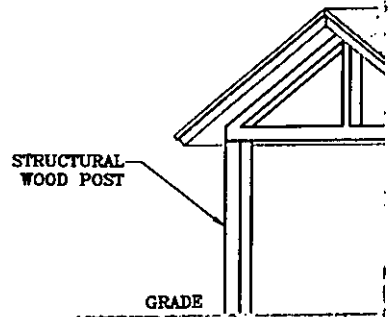
SHEET
G-5



PLAN VIEW



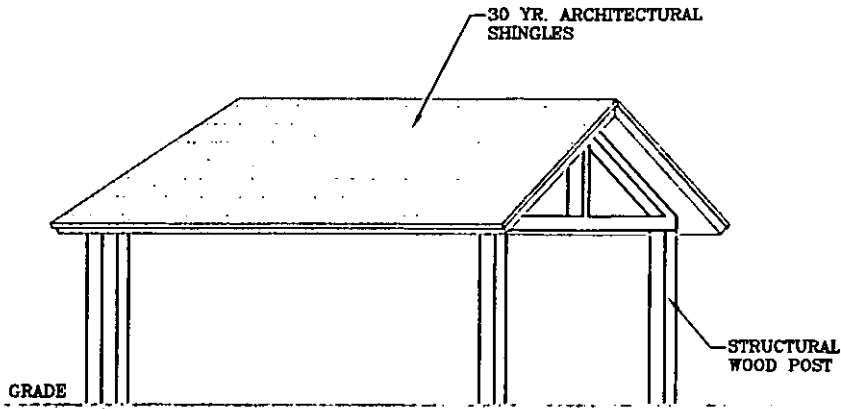
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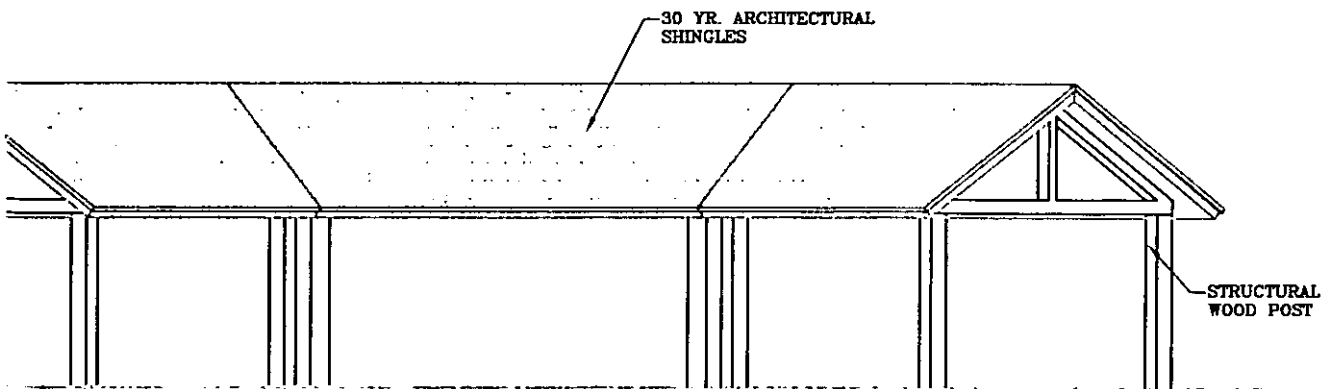


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SIDE ELEVATION



FRONT ELEVATION

HARMONY RIDGE
MAPLETON, UTAH
EXHIBIT G
AMENITIES - TRELLIS PAVILION

REVISIONS

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LEI PROJECT #:
2008-4005

DRAWN BY:
RWH

DESIGNED BY:
GDM

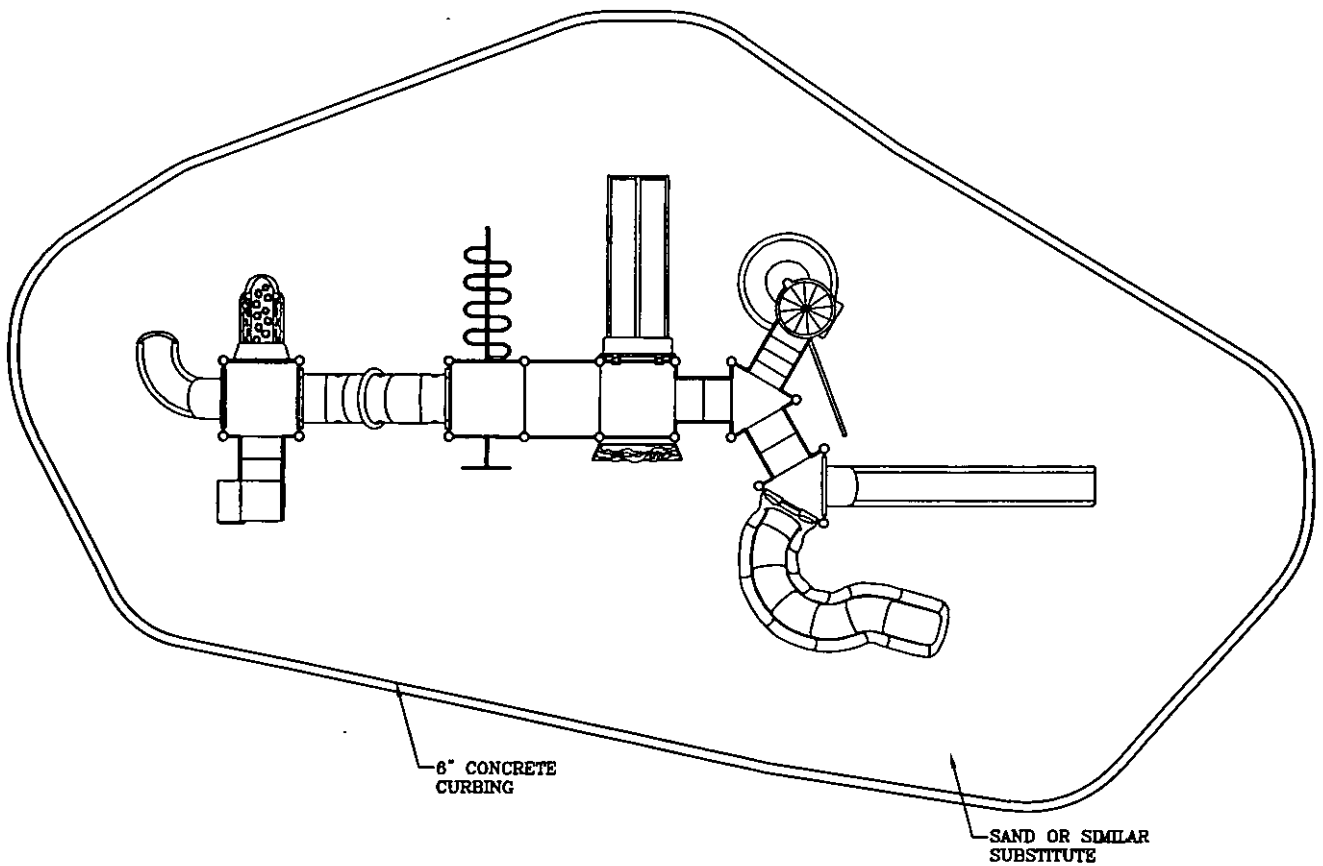
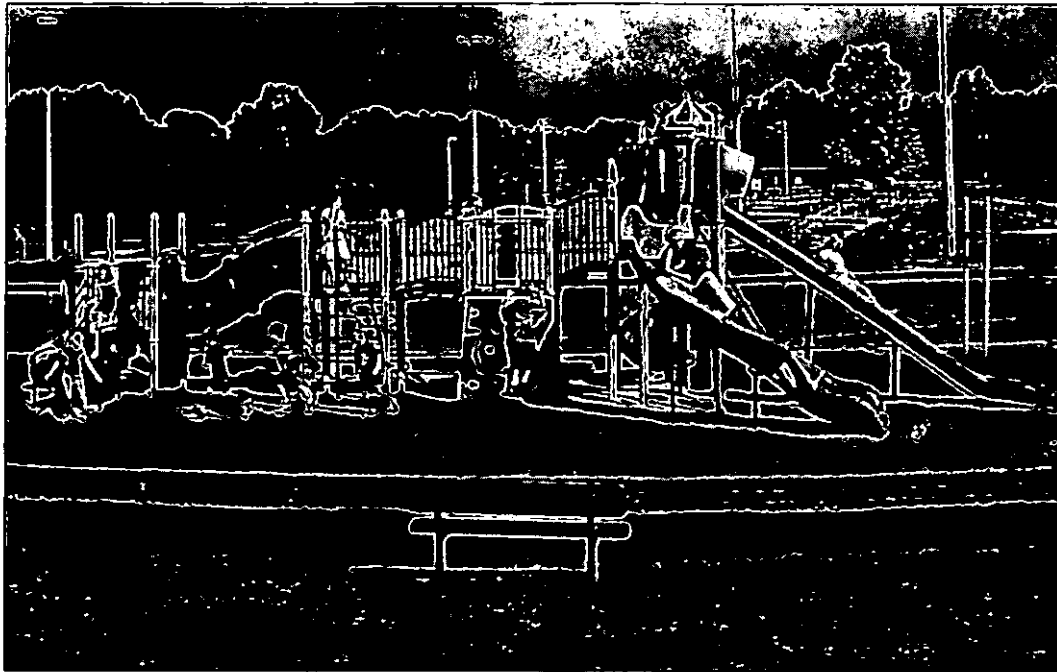
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05/17/2011

SHEET

G-6

VILION
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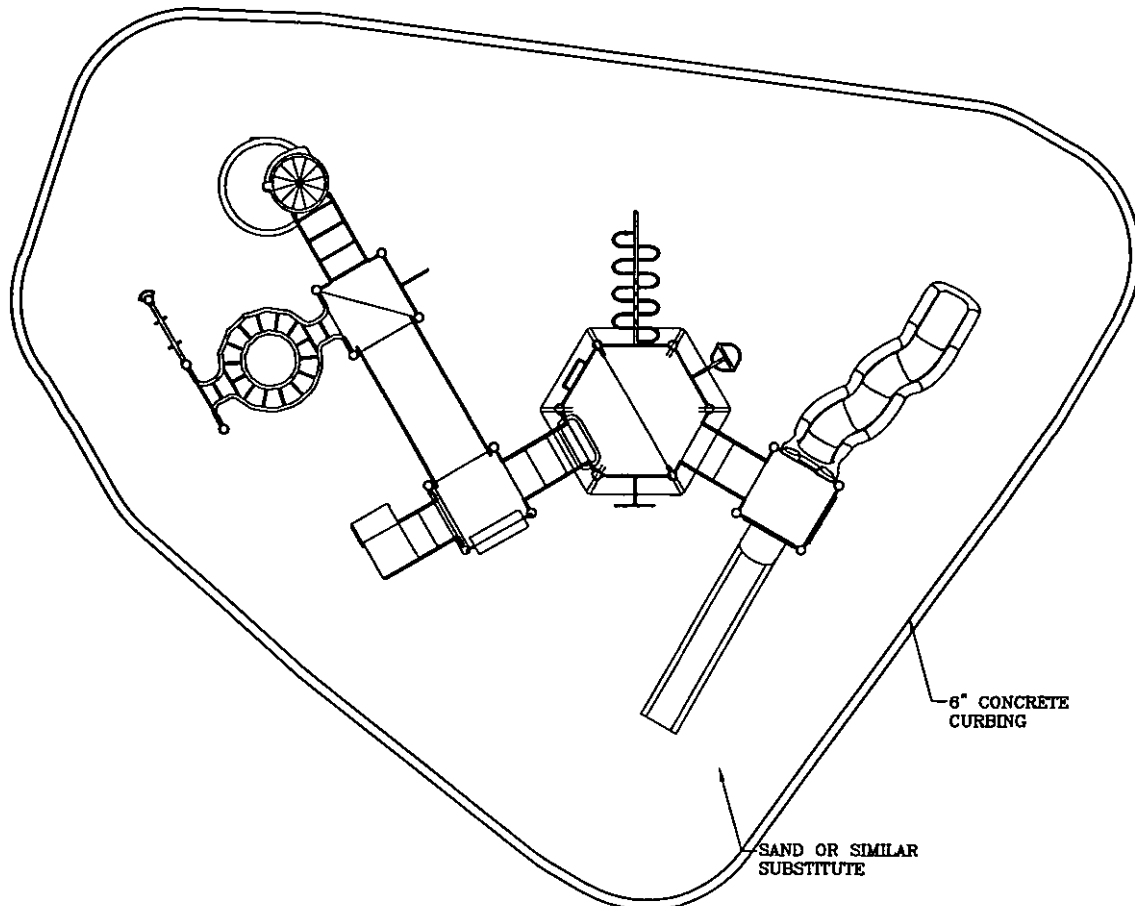


PLAY GROUND
MIRACLE 714-S156 OR EQUAL
(PARKS #1 & 6)



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TOT LOT PLAYGROUND
MIRACLE 714-S165 OR EQUAL
(PARKS #2-5)

**HARMONY RIDGE
MAPLETON, UTAH
EXHIBIT G
AMENITIES - PLAYGROUNDS**

REVISIONS	
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LEI PROJECT #
2008-4005

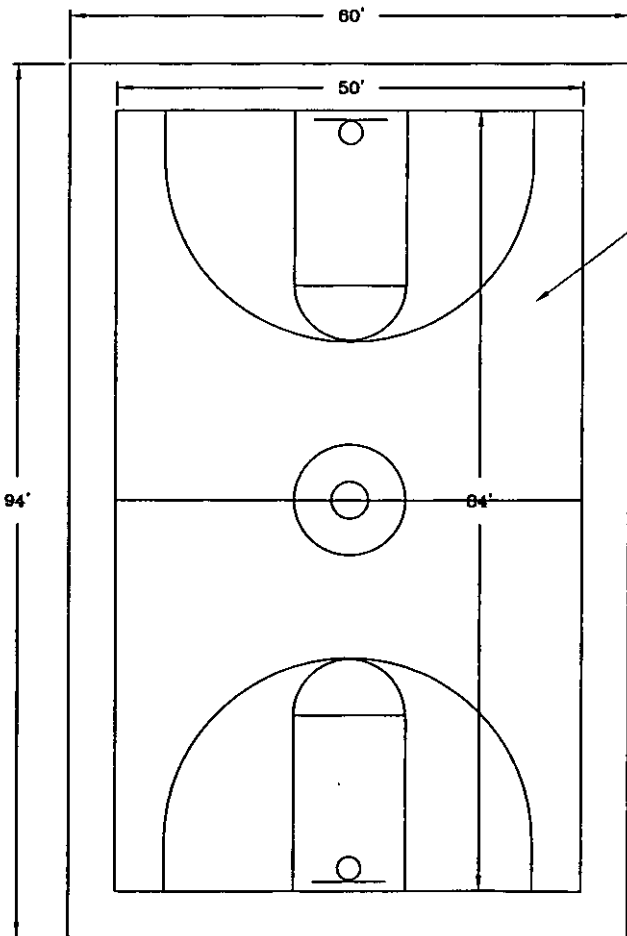
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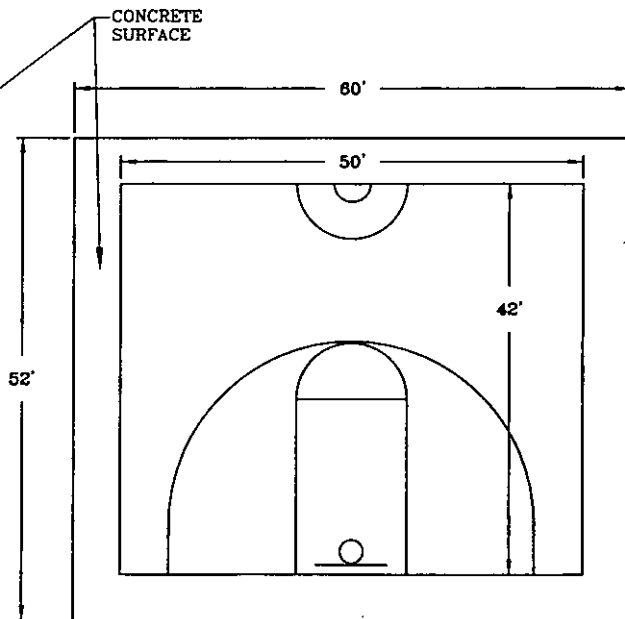
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05/17/2011

SHEET
G-7



PLAN VIEW
FULL COURT OPTION



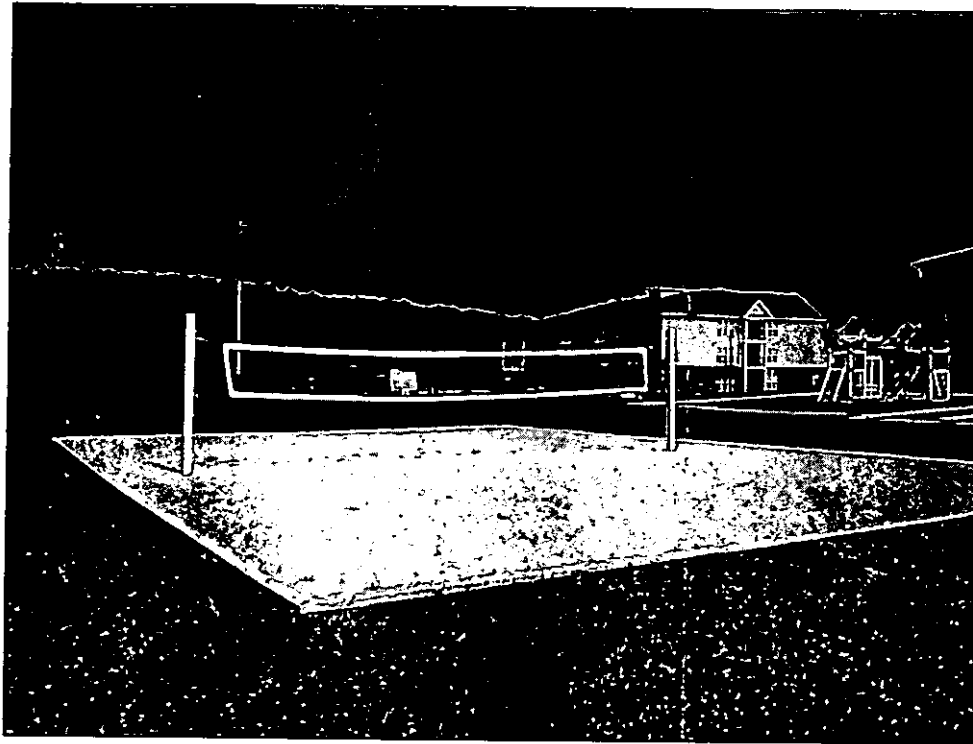
PLAN VIEW
HALF COURT OPTION

BASKETBALL COURT
(PARKS #1-6)

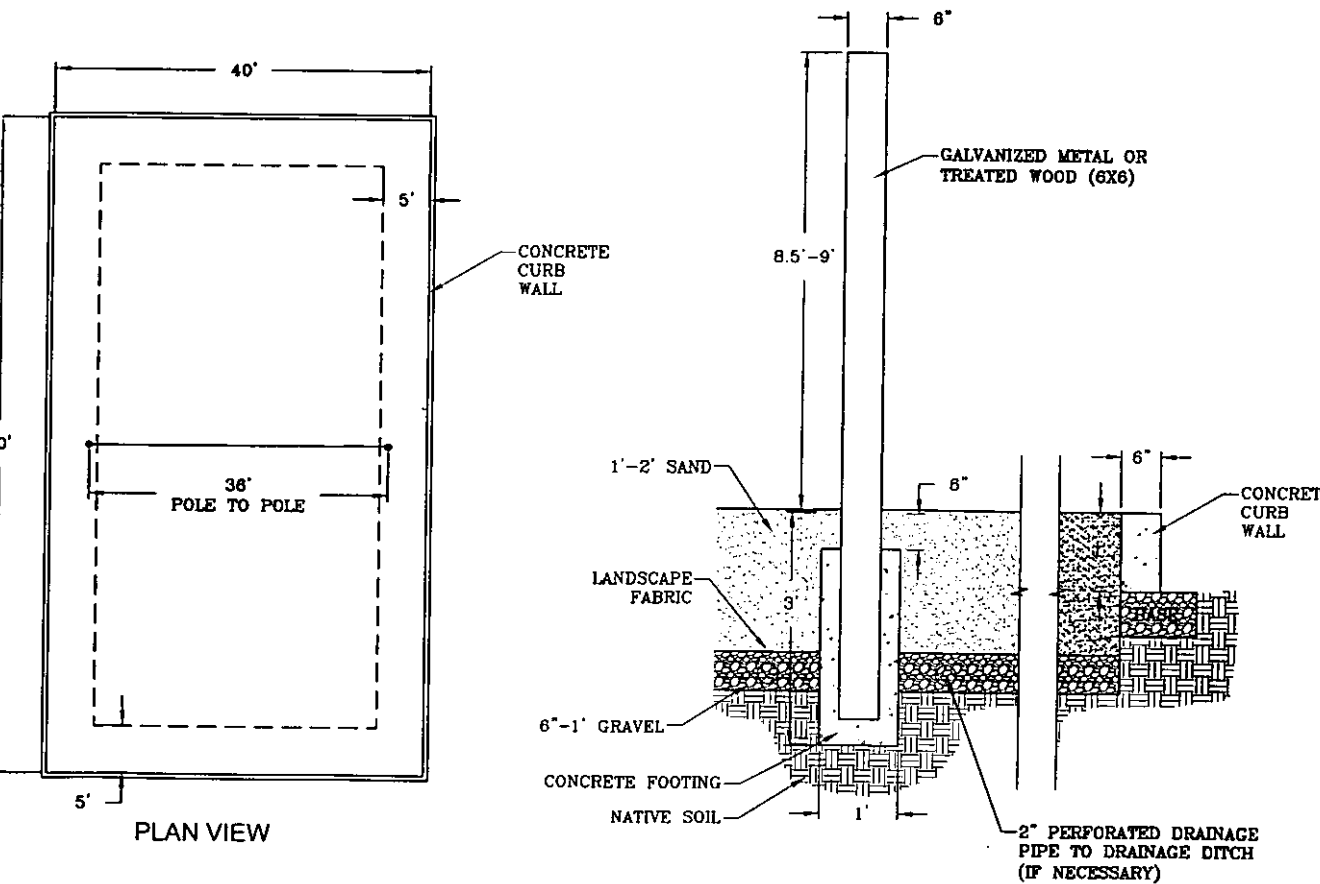


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**HARMONY RIDGE
MAPLETON, UTAH
EXHIBIT G
AMENITIES - SPORT COURTS**

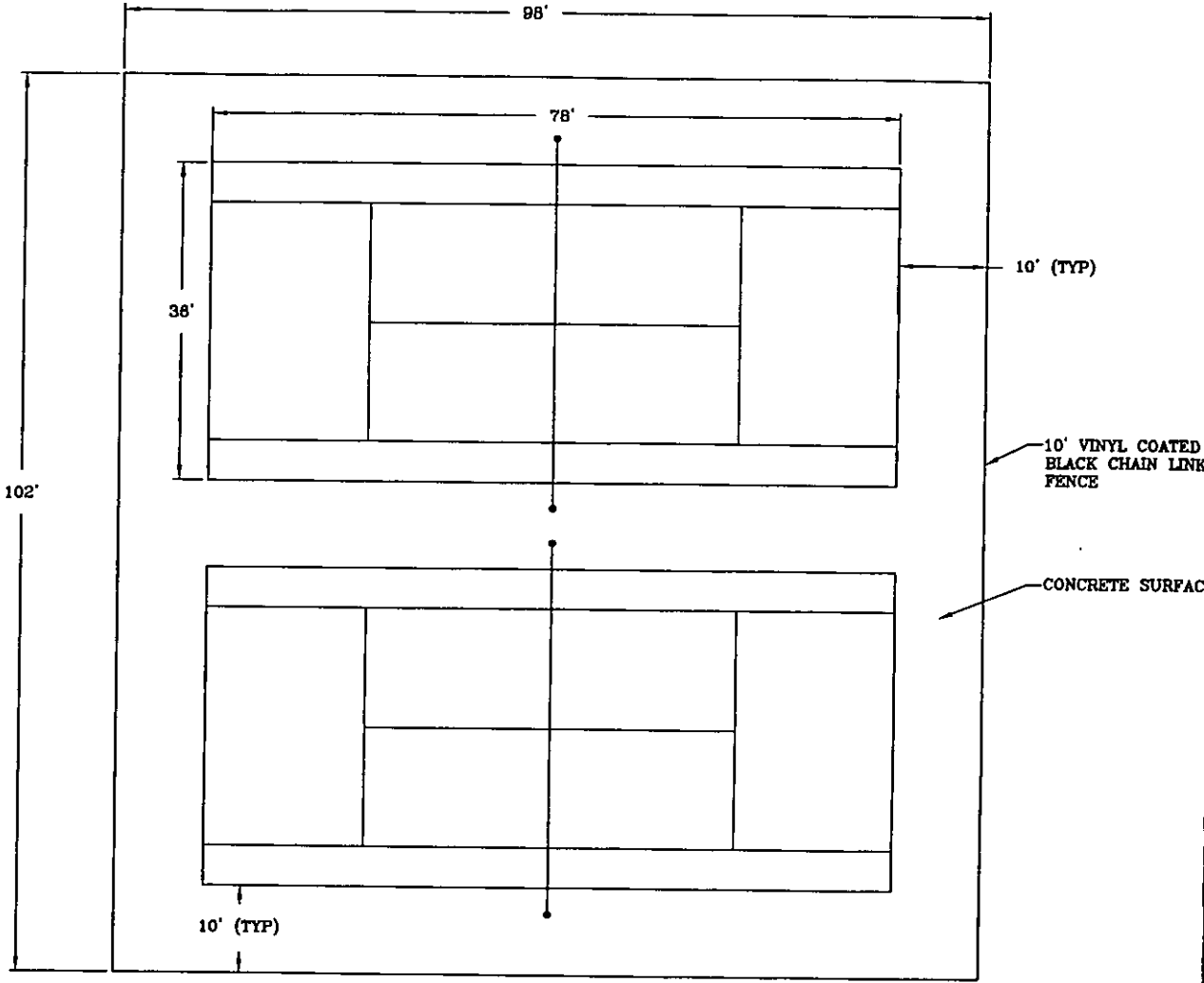


VOLLEYBALL COURT
(PARKS #1 & 6)

REVISIONS	
1.	
2.	
3.	
4.	
5.	

LEI PROJECT #: 2008-4005
 DRAWN BY: RWH
 DESIGNED BY: GDM
 SCALE: 1" = 10'
 DATE: 05/17/2011

SHEET
G-8

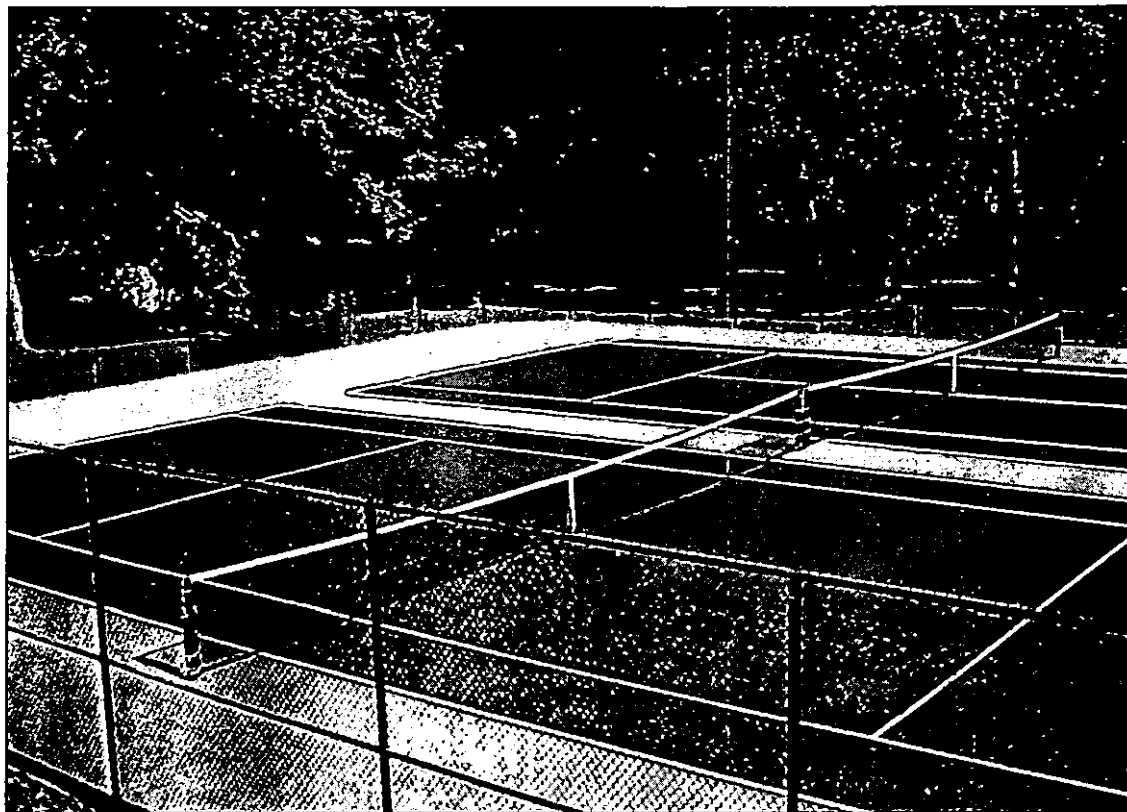


PLAN VIEW



ENGINEERS
SURVEYORS
PLANNERS

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office@lei-eng.com
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HARMONY RIDGE

MAPLETON, UTAH

EXHIBIT G
AMENITIES - SPORT COURTS

REVISIONS

LEI PROJECT #:
2008-4005

DRAWN BY:
RWH

DESIGNED BY:
GDM

SCALE:
1" = 10'

DATE:
05/17/2011

SHEET

G-9

COURT

6)

Utah Division of Water Rights



Select Related Information

(WARNING: Water Rights makes NO claims as to the accuracy of this data.) RUN DATE: 06/27/2011

NAME: The Ensign-Blackford Company
ADDR: 8305 South Highway 6
Spanish Fork, Utah 84660
INTEREST: 100%
REMARKS:

LAND OWNED BY APPLICANT? COUNTY TAX ID#
FILED: 02/27/1940 PRIORITY: 02/27/1940 PUB BEGAN:
PROCESSED: 02/27/1940 PUB BEGAN:
EXTENSION: ELEC/PROOF: [No] HEARING HLD:
RUSH LETTER: ELEC/PROOF: [Proof] ELEC/PROOF: 01/05/1951 CERT/MDC: 04/24/1952 LWP, ETC:
PD BOOK: { 51- } MAP: { } PUB DATE:
*TYPE -- DOCUMENT -- STATUS:
Type of Right: Application to Appropriate Source of Info: Certificate Status: Certificate

LOCATION OF WATER RIGHT** (Points of Diversion: Click on location to access PLAT Program.)
PLOW: 0.86 CTS
COMMON DESCRIPTION: Trojan Powder Plant
SOURCE: Underground Water Well
MAP VIEWER
GOOGLE VIEW

POINT OF DIVERSION -- UNDERGROUND: (Click Well ID# link for more well data.)
(1) S 1770 ft W 1710 ft FROM NE COR, SEC 34, T 8S, R 3E, S1/4
DIAMETER OF WELL: 10 Ins. DEPTH: 261 to ft. YEAR DRILLED: 1940 WELL LOG? Yes WELL ID#:
USERS OF WATER RIGHT: HLD -- Equivalent Livestock Unit (cow, horse, etc.)
SUPPLEMENTAL GROUP NO.: 227239. Water Rights Appurtenant to the following use(s):
51-1054(CERT), 1057(CERT)
Withdrawal of water under both applications is limited to 6,940 ac-ft per week

OTHER: Used for purposes necessary in the manufacture of 6000 tons of dynamite. PERIOD OF USE: 01/01 TO 12/31
Acres Feet Contributed by this Right for this Use: Unevaluated

Table with columns for Section (NW, NE, SW, SE, etc.), Acreage, and Section Totals. Includes a 'GROUP ACREAGE TOTAL' row at the bottom.

```

DIV: IRRIGATION STOCK DOMESTIC MUNICIPAL MINING POWER OTHER EVALUATED EXPORTED DUTY DUTY SEASON REPORTING
DEP:
APPLICATIONS FOR NUMBER OF WATER.....
EXT NUMBER: |REQUEST TO: 11/30/2011|LAST USED: 02/28/2006|PRIOR FROM: |PRIOR TO:
FILED: 11/16/2006|PUB BEGAN: 12/21/2006|PUB ENDED: 12/28/2006|NEWSPAPER: Spanish Fork Press |PROTEST END:01/17/2007
PROTESTED: (No) |HEARING HLD: |SE ACTION: [Approved] |ActionDate:03/06/2007|PROOF DUB: 03/31/2012|PROOF SUB:
.....
E N D O F D A T A
.....

```

Utah Division of Water Rights | 1594 West North Temple Suite 220, P.O. Box 149300, Salt Lake City, Utah 84114-9300 | 801-538-7240
 Natural Resources | General | Discharge | Diversion/Priority | Assessment/Priority | Enforcement/Evaluation Div

Utah Division of Water Rights



Select Related Information

(WARNING: Water Rights makes NO claims as to the accuracy of this data.) RUN DATE: 06/27/2011

WATER RIGHT: 51-1057 APPLICATION/CLAIM NO.: A13550 CERT. NO.: 4417

OWNERSHIP:

NAME: The Ensign-Bickford Company
ADDR: 8305 South Highway 6
Spanish Fork, Utah 84660

INTEREST: 100% REMARKS:

LAND OWNED BY APPLICANT? COUNTY TAX ID#:

FILED: 04/16/1940 PRIORITY: 04/16/1940 PUB BEGAN:

PROTECTED: (No) HEARING HLD: SE ACTION: (Approved) | NEWSPAPER:
EXTENSION: ELEC/PROOF: () ELEC/PROOF: | ACIONDATE:
RUSH LETTER: RENOVAITE: RECON REQ: | TYPE: () LARS LETTER:

PD BOOK: (51-) | MAP: () | PUB DATE:

TYPE -- DOCUMENT -- STATUS: Source of Info: Certificate Status: Certificate

Type of Right: Application to Appropriate

LOCATION OF WATER RIGHT: (Points of Diversion: Click on location to access PLAT Program.) MAP VIEWER GOOGLE VIEW

PLOW: 0.48 cfs COMMON DESCRIPTION: Trojan Powder Plant SOURCE: Underground Water Well

COUNTRY: Utah

POINT OF DIVERSION -- UNDERGROUND: (Click Well ID# link for more well data.)

(1) N. 800 ft E. 160 ft from SW COR. Sec. 26, T. 8S., R. 3E., S18M

DIAMETER OF WELL: 8 ins. DEPTH: 400 to ft. YEAR DRILLED: 1940 WELL LOG: Yes WELL ID#:

USERS OF WATER RIGHT: EDU -- Equivalent Livestock Unit (cow, horse, etc.) EDU -- Equivalent Domestic Unit or 1 Family

SUPPLEMENTAL GROUP NO.: 227239. Water Rights Appurtenant to the following use(s):

51-1054(CSRT), 1052(CERT)

Water under both applications is limited to 6.940 ac-ft per week.

OTHER: Used for purposes necessary in the manufacture of 6000 tons of dynamite. PERIOD OF USE: 01/01 TO 12/31

Acres Contributed by this Right for this Use: Unevaluated

##PLACE OF USE:	NORTH WEST QUARTER				NORTH EAST QUARTER				SOUTH WEST QUARTER				SOUTH EAST QUARTER			
	NW	NR	SW	SE	NW	NR	SW	SE	NW	NR	SW	SE	NW	NR	SW	SE
Sec. 26 T. 8S. R. 3E. S18M																
Sec. 27 T. 8S. R. 3E. S18M																
Sec. 28 T. 8S. R. 3E. S18M																
Sec. 29 T. 8S. R. 3E. S18M																
Sec. 30 T. 8S. R. 3E. S18M																
Sec. 31 T. 8S. R. 3E. S18M																
Sec. 32 T. 8S. R. 3E. S18M																
Sec. 33 T. 8S. R. 3E. S18M																
Sec. 34 T. 8S. R. 3E. S18M																
Sec. 35 T. 8S. R. 3E. S18M																
GROUP ACREAGE TOTAL:	0.0000															

MANUALLY ACRE-FEET DIVERSION DEPLETION GROWING WATER-USE

Section Totals
0.0000
0.0000
0.0000
0.0000
0.0000

DIV:	IRRIGATION	STOCK	DOMESTIC	MUNICIPAL	MILKING	POWER	OTHER	EVALUATED	EXPORTED	DUTY	DUTY	SEASON	REPORTING
DRP:								Yes					

OTHER COMMENTS

The NSI/ASW1/4 Sec 34 on the certl should be NSI/4SH1/4. The proof map and also the proof all show NSR. The place of use has been corrected on the database.

APPLICATIONS FOR NONUSE OF WATER

EXT NUMBER:	REQUEST TO:	LAST USED:	PRIOR FROM:	PRIOR TO:	PROTEST END:
FILED: 11/15/2006	PUB BEGAN: 12/21/2006	PUB ENDED: 12/28/2006	NEWSPAPER: Spanish Park Press		01/17/2007
PROTESTED: [No]	[HEARING HLD:]	[SE ACTION: [Approved]	[ActionDate: 03/01/2007]	PROOF DUB: 03/31/2012	PROOF SUB:

..... E N D O F D A T A

Utah Division of Water Rights | 1594 West North Temple Suite 220, P.O. Box 146300, Salt Lake City, Utah 84114-6300 | 801-538-7240
Natural Resources | Contact | Disclaimer | Privacy Policy | Accessibility Policy | Emergency Evacuation Plan

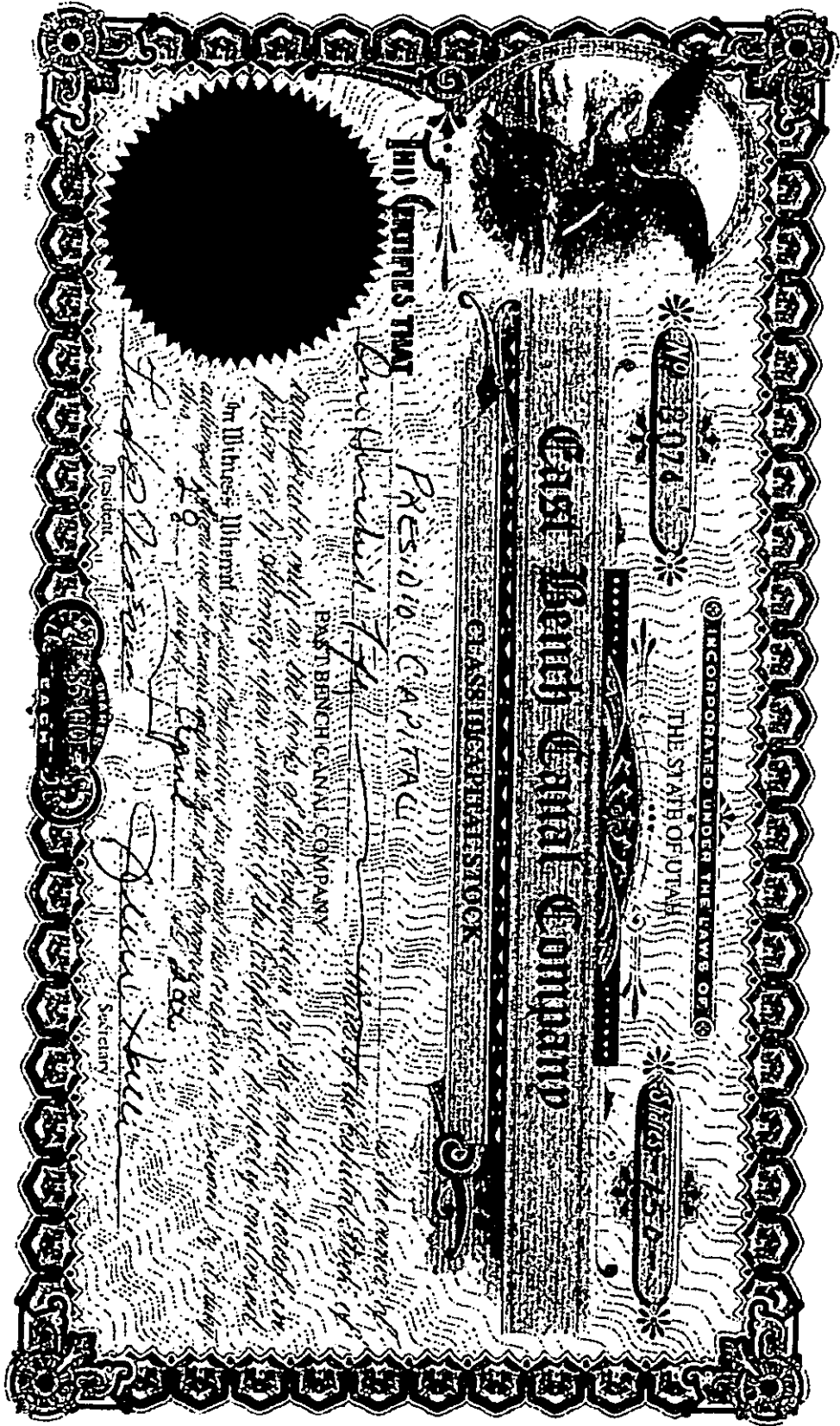
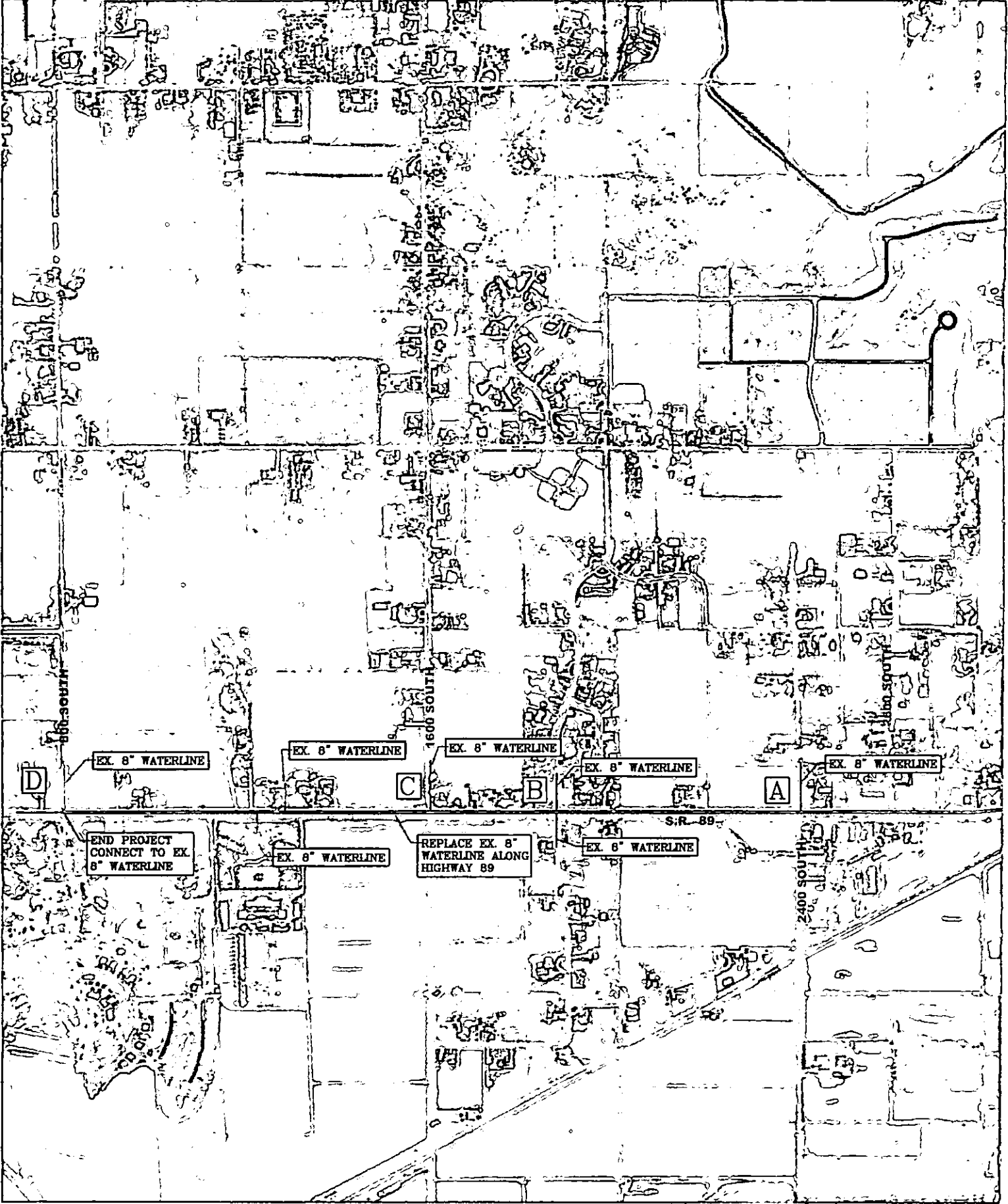


Exhibit I - East Bench Irrigation Company Stock Certificates



EX. 8" WATERLINE

EX. 8" WATERLINE

EX. 8" WATERLINE

EX. 8" WATERLINE

EX. 8" WATERLINE

END PROJECT
CONNECT TO EX.
8" WATERLINE

EX. 8" WATERLINE

REPLACE EX. 8"
WATERLINE ALONG
HIGHWAY 89

EX. 8" WATERLINE

1600 SOUTH

S.R. 89

2400 SOUTH

D

C

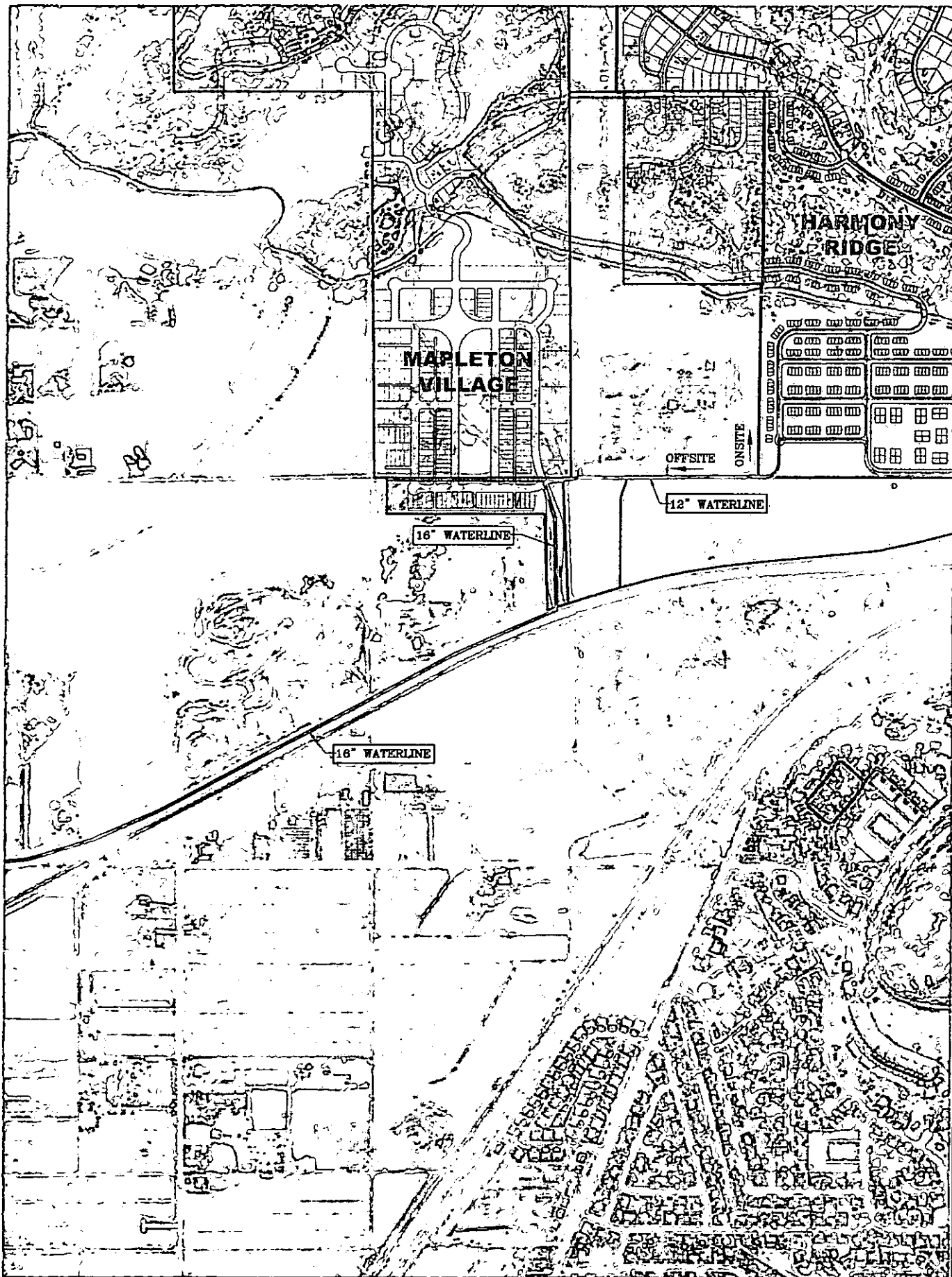
B

A



**ENGINEERS
SURVEYORS
PLANNERS**

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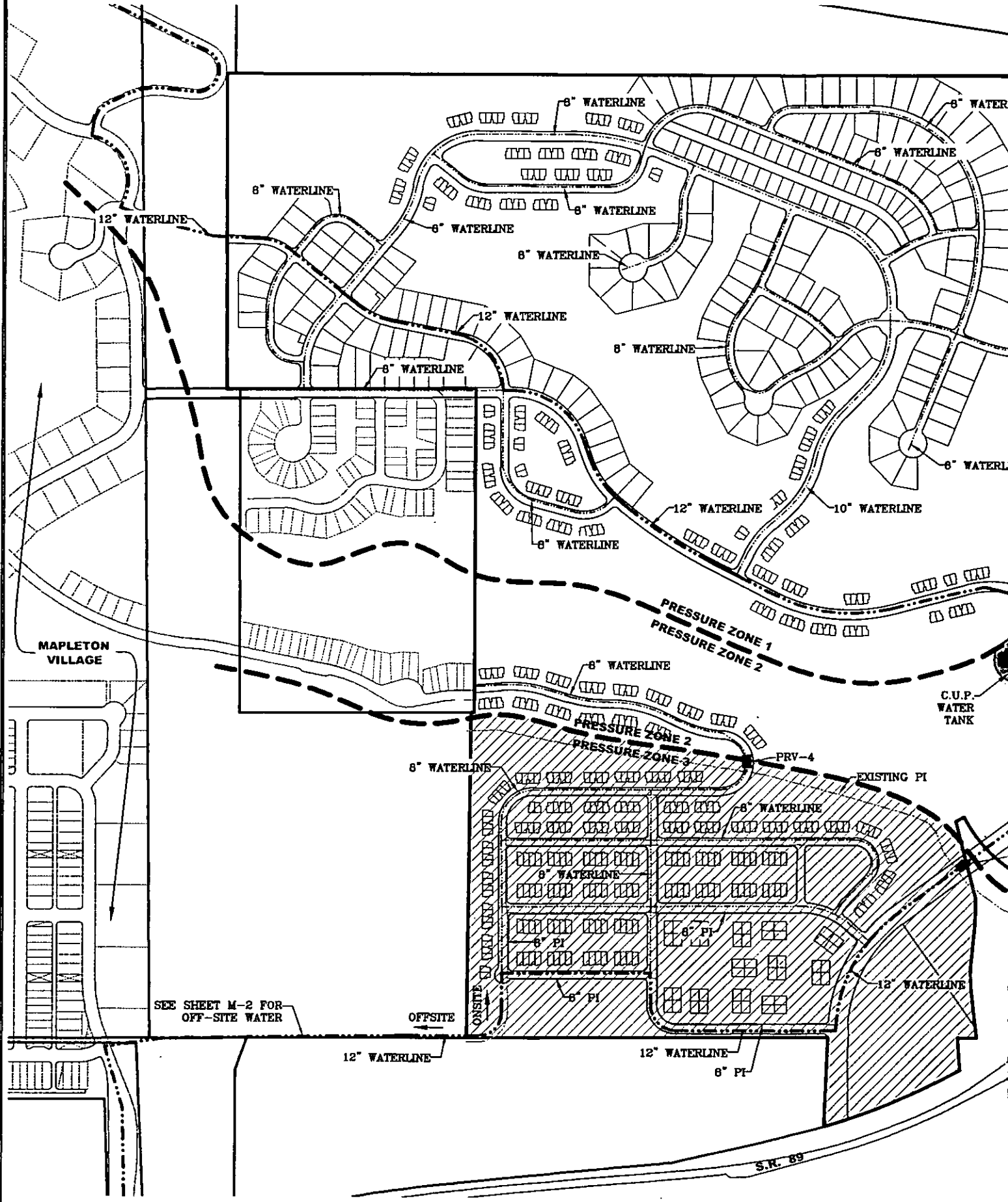


HARMONY RIDGE
MAPLETON, UTAH
EXHIBIT J
MASTER UTILITY PLAN - OFFSITE CULINARY WATER MAINLINE

NO.	REVISIONS

LEI PROJECT #: 2008-4005
 DRAWN BY: RWH
 DESIGNED BY: GDM
 SCALE: 1" = 900'
 DATE: 05/17/2011

SHEET
J-1



MAPLETON VILLAGE

C.U.P. WATER TANK

PRESSURE ZONE 1
PRESSURE ZONE 2

PRESSURE ZONE 2
PRESSURE ZONE 3

SEE SHEET M-2 FOR OFF-SITE WATER

OFFSITE

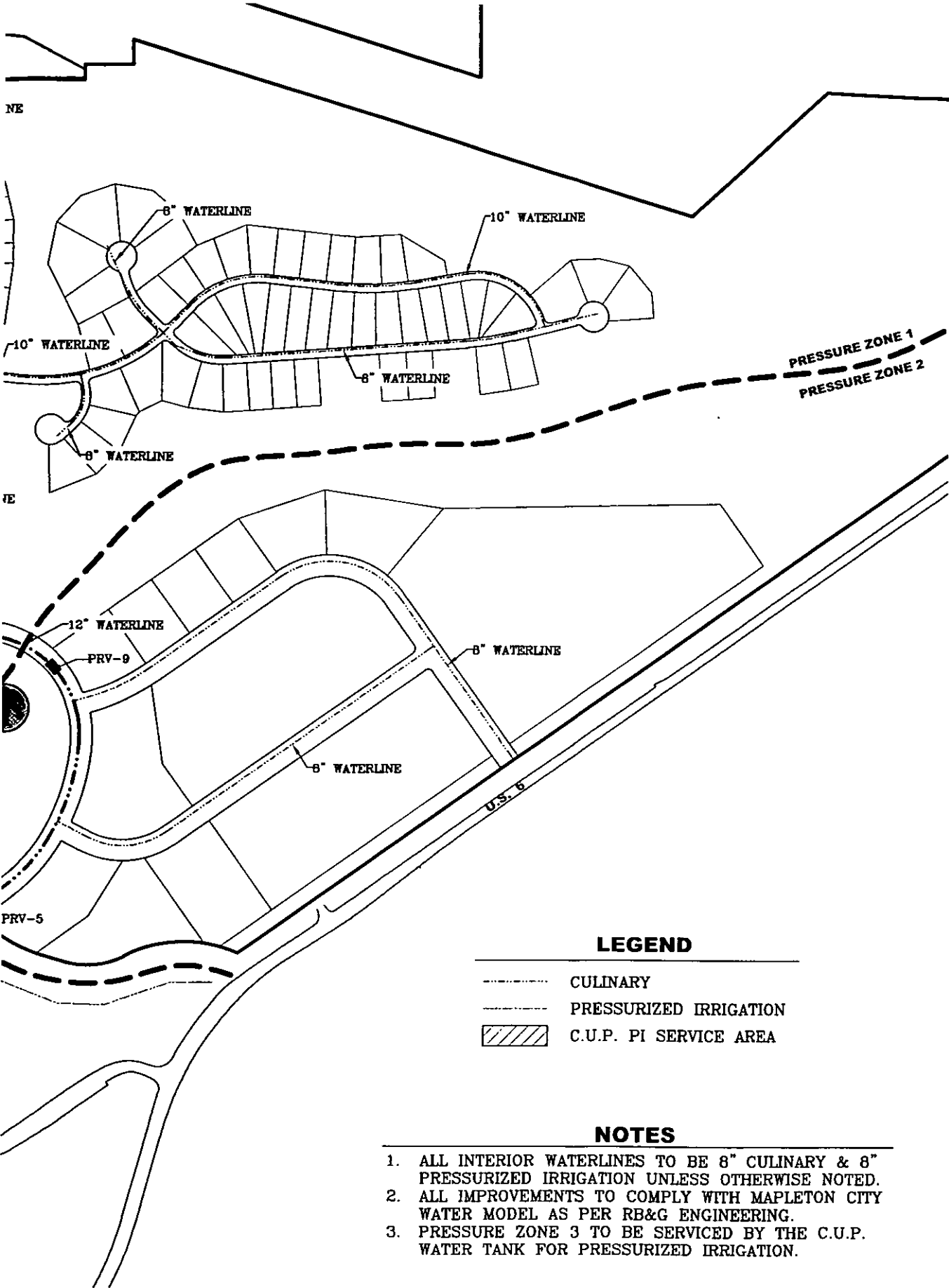
ONSITE

S.R. 89



**ENGINEERS
SURVEYORS
PLANNERS**




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Spanish Fork, UT 84660
Phone: 801.798.0555
Fax: 801.798.8393
office@lei-eng.com
www.lei-eng.com



**HARMONY RIDGE
MAPLETON, UTAH**

**EXHIBIT J - MASTER UTILITY PLAN - ONSITE
CULINARY AND PRESSURIZED IRRIGATION WATER**

LEGEND

-  CULINARY
-  PRESSURIZED IRRIGATION
-  C.U.P. PI SERVICE AREA

NOTES

1. ALL INTERIOR WATERLINES TO BE 8" CULINARY & 8" PRESSURIZED IRRIGATION UNLESS OTHERWISE NOTED.
2. ALL IMPROVEMENTS TO COMPLY WITH MAPLETON CITY WATER MODEL AS PER RB&G ENGINEERING.
3. PRESSURE ZONE 3 TO BE SERVICED BY THE C.U.P. WATER TANK FOR PRESSURIZED IRRIGATION.

REVISIONS

NO.	DATE	DESCRIPTION

LEI PROJECT #:
2008-4005

DRAWN BY:
RWH

DESIGNED BY:
GDM

SCALE:
1" = 50'

DATE:
07/11/2011

SHEET

J-2

Upper-ERU Calculations Harmony Ridge		Culinary								
	# of Units or Floor Area (sf) ¹	Capita per Unit or Floor Area (sf) ²	Capita ³	Average Flow per Capita (gpd) ⁴	Average Daily Flow (gpm) ⁵	Peak Daily Flow (gpm) ⁶	Equivalent Residential Unit ⁷	Source Req. per ERU (gpd) ⁸	Source Req.	
Residential Detached	268	3.8	1,018	100	71	141	268	800	214,400	
Residential Multi-Family	227	3.8	863	100	60	120	227	800	181,600	
Parks	570,636	NA	0	0	0	0	0	800	0	
Civic Uses	67,562	1 person/200 sf	338	5	1	2	4	800	3,512	
Hotel Site	38,812	1 unit/300 sf	129	75	7	13	26	800	20,400	
Flex Space	152,373	1 person/300 sf	508	25	9	18	33	800	26,700	
Commercial / Light Industrial	534,742	1 person/500 sf	1,069	35	26	52	99	800	78,800	
Commercial Retail	56,062	1 person/200 sf	280	15	3	6	11	800	8,800	

Mapleton Village		Culinary								
Residential Multi-Family	131	3.8	498	100	35	69	131	800	104,400	
Residential Detached (Garden Estate)	82	3.8	312	100	22	43	82	800	65,600	
Residential Detached (Estate)	70	3.8	266	100	18	37	70	800	56,000	
Residential Detached (Bench)	21	3.8	80	100	6	11	21	800	16,800	
Parks	24,232	NA	0	0	0	0	0	800	0	

Lower-ERU Calculations Harmony Ridge		Culinary								
Residential Multi-Family	355	3.8	1,349	100	94	187	355	800	284,000	
Parks	718,740	NA	0	0	0	0	0	800	0	
Civic Uses	46,000	1 person/200 sf	230	5	1	2	3	800	2,400	
Commercial Retail	119,311	1 person/200 sf	597	15	6	12	24	800	18,800	

Mapleton Village		Culinary								
Residential Detached	110	3.8	418	100	29	58	110	800	88,000	
Residential Multi-Family	145	3.8	551	100	38	77	145	800	116,000	
Parks	421,431	NA	0	0	0	0	0	800	0	

Sizing Requirement Summary

	Delivery		Source		Storage	
	Culinary	Irrigation	Culinary	Irrigation	Culinary	Irrigation
	Peak Daily Flow (gpm)	Peak Daily Flow (gpm)	Source Req. (gpm)	Source Req. (gpm)	Storage (gal)	Storage (gal)
Upper-ERU Calculations	513	269	520	225	888,786	193,586
Harmony Ridge	353	193	371	193	267,186	138,997
Mapleton Village	160	76	169	76	121,600	54,589
Lower-ERU Calculations	836	225	950	225	254,630	162,037
Harmony Ridge	201	132	212	132	152,630	95,264
Mapleton Village	135	93	142	93	102,000	66,773

Land Use
Residential Detached
Residential Multi-Family
Parks
Civic Uses
Hotel Site
Flex Space
Commercial / Light Industrial
Commercial Retail

Notes:

- Total Source
 Crowd Canyon Well / Future Well = 1,163 gpm
 CUP Irrigation = 225 gpm
- Total Storage
 Crowd Canyon Tank = 837,002 gal
 CUP Irrigation = 162,037 gal
²¹Total Crowd Canyon Tank Storage w/Fire = 927,002 gal

Notes:

- Upper = East of Mapleton
 - Lower = West of Mapleton
 - ¹ References either the north or south side of the street
 - ² Capita per unit is based on the number of units
 - ³ Determined by multiplying the number of units by the number of people per unit
 - ⁴ Average flow per capita is based on the number of people per unit
 - ⁵ Determined by multiplying the average flow per capita by the number of people per unit
 - ⁶ A peaking factor of 2 was used
 - ⁷ 1 ERU is equivalent to 34,000 gallons
 - ⁸ State code requires a source requirement of 800 gpd per ERU
 - ⁹ Determined by multiplying the source requirement by the number of ERUs
 - ¹⁰ The Source Requirement is based on the number of units
 - ¹¹ State code requires a storage requirement of 100 gallons per ERU
 - ¹² Determined by multiplying the source requirement by the number of ERUs
 - ¹³ References either the north or south side of the street
 - ¹⁴ Percentage of irrigated area
 - ¹⁵ Total Irrigated Acreage
 - ¹⁶ The Harmony Ridge Project
 - ¹⁷ Determined by multiplying the source requirement by the number of ERUs
 - ¹⁸ The Source Requirement is based on the number of units
 - ¹⁹ State code requires a storage requirement of 100 gallons per ERU
 - ²⁰ Determined by multiplying the source requirement by the number of ERUs
- Fire Flow Requirements**
 Residential Areas: 2,000 gpm
 Commercial / Industrial Areas: 3,000 gpm
²¹A total of 25 percent reduction

Forecasting Table

Mapleton Village
 Engineers and Surveyors
 (Mapleton Village, a subsidiary of
 RU, Ensign-Bickford Company)

Pressurized Irrigation											
Flow (gpd) ¹	Source Req. (gpm) ¹⁰	Storage Req. per ERU (gpd) ¹¹	Storage (gal) ¹²	Avg. Lot Size (sf) or Gross Area (sf) ¹³	Percent Irrigated (%) ¹⁴	Irrigated Area (acres) ¹⁵	Peak Day Flow per Acre (gpm) ¹⁶	Peak Daily Flow (gpm) ¹⁷	Source Req. (gpm) ¹⁸	Storage Req. (gal/lrr. acre) ¹⁹	Storage (gal) ²⁰
00	149	400	107,200	8,000	40%	19.69	3.96	78	78	2,848	56,071
00	126	400	90,800	5,000	40%	10.42	3.96	41	41	2,848	29,683
0	0	400	0	570,636	90%	11.79	3.96	47	47	2,848	33,578
6	2	400	1,778	204,732	20%	0.94	3.96	4	4	2,848	2,677
17	14	400	10,214	117,612	15%	0.41	3.96	2	2	2,848	1,153
12	19	400	13,366	461,736	10%	1.06	3.96	4	4	2,848	3,019
24	55	400	39,402	1,620,432	10%	3.72	3.96	15	15	2,848	10,595
2	6	400	4,426	169,884	20%	0.78	3.96	3	3	2,848	2,221
00	73	400	52,400	5,000	40%	6.01	3.96	24	24	2,848	17,130
40	46	400	32,800	5,850	40%	4.40	3.96	17	17	2,848	12,545
10	39	400	28,000	19,000	20%	6.11	3.96	24	24	2,848	17,391
29	12	400	8,400	22,200	20%	2.14	3.96	8	8	2,848	6,096
0	0	400	0	24,232	90%	0.50	3.96	2	2	2,848	1,426
Pressurized Irrigation											
Flow (gpd)	Source Req. (gpm)	Storage Req. per ERU (gpd)	Storage (gal)	Avg. Lot Size (sf) or Gross Area (sf)	Percent Irrigated (%)	Irrigated Area (acres)	Peak Day Flow per Acre (gpm)	Peak Daily Flow (gpm)	Source Req. (gpm)	Storage Req. (gal/lrr. acre)	Storage (gal)
00	197	400	142,000	5,000	40%	16.30	3.96	65	65	2,848	46,421
0	0	400	0	718,740	90%	14.85	3.96	59	59	2,848	42,293
1	2	400	1,211	139,392	20%	0.64	3.96	3	3	2,848	1,823
19	13	400	9,419	361,548	20%	1.66	3.96	7	7	2,848	4,728
00	61	400	44,000	8,000	40%	8.08	3.96	32	32	2,848	23,014
00	81	400	58,000	5,000	40%	6.66	3.96	26	26	2,848	18,961
0	0	400	0	421,431	90%	8.71	3.96	34	34	2,848	24,798

Area (sf)	ERU	ERU (%)
572,920	551	24%
4,290,000	858	53%
1,735,039	0	0%
344,124	7	0%
197,632	26	2%
461,736	33	2%
1,620,432	99	6%
531,432	35	2%
14,400,275	1,609	100%

Canal, Single system for culinary and irrigation.
 Canal, Dual system for culinary and irrigation.
 Number of Units or Gross Floor Area.
 Local or state codes where applicable.
 The Capita per Unit by the number of Units or Gross Floor Area.
 based on local or state codes where applicable.
 The Capita by the Average Flow and converted to gpm's.
 to peak the Average Daily Flow.
 gpd as per Mapleton City Code. The Average Daily Flow was converted to ERU's.
 Storage requirement of 800 gpd per ERU.
 The ERU's by the Source Requirement.
 converted from gpd to gpm.
 Storage requirement of 400 gpd per ERU.
 The ERU's by the Storage Requirement.
 Average Lot Size or Gross Area.
 Area based on the Average Lot Size or Gross Area.
 After multiplying the Average Lot Size or Gross Area by the Percent Irrigated. Each individual residential unit was accounted for within the calculations.
 The Peak Daily Flow by the Irrigated Area.
 The Peak Daily Flow.
 Storage Requirement for irrigation use of 2,848 gal per irrigated acre based on Region 4 for Outdoor Irrigation Use.
 The Irrigated Area by the Storage Requirement.
 Demand for 2 hour duration = 240,000 gal.
 Demand: 1,500 gpm for 3 hour duration = 270,000 gal.
 Required storage for residential (60,000 gal) and 100 percent for the residential / commercial differential (30,000 gal) totals to a combined 90,000 gal.

Exhibit K – Sewer Interlocal Agreement**AMENDED AND RESTATED INTER-LOCAL AGREEMENT FOR
CONSTRUCTION, USE, AND MAINTENANCE OF
JOINT WASTEWATER FACILITY**

This Agreement is made and entered into this 17th day of May, 2011, by and between Spanish Fork City, and Mapleton City. The parties to this Agreement are sometimes referred to collectively herein as the "Cities" and separately as a "City".

WITNESSETH

WHEREAS, the Cities hereto entered into an inter-local agreement for the use and maintenance of a joint wastewater facility on the 19th day of February, 2004, which agreement was supplemented by that Addendum Contract dated the 17th day of May, 2005; and

WHEREAS, pursuant to the terms of the agreements referred to, the Cities jointly own a system for the collection and disposal of wastewater sewage (the "System"); and

WHEREAS, pursuant to the terms of the agreements referred to, Spanish Fork owns the real property the plant is located on and owns 77% of the plant capacity, while Mapleton owns 23% of the plant capacity; and

WHEREAS, the Cities each have an established number of residential connections which can use the plant without causing the plant to exceed its capacity; and

WHEREAS, the Cities have negotiated the transfer of properties from Spanish Fork to Mapleton by way of a boundary line adjustment; and

WHEREAS, based upon the boundary line adjustment, the capacities for each city and the compensation to be paid therefore needs to be adjusted and agreed upon; and

WHEREAS, a cooperative effort from each City to provide for the sewage collection and treatment needs of the citizens is a basic underlying goal of the Cities to this Agreement;

NOW THEREFORE, in consideration of the mutual covenants and agreements contained herein and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

ARTICLE I DEFINITIONS

For the purposes of this Agreement the following terms shall have the respective meanings set forth below except where the context indicates otherwise:

1. ACT means the Inter-Local Cooperation Act, Utah Code Annotated §1-13-1 et. seq. (1953 as amended).

2. **AGREEMENT** means this document.
3. **ANNUAL BUDGET** means the annual budget for the use, operation and maintenance for the Facility for each fiscal year. The Annual Budget shall specify the projected operation and maintenance expenses for the Facility for the relevant fiscal year and any costs for repairs or improvements to the Facility to be accomplished during the fiscal year.
4. **BILLING PERIOD** means a monthly period commencing on the first day of each month during the term of this Agreement, to and including the last day of that month.
5. **CAPITAL COSTS** means future costs and expenses incurred in any expansion of the Facility including but not limited to all costs of construction, construction period interest costs, costs of architects and engineers, and other similar costs and expenses incurred by way of expansion to the Facility.
6. **SPANISH FORK** means Spanish Fork City, a municipal corporation and body politic located in Utah County, Utah.
7. **CODE** means the official compilation published and known as the Utah Code Annotated (1953 as amended).
8. **COLLECTION SYSTEM** means the wastewater collector and interceptor pipeline system of each City which is owned and operated, or will be owned and operated exclusively by that City, separate and apart from the Facility, including service laterals, manholes, pump stations, flow-measuring devices and related appurtenances, excluding the joint trunk line
9. **CITY or CITIES** means Spanish Fork City or Mapleton City respectively, or both of them in the plural.
10. **MAPLETON** means Mapleton City, a municipal corporation and body politic located in Utah County, State of Utah.
11. **FACILITY** means collectively the existing wastewater treatment plant owned and operated by the Cities, including all screens, chambers, pumps, clarifiers, filters, digesters, basins, interconnecting pipes, outfall line, transfer structures, and other equipment and facilities.
12. **FISCAL YEAR** means a period of twelve (12) consecutive months commencing on July 1st and ending on June 30th of the following year.
13. **GOVERNING BODY** means the duly elected mayor and city council.
14. **JOINT TRUNK LINE** means that collection line running from the west side of the DRGW Railroad right of way to the connection with the existing Facility owned by Spanish Fork. Mapleton owns 76% of the joint trunk line and Spanish Fork owns 24% of the joint trunk line.
15. **OPERATION AND MAINTENANCE EXPENSES** means with, respect to the Facility and joint trunk line, all expenses reasonably incurred in connection with the operation and maintenance of the Facility and joint trunk line including:
 - a. Repairs and replacements of all existing equipment, buildings, and facilities necessary to keep the Facility in efficient operating condition;
 - b. Costs incurred in preparing operating reports and other reports as may be required herein;
 - c. Premiums on insurance for the Facility required herein;
 - d. Actual costs incurred by Spanish Fork in carrying out the duties and

responsibilities specified in this Agreement, including all wages, overtime, third-party contract expenses for equipment and other special services, employee benefits, general office overhead, administrative expenses and vehicle mileage, provided however that Spanish Fork costs to be included in Operation and Maintenance Expenses shall only be those fairly attributable to the operation of the Facility, and not include costs attributable to any Collection System.

e. Generally all expenses, exclusive of depreciation, which under generally accepted accounting principles are properly allocated to operation and maintenance of the Facility, but only such expenses as are reasonable and necessary to the efficient operation and maintenance of the Facility shall be included.

16. ORDINANCE means a legislative enactment by a Governing Body of the City.

17. PLANT CAPACITY means the lesser of:

a. the total hydrologic volume of the Spanish Fork Treatment Plant, which the Facility is capable of processing, currently 5.0 million gallons per day, average daily flow; or

b. the total biological volume which the Facility is capable of processing, based on the regulations on contaminate discharges, as set forth in the Facility UPDES permit issued by the State of Utah.

18. JOINT TRUNK LINE CAPACITY means the total volume of sewage capable of being transported to the treatment facility through the joint trunk line.

19. PRIOR AGREEMENT means the Inter-local Agreement for Construction, Use, and Maintenance of Joint Wastewater Facility entered into between the Cities, dated February 19th, 2004, as supplemented by that Addendum Contract entered into between the Cities, dated May 2005.

ARTICLE II TERMINATION OF PRIOR AGREEMENT

2.1 Termination. In order to accomplish the purposes of the Cities, given the change in boundaries of the Cities, it is in the Cities' interests to terminate the Prior Agreement and replace it with this Agreement. The Prior Agreement shall be terminated upon the approval and execution of this Agreement by each City's Governing Body.

ARTICLE III JOINT TRUNK LINE

3.1 Joint Trunk Line. This Agreement affects the ownership interests of the Cities in the joint trunk line to reflect the percentages set forth in paragraph 14 the definitions. Any O&M expenses incurred on the joint trunk line shall be paid for by the Cities in the same ratio as their ownership interest in the joint trunk line.

ARTICLE IV PURPOSE AND TERM OF AGREEMENT

4.1 Purpose. The purpose of this Agreement is to provide for: (i) the use, operation and maintenance of the Facility for the mutual benefit of the Cities; (ii) to provide for an Advisory Group to give recommendations regarding the operation and maintenance of the Facility, and to make recommendations regarding the expansion and replacement of the Facility; and (iii) the establishment of a system for sharing the costs and expenses related to the use, operation and maintenance of the Facility.

4.2 Term of Contract. This Contract shall be in full force and continue in effect for 50

years, unless terminated earlier by mutual agreement of the parties.

ARTICLE V OWNERSHIP OF FACILITIES AND PURCHASE OF CAPACITY

5.1 Ownership of Various Facilities. Subject to the provisions of paragraph 6.1(a), Spanish Fork will retain all ownership interests in its Collection System and land, which constitute the wastewater treatment plant. Mapleton will retain all ownership interest in its Collection System. Nothing herein shall be construed to grant to any City any ownership interest in property or assets of the other City.

5.2 Right to Use. Mapleton shall have the right and power during the term of this Agreement to connect its Collection System to the joint trunk line and thereby cause the sewage and wastewater from its residents and customers to be transmitted to the Facility for treatment, pursuant to the terms of this agreement. Spanish Fork shall lease to Mapleton a 26.4% interest in the real estate where the Facility is located. The lease shall be effective during the term of the Agreement. Nothing herein shall be construed to grant to Mapleton an ownership interest in the land where the Facility is located. Consideration for the lease shall be the timely payment of the funds set forth in this Agreement, which the Cities acknowledge works to the benefit of each City by allowing an expansion of the Facility.

5.3 Purchase by Mapleton. Mapleton is purchasing from Spanish Fork an additional three and four tenths percent (3.4%) of the Facility (excluding land, but including capacity), for the purchase price of \$2,850,000.00, which will increase, incrementally, Mapleton's overall capacity in the Facility to twenty six and four tenths percent (26.4%) as payments are made. This adjustment in ownership ratios will allow Spanish Fork to have a total of 11,417 residential hookups and will allow Mapleton to have a total of 4,006 residential hookups, representing an increase of 850 residential hookups. It is anticipated that each city will have a number of commercial and/or industrial hookups in addition to the residential hookups allocated herein, based upon the existing proportion of commercial/industrial hookups to residential hookups. In the event that an unusually heavy user of sewer services desires to come into either city, the advisory committee shall review the user and determine if capacity exists and if so, how allowing that user to connect to the sewer may limit future industrial/commercial users.

5.4 Due date. Fifty thousand dollars (\$50,000.00) of the purchase price shall be due upon the completion of the boundary adjustment between the Cities. Thereafter, three thousand three hundred fifty-two dollars and ninety-four cents (\$3,352.94) shall be due for each connection to the sewer system within the area being adjusted. Mapleton shall pay said sum prior to recording any plat, or prior to issuing any building permit if a plat is not required. Any balance owing as of April 1, 2026 shall be paid in full on or before April 30, 2026.

ARTICLE VI EXCEEDING OR ADJUSTMENTS TO CAPACITIES

6.1 Adjustments to capacities. a. If Mapleton's wastewater needs require capacity beyond twenty six and four tenths percent (26.4%) at the Facility, the cost of expansion shall be paid solely by Mapleton and the additional capacity created will be owned by Mapleton. The ownership interests will be adjusted to reflect the new capacity. Spanish Fork City, at its option, may participate with Mapleton in any expansion of capacity to

the Facility at which time each City shall pay for the capital costs of such expansion on the same ratio of each city's capacity within the expanded portion of the plant. Mapleton shall have no financial obligation for expansion of the treatment facility, if such expansion is done based solely on Spanish Fork's need. In such event, the additional capacity created will be owned by Spanish Fork. The ownership interests will be adjusted to reflect the new capacity.

b. In the event expansion to the Facility is required by government regulation, each city shall pay for the capital costs of such expansion on the same ratio of each city's capacity to the total plant capacity. Any regulatory fines and/or penalties incurred shall be paid by the City causing the same. In the event the cause cannot be determined, the fines and/or penalties shall be paid based upon the same ratio of each city's capacity to the total plant capacity.

c. Any expansion to the facility shall be based on the Spanish Fork City 201 Facility Plan, dated November 1980, as updated from time to time, drawing number X- 1.

6.2 Exceeding capacities. a. In the event Mapleton anticipates it will exceed its 26.4% capacity (as determined by the number of hookups approved, as set forth in paragraph 5.3), and Spanish Fork has available capacity, the parties may negotiate Mapleton's use of such excess capacity. If the capacity is exceeded without negotiating the use and price, Mapleton will be given thirty (30) days to reduce its flows so as not to exceed its capacity. If it fails to do so, liquidated damages in the amount of \$5,000.00 per month shall be awarded. In addition to liquidated damages, an injunction prohibiting the issuance of additional building permits and additional connections to the sewer system shall be granted.

b. In the event Mapleton exceeds its 26.4% capacity (as determined by the number of hookups approved, as set forth in paragraph 4.3), and Spanish Fork has no available capacity, Mapleton will be given thirty (30) days to reduce its flows so as not to exceed its capacity. If it fails to do so, a monetary penalty in the form of liquidated damages in the amount of \$5,000.00 per month shall be assessed. Each party acknowledges that exceeding Plant Capacity has far reaching and serious consequences, for which no monetary damages can readily be determined, nor which can be adequately compensated. In the event any regulatory fines and/or penalties are due as a result of Mapleton exceeding its capacities, it shall be responsible for all costs of remediation, including fines or penalties imposed, costs of labor and materials to correct the problem, and any attorneys fees incurred in defending any regulatory action.

c. Mapleton shall enjoy reciprocal rights against Spanish Fork, including liquidated damages and an injunction, as set forth in paragraphs 6.2(a) and (b), in the event Spanish Fork exceeds its 73.6% capacity (as determined by the number of hookups approved, as set forth in paragraph 5.3), or causes regulatory fines and/or penalties through no fault of Mapleton.

ARTICLE VII OPERATION AND MAINTENANCE OF THE FACILITY

7.1 Advisory Group. An advisory group shall be created for the purpose of monitoring the number of hookups allowed, as set forth in paragraph 5.3, discussing problems, policies, revenues, expenditures, and any other matters affecting the operation of the Facility.

- a. Number of Representatives. The Advisory Group shall consist of five members, three of which shall be representatives from Spanish Fork and two from Mapleton.
- b. Selecting of Advisory Group Member. Each City's members shall be selected and approved by its Governing Body.
- c. Removal or Disability. Each City may remove any of its members with or without cause. Upon such removal or in the event of resignation, a successor shall be appointed for the remainder of that term, by the City who had appointed the member who is no longer serving.

7.2 Duties of Advisory Group. The conclusions, recommendations, or information emanating from a meeting of the Advisory Group shall be presented to Spanish Fork for its consideration and use in operation, maintenance and/or improvement of the Facilities. It is understood, however, that the function of the group is to further the cooperation between the parties and to render advisory assistance, but in no way to limit the rights of ownership to the facilities set forth herein, nor to make binding recommendations, but only advisory.

7.3 Duties and Responsibilities of Spanish Fork City. Spanish Fork shall be the operator of the Facility.

- a. Management. Spanish Fork shall have sole and exclusive responsibility for the day-to-day management of the Facility.
- b. Operation and Maintenance. Spanish Fork shall be responsible for the operation and maintenance of the Facility and shall employ competent and experienced personnel or train such personnel for the Facility and shall use best efforts to operate and maintain the Facility at all times in good repair and condition, and in such a -manner that the operating efficiency thereof shall conform to the standards set by Federal, State and Local law.
- c. Compliance with Laws. In operating and maintaining the Facility, Spanish Fork shall comply in every respect with each applicable Federal, State or Local law regulating the safe, sanitary, and healthful operation of the Facility, and Spanish Fork shall make every reasonable effort to prevent a shutdown or bypass of the Facility, or an imposition of penalty by any governmental authority because of a failure to meet or otherwise comply with applicable laws and regulations. If such reasonable effort has been made, but notwithstanding, there is a penalty or requirement imposed by any authorized government authority, the penalty or cost of compliance shall be considered as part of the operation and maintenance expense of the Facility.
- d. Insurance. In operating and maintaining the Facility, Spanish Fork shall obtain and maintain insurance, including but not limited to worker's compensation insurance and public liability insurance in such amounts and to such extent it is customarily carried by other operating utilities of the same type. The cost of such insurance shall be considered an operations and maintenance expense of the Facility. In the event of any loss or damage to any part of the Facility, insurance proceeds shall be used for the purpose of restoring or replacing the property lost or damaged.
- e. Expenditures. Spanish Fork shall use its best efforts to keep the Operation and Maintenance Expenses related to the Facility within the amounts established in the Annual Budget and shall make no expenditures or incur any obligation in excess of

amounts established in the Annual Budget without revision of the budget.

f. Collections. Spanish Fork shall collect from Mapleton, on a monthly basis, Mapleton's proportionate share of Operation and Maintenance Expenses relating to the Facility in accordance with this Agreement, and shall apply those payments against the budget.

g. Maintain Records. Spanish Fork shall maintain accurate detailed records relating to the Facility, including but not limited to flow-measuring records, materials, and supplies, and payroll records for personnel employed by Spanish Fork City. Spanish Fork City shall make those records available for inspection at reasonable times to the Advisory Group and the Governing Body of Mapleton.

h. Budget Preparation. Spanish Fork shall prepare and provide a proposed budget for the next fiscal year by April 1st of each year. Spanish Fork will make available, upon request, a copy of the monthly financial report for the Facility. The expenses incurred in compiling each report shall be regarded as an Operation and Maintenance expense of the Facility.

7.4 Duties and Responsibilities of Mapleton City.

a. Sampling. Mapleton shall be responsible for sampling all water entering the joint trunk line. Samples shall take place weekly. Mapleton shall provide to Spanish Fork City a copy of the test results of each sample.

ARTICLE VIII CHARGES FOR OPERATION AND MAINTENANCE EXPENSES

8.1 Sharing of Expenses. All actual operation and maintenance expenses related to the Facility shall be paid on a monthly basis by Mapleton in a ratio determined as follows:

a. A meter will be installed where the joint trunk line crosses the DRGW railroad tracks to measure total flow and contaminate strength from Mapleton's collection system. Mapleton will own and read this meter. Spanish Fork may check the readings for accuracy.

b. A meter has been installed at the intake to the treatment plant. Spanish Fork will own and read this meter. Mapleton may check the readings for accuracy.

c. Mapleton shall be responsible to pay to Spanish Fork for the operation of the treatment plant on the ratio of Mapleton's flow and contaminate strength as metered at the crossing of the DRGW tracks, to the total flow and contaminate strength, as measured at the plant intake.

8.2 Payments to Spanish Fork City. Mapleton shall pay to Spanish Fork the monthly service charge described in Section 8.1 of this Agreement within twenty (20) days after receiving the bill. Mapleton shall have the sole and exclusive right to determine a method of charging residents and customers of its own Collection System. The failure of Mapleton to collect sufficient amounts from its residents and customers shall not relieve Mapleton from its obligations to pay its proportionate share for the operation and maintenance expense of the Facility. If Mapleton fails to pay the full amount due and owing within ten (10) days after the due date thereof, the unpaid balance shall bear an interest rate of one percent (1.0%) per month until paid in full, and all subsequent payments received shall be applied first to interest and then to principal.

8.3 Breach of Agreement. In the event of a breach of this agreement, the non-

breaching party shall be entitled to recover its costs and attorneys fees incurred in enforcing the terms hereof. In the event a dispute that the parties cannot amicably resolve, a court of competent jurisdiction in Utah County, or any alternative dispute resolution method agreed upon by the parties may be used to resolve the dispute.

ARTICLE IX BUY BACK PROVISIONS

- 9.1 Mapleton System. a. The parties acknowledge Mapleton's significant capital contributions towards Spanish Fork's sewer system, and that Mapleton may one day need to construct its own sewer system. If Mapleton decides to construct its own sewer system, it may terminate this agreement and negotiate with Spanish Fork the amount of reimbursement it will receive for its capital contributions, based upon the depreciation of the facilities, their condition, and value.
- b. If Mapleton decides to construct its own sewer system, it may phase out of the Spanish Fork plant, but must eventually take all of its sewerage into its own system. Any such phasing may not take longer than three years. As Mapleton phases out of the Spanish Fork plant, it may make additional capacity available to Spanish Fork. Once Mapleton is no longer using its allotted capacity, in whole or in part, Spanish Fork will begin to reimburse Mapleton its contributions towards capital facilities in proportion to the amount Mapleton has reduced its allotted capacity. For example, if Mapleton reduces its use of its allotted capacity by 10%, Spanish Fork will begin to reimburse Mapleton for 10% of its investment in capital facilities.
- c. Mapleton shall give one year written notice to Spanish Fork of its intent to construct its own sewer system and terminate this agreement.
- d. Unless otherwise agreed to by the parties, the reimbursement period shall be five years and shall commence 30 days from the date Mapleton makes additional capacity available. Spanish Fork will make a down payment of 50% and pay the balance in five annual installments. Upon reimbursement being made, Mapleton will relinquish its ownership interest in the Facility and Spanish Fork will become the owner of the Facility.
- e. No interest will accrue on any money owed to Mapleton by Spanish Fork during the reimbursement period.

ARTICLE X MISCELLANEOUS PROVISIONS

- 10.1 Adoption of Ordinances. Each City agrees to adopt and enforce such ordinances as are reasonably necessary to permit the purposes of this Agreement to be accomplished. Mapleton further agrees to maintain an ordinance in substantially the same format as Spanish Fork City Municipal Code section 13.32.010. et seq. (Public Sewer System Regulations and Pretreatment Standards). Mapleton further agrees to be subject to the provisions of §13.32.010. et seq. (Public Sewer System Regulations and Pretreatment Standards). Mapleton further agrees to be subject to the provisions of Chapter 32 of Title 13.
- 10.2 Joint Cooperation. The Cities hereby agree to cooperate with each other in the planning for the future capital improvements to the Facility or the construction of new treatment facilities for the joint use of the Cities. The installation of such capital improvements or new treatment facilities and costs to be assumed by each city with respect thereto shall be subject to provisions of a separate written Agreement between

the Cities.

10.3 Authorized Agreement. Each City hereby represents and warrants that its Governing Body has taken all action as required by law to approve this Agreement and to authorize execution of this Agreement on behalf of that City.

10.4 Force Majeure. In case by reason of force majeure, either City shall be rendered unable wholly or in part to carry out its obligations under this Agreement, other than the obligation of each City to make the payments required under the terms hereof, then such party shall give notice and full particulars of such force majeure in writing to the other party within a reasonable time after occurrence of the event or cause relied on, and the obligations of the party giving such notice, so far as they are affected by such force majeure, shall be suspended during the continuance of the inability then claimed, but for no longer period, and such party shall endeavor to remove and overcome such inability with reasonable dispatch. The term "force majeure" as employed herein shall mean acts of God, strikes, lockouts, or other industrial disturbances, acts of public enemy, an order from any kind of the government of the United States or the State of Utah, insurrections, riots, epidemics, landslides, lightning, earthquakes, fire, hurricanes, storms, floods, washouts, arrests, restraint of government and people, civil disturbance, explosions, breakage, accidents to machinery or collection line, or the partial or complete inability of Spanish Fork to treat and dispose of such wastewater on account of any other cause not reasonably within the control of Spanish Fork.

10.5 Miscellaneous Provisions. a. This Agreement shall be governed by and construed under the laws of the State of Utah.

b. The Cities shall not be deemed to be partners or joint venturers in any manner in the use or operation of the Facility.

c. Spanish Fork shall be responsible for ascertaining and overseeing compliance by the Facility with all government requirements, including in particular those of the Department of Environmental Quality and the United States Environmental Protection Agency.

d. This Agreement may be amended from time to time by mutual written Agreement between the Cities, provided that said amendment does not jeopardize or adversely affect any notes, bonds or other instruments relating to the financing of the construction of the Facility or the Collection System of either City, and that it does not invalidate or adversely affect the operation or use of the Facility.

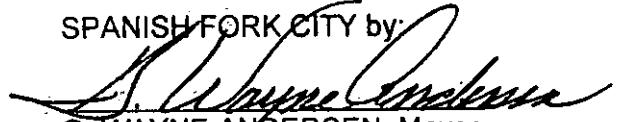
e. If any provision of this Agreement is determined by a court of competent jurisdiction to be void, voidable, or unenforceable, the validity and enforceability of the remaining provisions of this Agreement shall not be affected thereby.

f. No City may assign its rights or duties under this Agreement without the prior written consent of the other City.

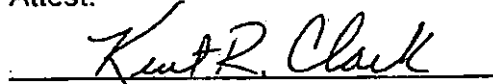
g. Spanish Fork will maintain ownership of all treated waste water. In the event of sale or lease, the proceeds shall be used to reduce the operation and maintenance expenses at the Facility.

IN WITNESS WHEREOF, the parties have set their hands on the date and the year above written.

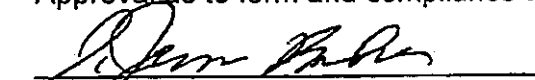
SPANISH FORK CITY by:

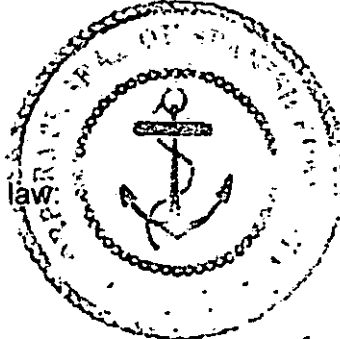

G. WAYNE ANDERSEN, Mayor

Attest:



Kent R. Clark, City Recorder

Approval as to form and compliance with Utah law:


S. Junior Baker, City Attorney



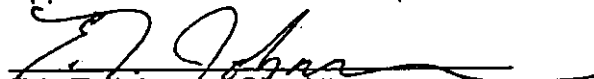
MAPLETON CITY by:


BRIAN WALL, Mayor

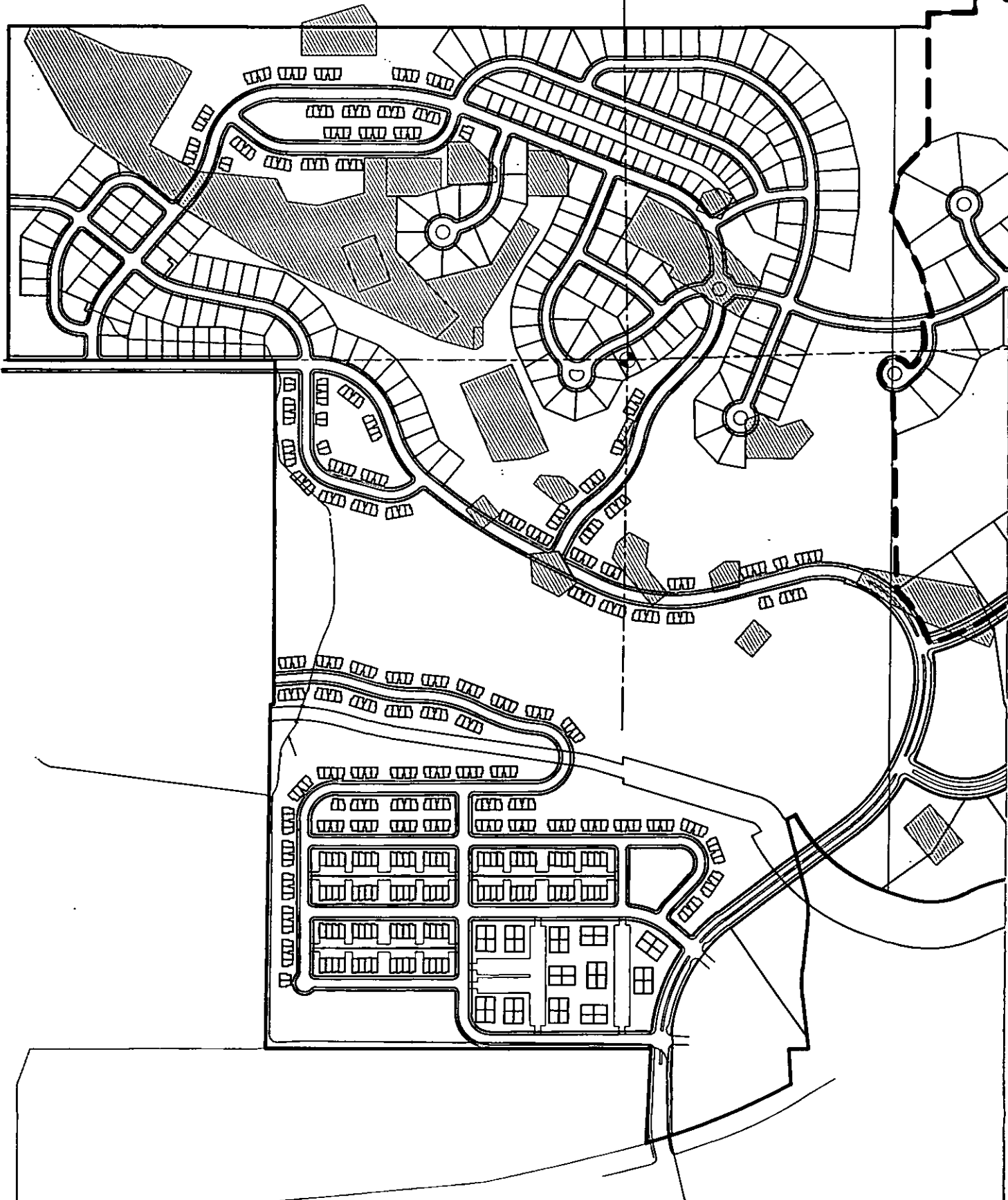
Attest:


Camille Brown, City Recorder

Approval as to form and compliance with Utah law:


Eric T. Johnson, City Attorney

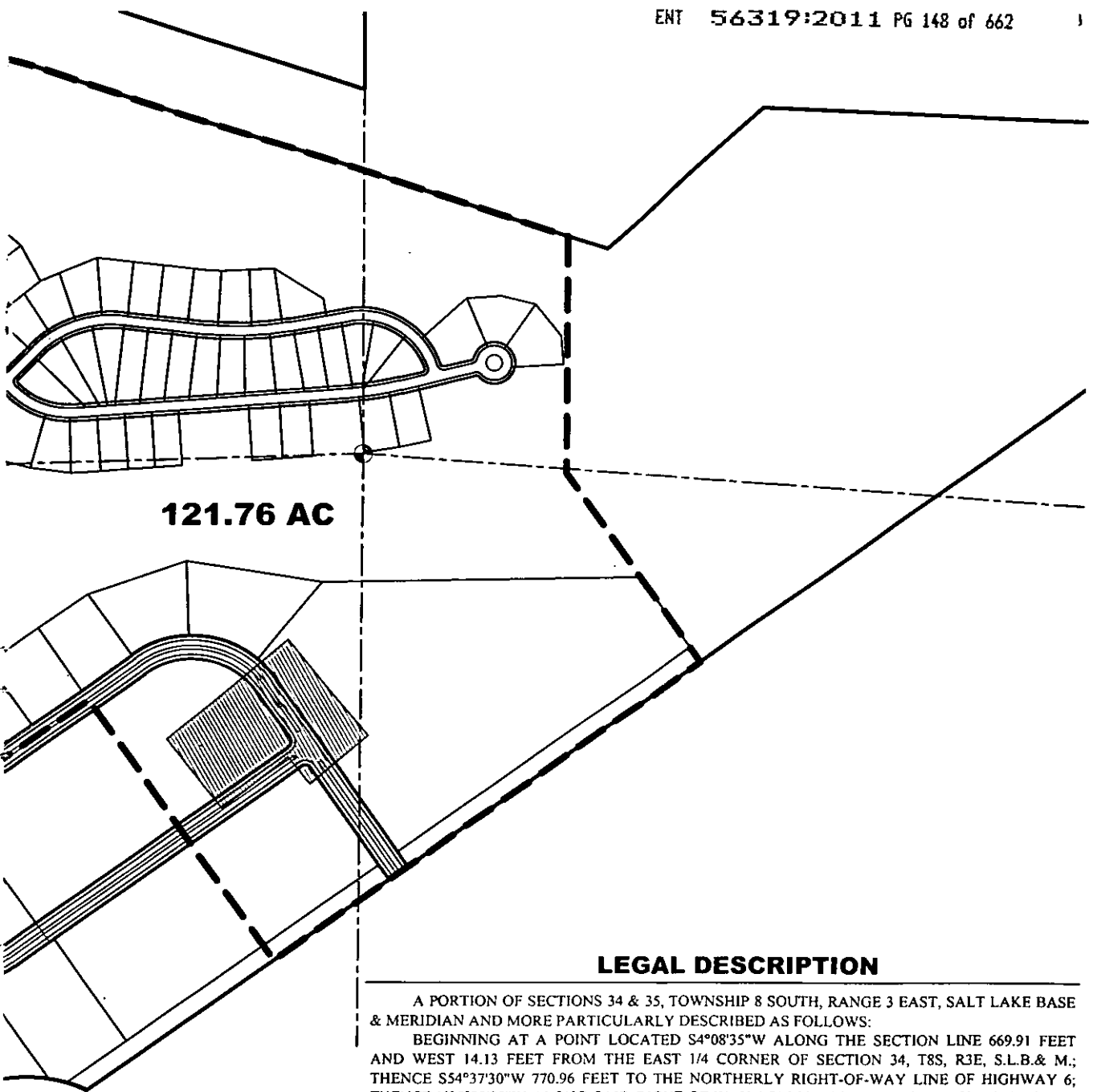






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 office@lei-eng.com
 www.lei-eng.com



121.76 AC

LEGAL DESCRIPTION

A PORTION OF SECTIONS 34 & 35, TOWNSHIP 8 SOUTH, RANGE 3 EAST, SALT LAKE BASE & MERIDIAN AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 BEGINNING AT A POINT LOCATED S4°08'35"W ALONG THE SECTION LINE 669.91 FEET AND WEST 14.13 FEET FROM THE EAST 1/4 CORNER OF SECTION 34, T8S, R3E, S.L.B.& M.; THENCE S54°37'30"W 770.96 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF HIGHWAY 6; THENCE N35°22'30"W ALONG SAID RIGHT-OF-WAY 1,716.92 FEET; THENCE N54°37'30"E 1,059.24 FEET; THENCE N35°22'30"W 399.47 FEET; THENCE ALONG THE ARC OF A 800.00 FOOT RADIUS CURVE TO THE RIGHT 277.70 FEET THROUGH A CENTRAL ANGLE OF 19°53'21" (CHORD: N25°25'50"W 276.31 FEET); THENCE ALONG THE ARC OF A 421.00 FOOT RADIUS NON-TANGENT CURVE (RADIUS BEARS: N15°04'08"W) TO THE LEFT 246.24 FEET THROUGH A CENTRAL ANGLE OF 33°30'45" (CHORD: N58°10'30"E 242.75 FEET); THENCE N88°41'32"E 772.99 FEET; THENCE ALONG THE ARC OF A 58.00 FOOT RADIUS NON-TANGENT CURVE (RADIUS BEARS: S83°00'14"E) TO THE RIGHT 227.69 FEET THROUGH A CENTRAL ANGLE OF 224°55'34" (CHORD: S60°32'28"E 107.20 FEET); THENCE ALONG THE ARC OF A 20.00 FOOT RADIUS CURVE TO THE LEFT 33.23 FEET THROUGH A CENTRAL ANGLE OF 95°11'16" (CHORD: S4°19'41"W 29.54 FEET); THENCE ALONG THE ARC OF A 134.00 FOOT RADIUS CURVE TO THE LEFT 139.01 FEET THROUGH A CENTRAL ANGLE OF 59°26'14" (CHORD: S72°59'04"E 132.86 FEET); THENCE N77°17'49"E 57.30 FEET; THENCE S13°16'38"E 44.47 FEET; THENCE N74°54'42"E 176.66 FEET; THENCE N63°22'23"E 256.67 FEET; THENCE S78°14'38"E 162.83 FEET; THENCE S45°43'59"E 147.89 FEET; THENCE S89°59'41"E 496.44 FEET; THENCE S0°17'59"E 182.10 FEET; THENCE N89°42'01"E 91.57 FEET; THENCE S17°31'05"W 2,075.20 FEET; THENCE WEST 784.12 FEET TO THE POINT OF BEGINNING.
 CONTAINS: 121.76± ACRES

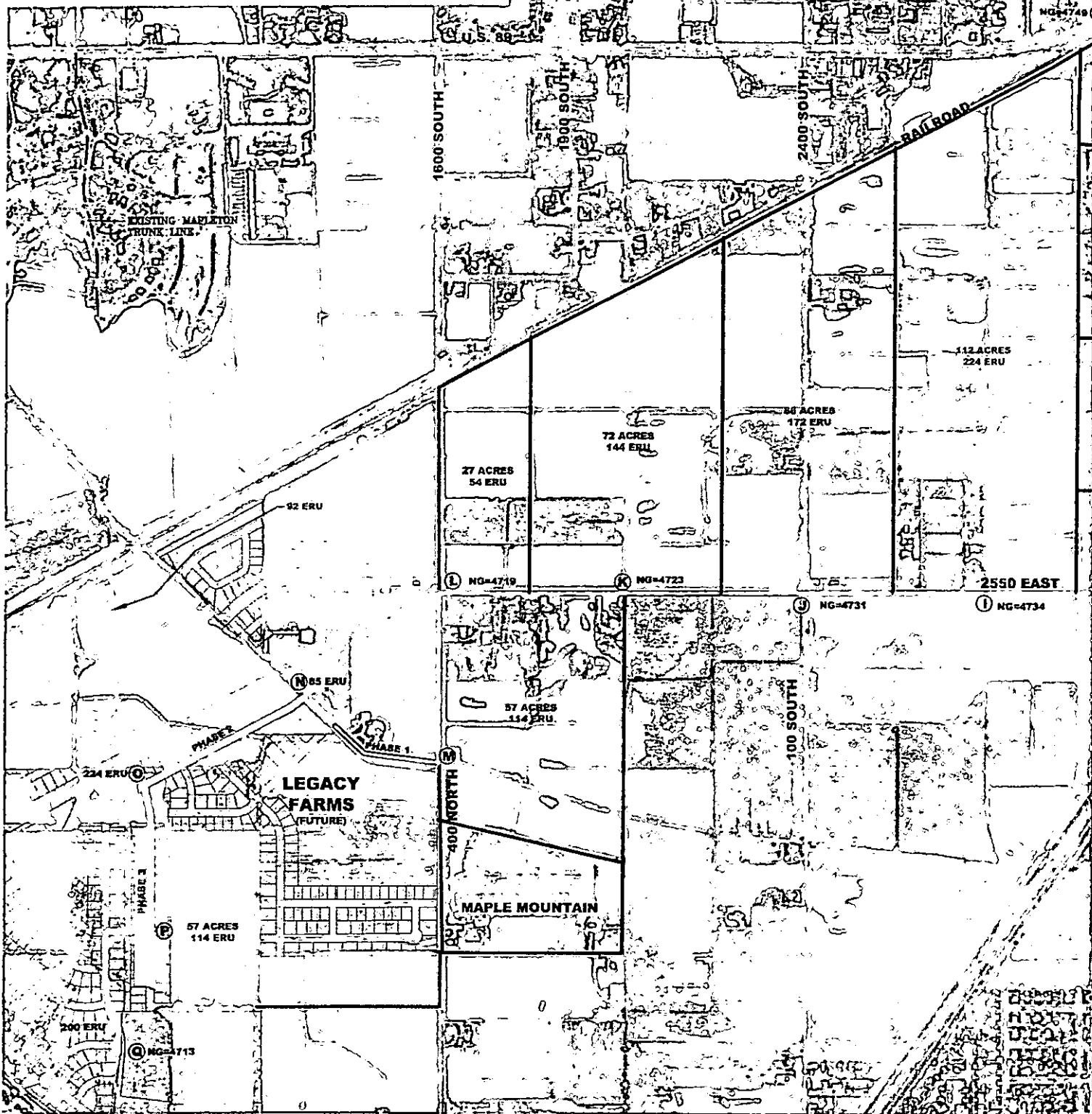
**HARMONY RIDGE
MAPLETON, UTAH**

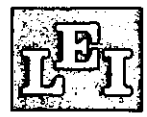
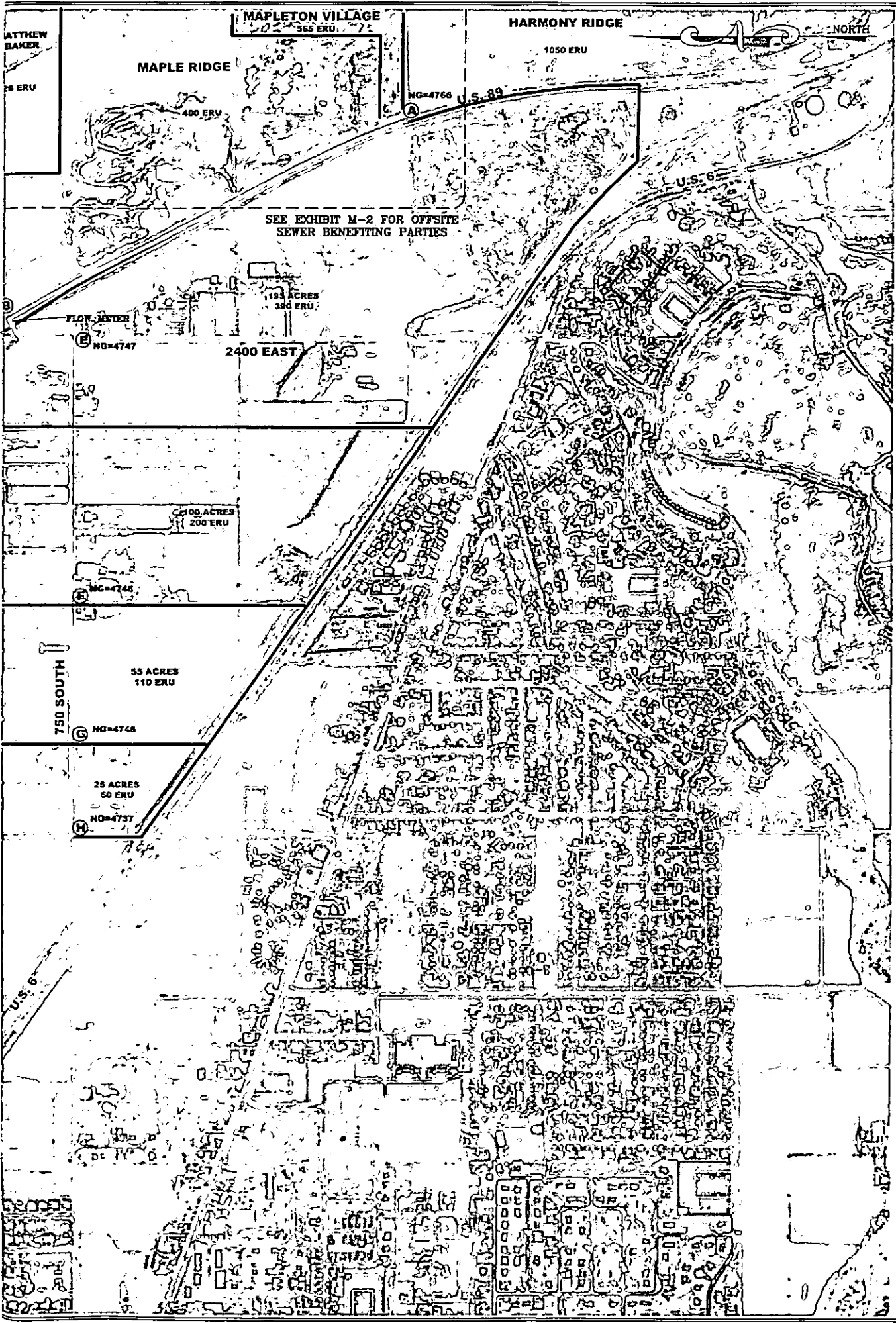
**EXHIBIT L - IDENTIFICATION AND LEGAL
DESCRIPTION OF THE SECURED PARCEL**

REVISIONS	
1.	
2.	
3.	
4.	
5.	
LEI PROJECT # 2008-4005	
DRAWN BY: RWH	
DESIGNED BY: RWH	
SCALE: 1" = 500'	
DATE: 06/30/2011	
SHEET L	

ERU CONTRIBUTION TABLE

NODE	SF ERU's	MAPLETON ERU's	TOTAL ERU's
A	-	1,761	1,761
B	-	461	2,202
C	-	-	-
D	-	-	-
E	390	-	2,592
F	200	-	2,792
G	110	-	2,902
H	50	-	2,952
I	224	-	3,176
J	172	-	3,348
K	144	-	3,492
L	54	-	3,546
M	114	-	3,660
N	85	-	3,745
O	224	-	3,969
P	114	-	4,083
Q	200	-	4,283





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www.lei-eng.com

**HARMONY RIDGE
MAPLETON, UTAH**

**EXHIBIT M - OFFSITE SEWER MASTER PLAN AND
REIMBURSEMENT SCHEDULE**

REVISIONS

LEI PROJECT:
2008-4005

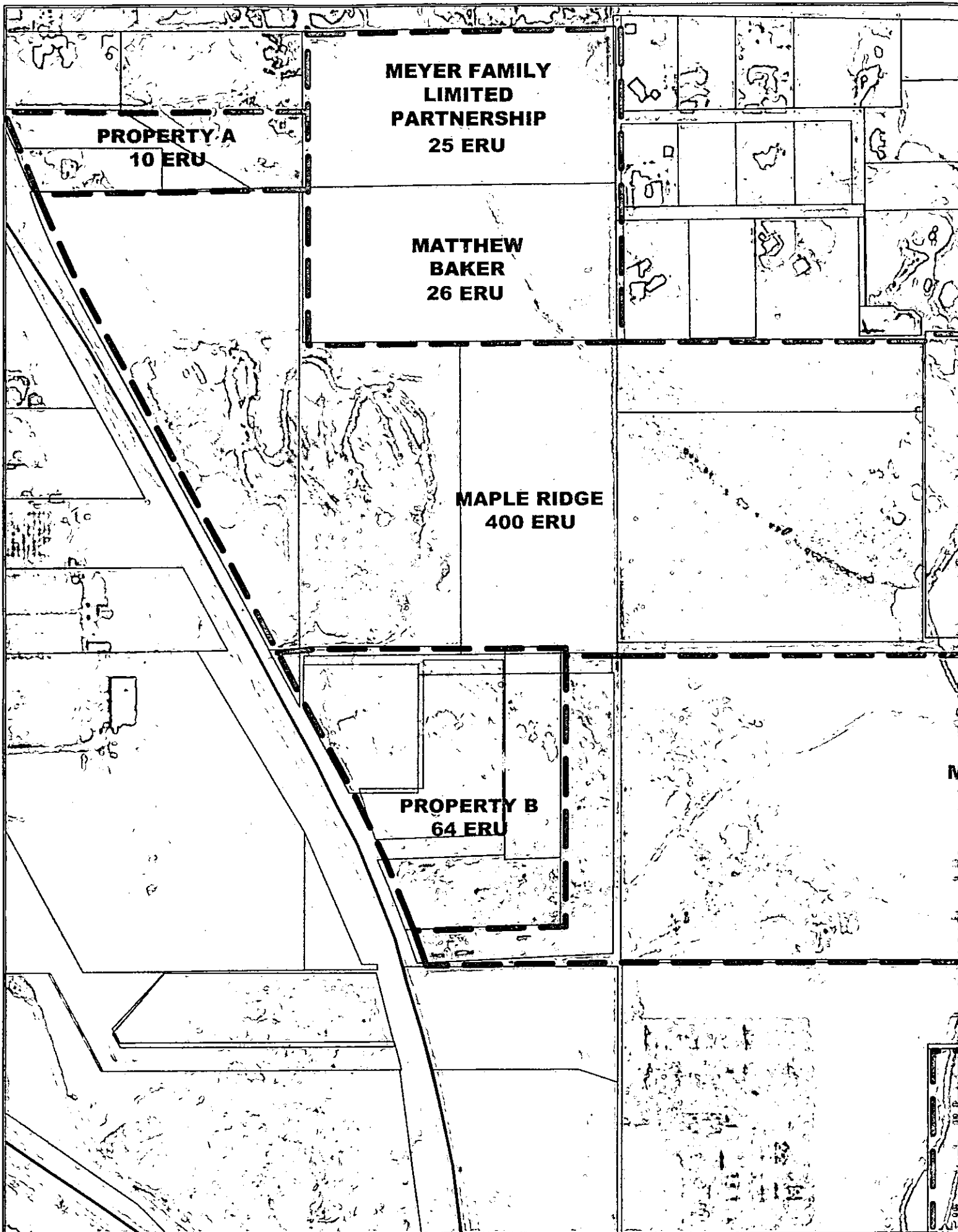
DRAWN BY:
RWH

DESIGNED BY:
BTG

SCALE:
1" = 1000'

DATE:
05/17/2011

SHEET
M-1



**MEYER FAMILY
LIMITED
PARTNERSHIP
25 ERU**

**PROPERTY A
10 ERU**

**MATTHEW
BAKER
26 ERU**

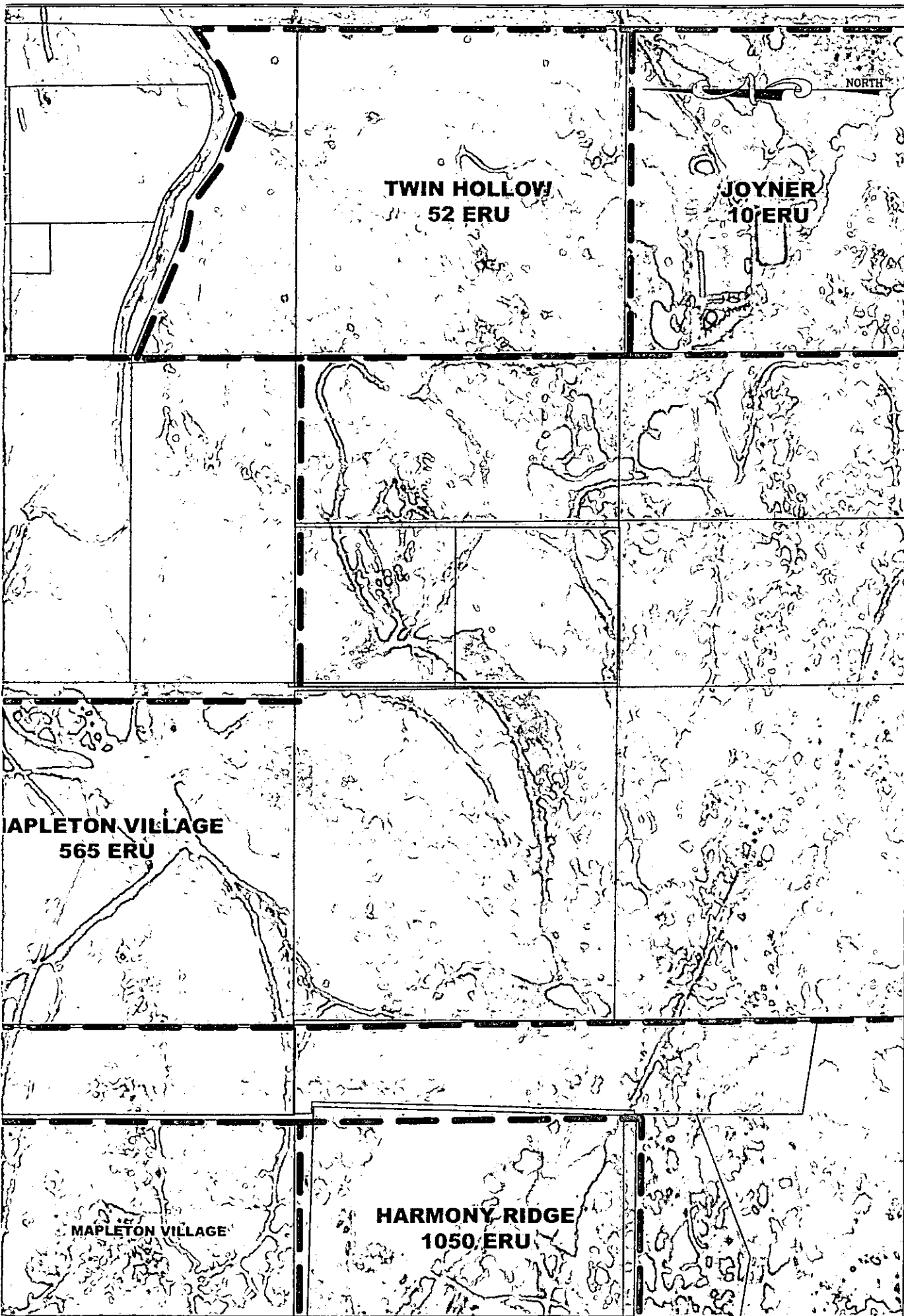
**MAPLE RIDGE
400 ERU**

**PROPERTY B
64 ERU**



**ENGINEERS
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PLANNERS**

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HARMONY RIDGE
MAPLETON, UTAH

EXHIBIT M - OFFSITE SEWER BENEFITING PARTIES

REVISIONS

1	
2	
3	
4	
5	

LEI PROJECT #
2008-4005

DRAWN BY:
RWH

DESIGNED BY:
BTG

SCALE:
1" = 1000'

DATE:
05/17/2011

SHEET

M-2

Node	Cost of Section	Cost of Scenario 1 (1)	Cost of Scenario 2 (2)	Cost of Scenario 3 (3)	Spanish Fork City Participation Impact Fee (2 subtract 1)	Connectors (1)	Mapleton Upsize Cost (3 subtract 2)	Harmony R
A	\$ 207,424	\$ -	\$ -	\$ 207,424	\$ -	\$ -	\$ 207,424	\$ 98
B	\$ 238,378	\$ -	\$ -	\$ 238,378	\$ -	\$ -	\$ 238,378	\$ 113
Spanish Fork City Boundary								
E	\$ 98,693	\$ 82,853	\$ -	\$ 98,693	\$ -	\$ 98,693	\$ 15,840	\$ 7
F	\$ 67,156	\$ 56,596	\$ -	\$ 67,156	\$ -	\$ 67,156	\$ 10,560	\$ 5
G	\$ 63,595	\$ 53,035	\$ -	\$ 63,595	\$ -	\$ 63,595	\$ 10,560	\$ 5
H	\$ 62,675	\$ 52,115	\$ -	\$ 62,675	\$ -	\$ 62,675	\$ 10,560	\$ 5
I	\$ 131,174	\$ 107,757	\$ -	\$ 131,174	\$ -	\$ 131,174	\$ 23,417	\$ 11
J	\$ 119,185	\$ 93,555	\$ 100,848	\$ 119,185	\$ 7,293	\$ 119,185	\$ 18,337	\$ 8
K	\$ 171,516	\$ 134,556	\$ 145,116	\$ 171,516	\$ 10,560	\$ 171,516	\$ 26,400	\$ 12
L	\$ 126,018	\$ 96,648	\$ 104,931	\$ 126,018	\$ 8,283	\$ 126,018	\$ 21,087	\$ 10
M	\$ 127,687	\$ 99,175	\$ 107,299	\$ 147,966	\$ 8,125	\$ 127,687	\$ 40,666	\$ 19
N	\$ 109,352	\$ 88,760	\$ 94,199	\$ 135,775	\$ 5,439	\$ 109,352	\$ 41,576	\$ 19
O	\$ 87,768	\$ 72,931	\$ 76,510	\$ 111,133	\$ 3,579	\$ 87,768	\$ 34,623	\$ 16
P	\$ 23,758	\$ 19,402	\$ 20,452	\$ 30,674	\$ 1,051	\$ 23,758	\$ 10,222	\$ 4
Q	\$ 77,801	\$ 65,565	\$ 68,517	\$ 91,118	\$ 2,952	\$ 77,801	\$ 22,602	\$ 10
Total	\$ 1,712,179	\$ 1,022,947	\$ 717,873	\$ 1,802,480	\$ 47,282	\$ 1,266,377	\$ 732,252	\$ 349

Scenario Explanation

- Scenario 1 - Cost of 12" sewer line (property frontage required to be paid by developer in Spanish Fork City at time of development)
- Scenario 2 - Total Cost of Spanish Fork Masterplan sewer size, assumes no Mapleton flows
- Scenario 3 - Total Cost of upsized pipe due to Mapleton flows

Notes

- Scenarios 1 and 2 are based Spanish Fork Flows only, totally exclusive of Mapleton City flows.
- Connectors reimbursement based on Scenario 1 (12" size as required by Spanish Fork City)
- Example: Node J
 - 12" Sewer line costs \$93,555. This will be paid for by fronting property owners in Spanish Fork City.
 - 15" sewer line which is required by Spanish Fork City Master Plan costs \$100,848 which is \$7293 more than the 12" size. This amount to be paid by 18" is the actual sewer line size with a cost of \$119,185. This is \$18,337 more than the 15" size. This amount to be paid by Mapleton city properties
- Pursuant to the sewer study titled " Spanish Fork-Mapleton Sewer Trunkline Study" dated January 2011, a copy of which is on file with Mapleton City, the following estimates of financial participation of adjacent and benefiting parties has been established. Following actual construction, these costs and resulting reimbursements will be updated accordingly.
 - * The sewer sections below nodes A and B are 100% within Mapleton city.
 - Therefore, the overall cost of the line is attributed to the Mapleton properties based on anticipated ERU.

bit M

1-3

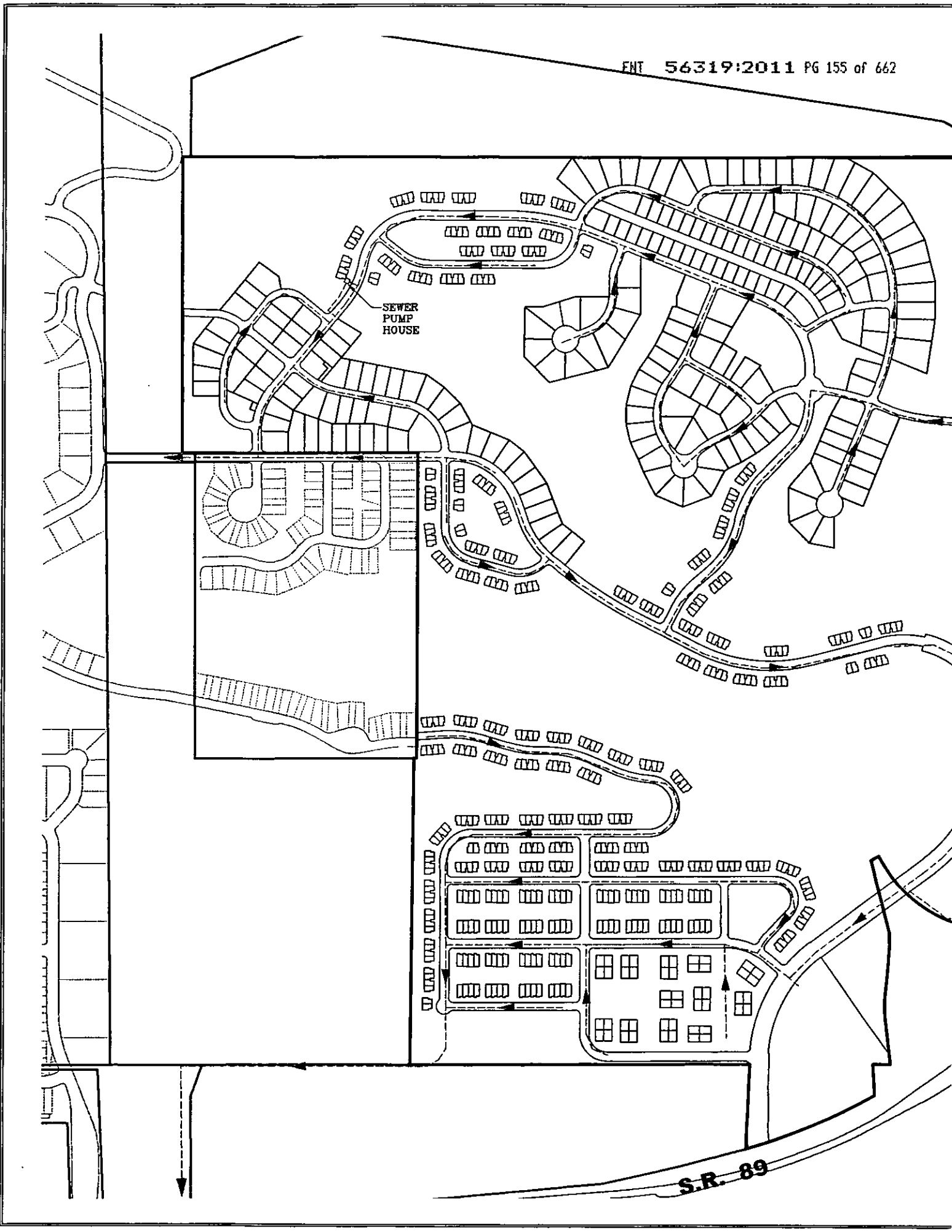
and Reimbursement Schedule

Mapleton Upsize Cost Participation								
Edge	Mapleton Village	Maple Ridge	Meyer Family	Baker	Twin Hollow	Joyner	Property A	Property B
908	\$ 53,222	\$ 37,679	\$ 2,355	\$ 2,449	\$ 4,898	\$ 942	\$ 942	\$ 6,029
668	\$ 61,164	\$ 43,302	\$ 2,706	\$ 2,815	\$ 5,629	\$ 1,083	\$ 1,083	\$ 6,928
553	\$ 4,064	\$ 2,877	\$ 180	\$ 187	\$ 374	\$ 72	\$ 72	\$ 460
035	\$ 2,710	\$ 1,918	\$ 120	\$ 125	\$ 249	\$ 48	\$ 48	\$ 307
035	\$ 2,710	\$ 1,918	\$ 120	\$ 125	\$ 249	\$ 48	\$ 48	\$ 307
035	\$ 2,710	\$ 1,918	\$ 120	\$ 125	\$ 249	\$ 48	\$ 48	\$ 307
166	\$ 6,008	\$ 4,254	\$ 266	\$ 276	\$ 553	\$ 106	\$ 106	\$ 681
744	\$ 4,705	\$ 3,331	\$ 208	\$ 217	\$ 433	\$ 83	\$ 83	\$ 533
589	\$ 6,774	\$ 4,796	\$ 300	\$ 312	\$ 623	\$ 120	\$ 120	\$ 767
055	\$ 5,410	\$ 3,831	\$ 239	\$ 249	\$ 498	\$ 96	\$ 96	\$ 613
391	\$ 10,434	\$ 7,387	\$ 462	\$ 480	\$ 960	\$ 185	\$ 185	\$ 1,182
825	\$ 10,668	\$ 7,552	\$ 472	\$ 491	\$ 982	\$ 189	\$ 189	\$ 1,208
509	\$ 8,884	\$ 6,289	\$ 393	\$ 409	\$ 818	\$ 157	\$ 157	\$ 1,006
874	\$ 2,623	\$ 1,857	\$ 116	\$ 121	\$ 241	\$ 46	\$ 46	\$ 297
777	\$ 5,799	\$ 4,106	\$ 257	\$ 267	\$ 534	\$ 103	\$ 103	\$ 657
166	\$ 187,885	\$ 133,016	\$ 8,313	\$ 8,646	\$ 17,292	\$ 3,325	\$ 3,325	\$ 21,283

Total ERU's	ERU	% of Mapleton's ERU's
Harmony Ridge	1050	47.7%
Mapleton Village	565	25.7%
Maple Ridge (Bogges)	400	18.2%
Meyer Family	25	1.1%
Baker	26	1.2%
Twin Hollow	52	2.4%
Joyner	10	0.5%
Property A	10	0.5%
Property B	64	2.9%
Mapleton City Total	2202	100.0%

SFC impact fees.

based on preliminary design.



SEWER
PUMP
HOUSE

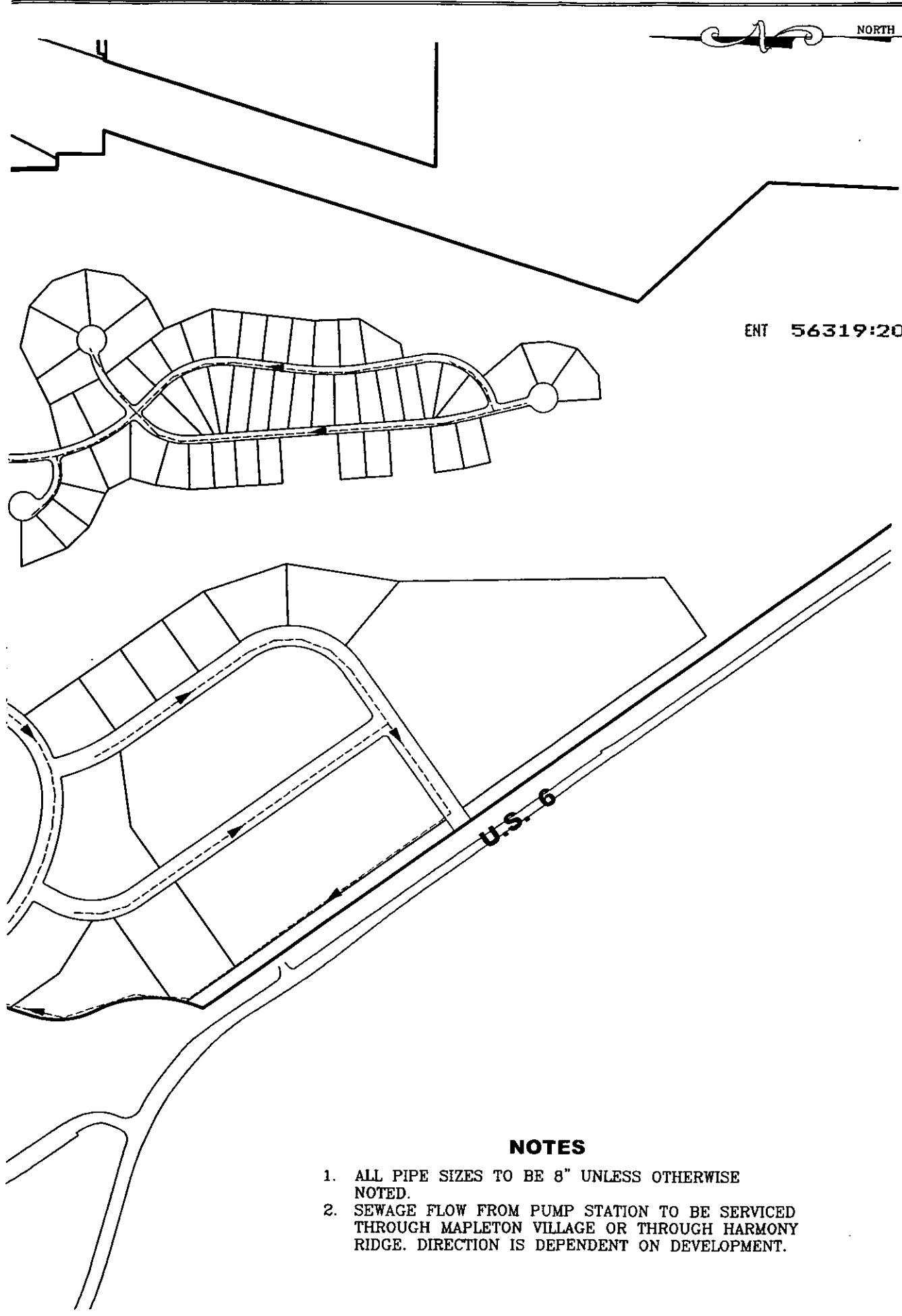
S.R. 89



**ENGINEERS
SURVEYORS
PLANNERS**

3302 N. Main Street
Spanish Fork, UT 84660
Phone: 801.798.0555
Fax: 801.798.9393
office@lei-eng.com
www.lei-eng.com

ENT 56319:2011 PG 156 of 662



NOTES

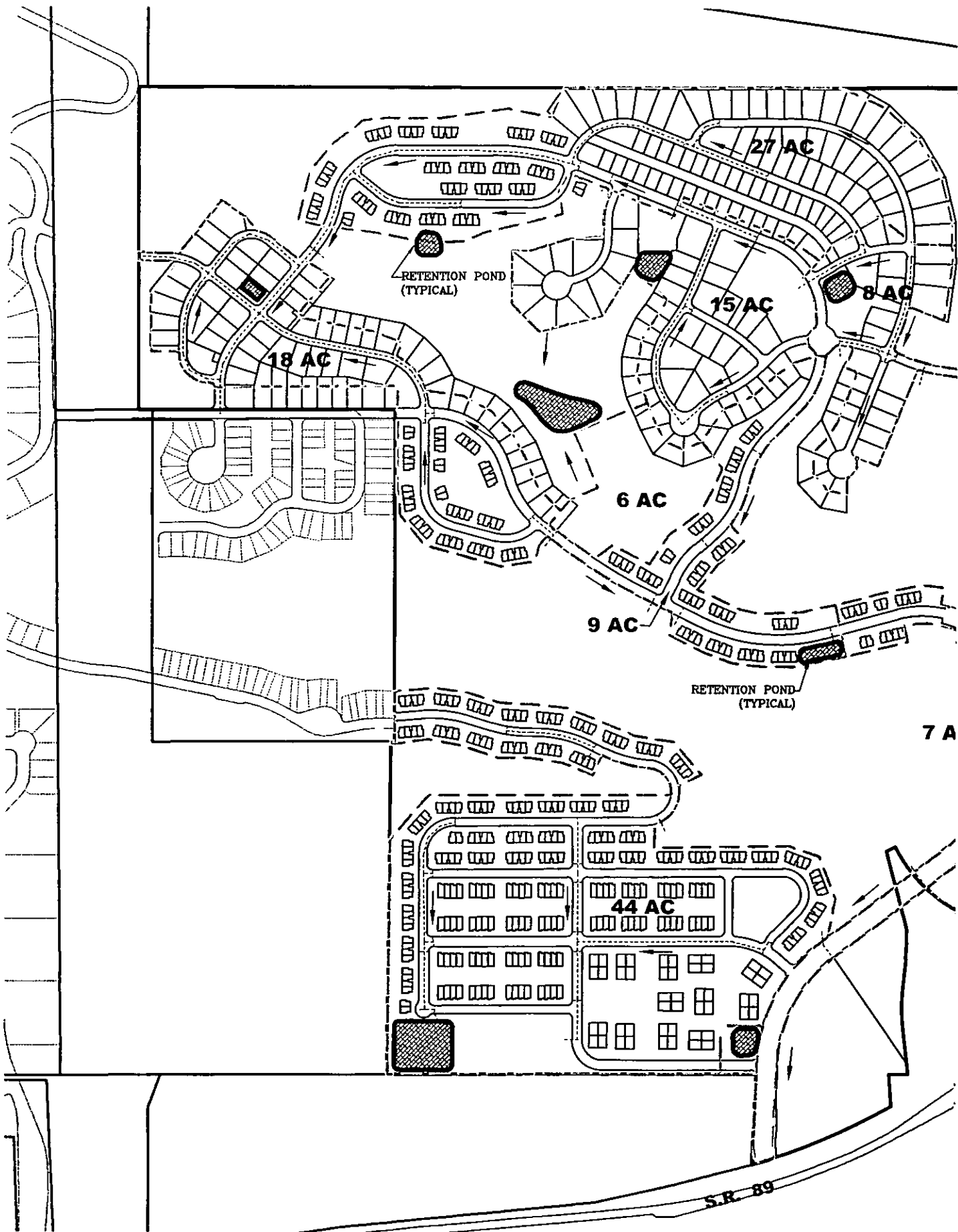
1. ALL PIPE SIZES TO BE 8" UNLESS OTHERWISE NOTED.
2. SEWAGE FLOW FROM PUMP STATION TO BE SERVICED THROUGH MAPLETON VILLAGE OR THROUGH HARMONY RIDGE. DIRECTION IS DEPENDENT ON DEVELOPMENT.

**HARMONY RIDGE
MAPLETON, UTAH
EXHIBIT N
MASTER UTILITY PLAN - SANITARY SEWER**

REVISIONS	
1.	
2.	
3.	
4.	
5.	

LEI PROJECT #
2008-4005
DRAWN BY:
RWH
DESIGNED BY:
GDM
SCALE:
1" = 500'
DATE:
05/17/2011

SHEET
N



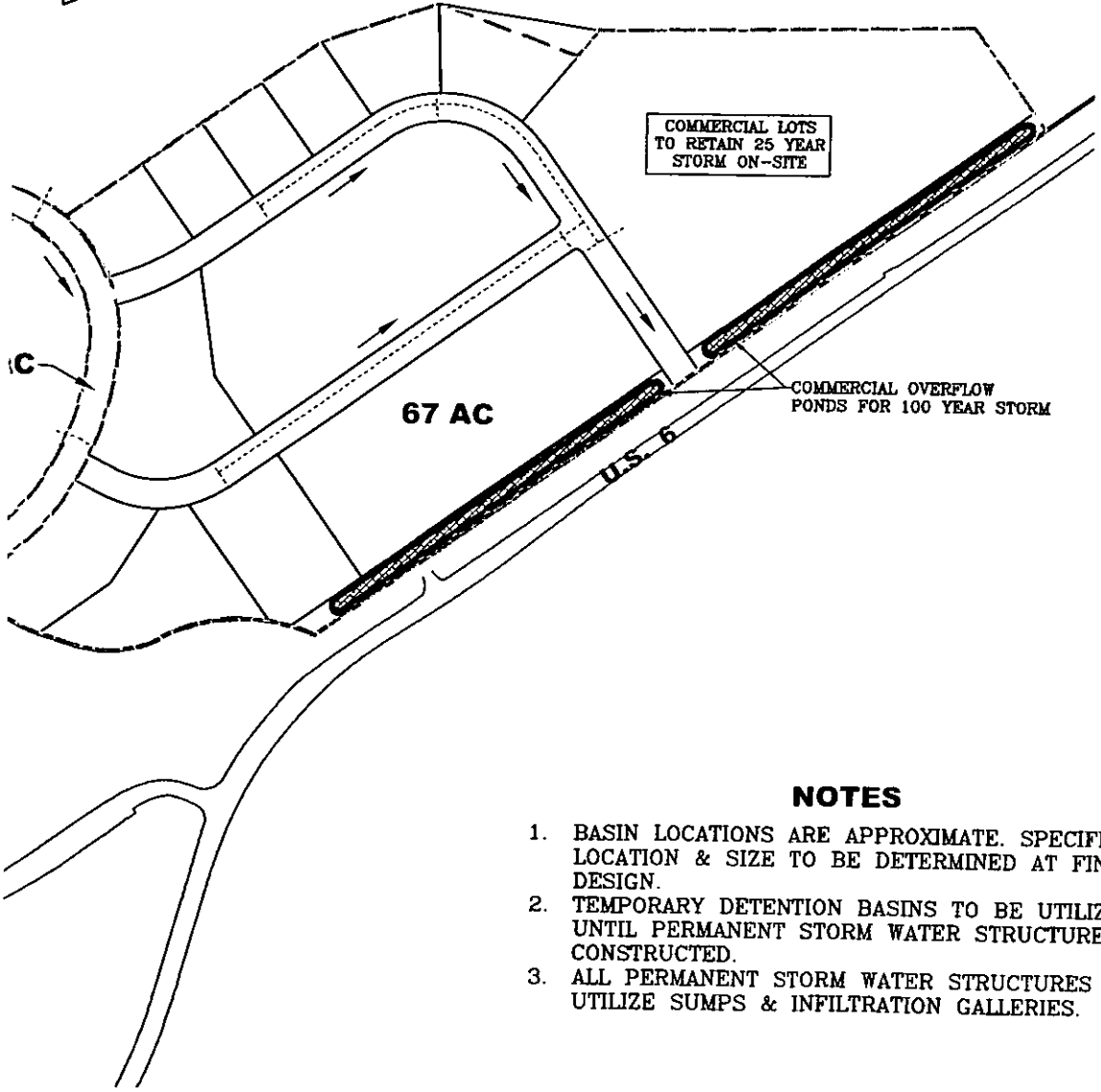
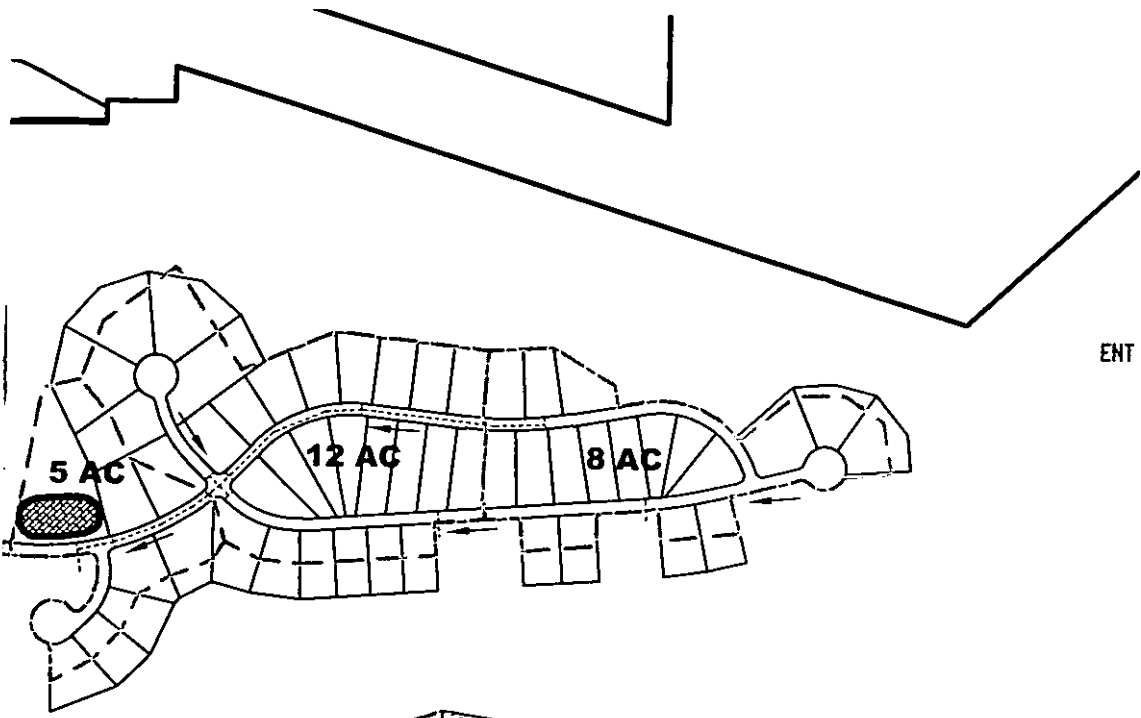
7 A



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ENT 56319:2011 PG 158 of 662



NOTES

1. BASIN LOCATIONS ARE APPROXIMATE. SPECIFIC LOCATION & SIZE TO BE DETERMINED AT FINAL DESIGN.
2. TEMPORARY DETENTION BASINS TO BE UTILIZED UNTIL PERMANENT STORM WATER STRUCTURES ARE CONSTRUCTED.
3. ALL PERMANENT STORM WATER STRUCTURES TO UTILIZE SUMPS & INFILTRATION GALLERIES.

HARMONY RIDGE
MAPLETON, UTAH
EXHIBIT O
MASTER UTILITY PLAN - STORM DRAINAGE

REVISIONS
1
2
3
4
5
6

LEI PROJECT #: 2008-4005
 DRAWN BY: RWH
 DESIGNED BY: GDM
 SCALE: 1" = 500'
 DATE: 05/17/2011

SHEET
O

Title 17 DEVELOPMENT CODE, PART II; SUBDIVISIONS

Chapter 17.01 TITLE AND INTENT

17.01.010: TITLE:

This title shall be entitled the *SUBDIVISION AND RESIDENTIAL DEVELOPMENT ORDINANCE OF MAPLETON CITY, UTAH*, and may be so cited and pleaded. In addition, the provisions of this title, as may, from time to time, be amended, are hereby included in and shall constitute part of the development code of Mapleton City¹. (Ord. 2002-25, 12-4-2002)

17.01.020: INTENT:

The intent of this title is as follows:

- A. To facilitate the orderly development of the city.
- B. To implement the city's transportation and circulation element of the general plan.
- C. To facilitate the development of a safe and efficient street system.
- D. To facilitate the orderly transfer of the ownership of building sites in a manner consistent with state law.
- E. To ensure adequate water, sewer, drainage, utilities, and other services to developing areas of the city.

F. To establish the rights, duties, and responsibilities of subdividers with respect to the development of subdivisions within the city.

G. To facilitate the development of a trail system. (Ord. 2002-25, 12-4-2002)

Chapter 17.02

SUBDIVISION PLANS AND PLATS REQUIRED

17.02.010: SUBDIVISION PLATS REQUIRED; TO BE RECORDED:

No person shall subdivide, as defined by section 17.32.010 of this title, any tract of land within the incorporated limits of the city; nor shall any person sell, exchange, purchase or otherwise convey a parcel of land which is part of a larger tract, if such sale or agreement would have the effect of creating a "subdivision" as defined by this title, unless and until a final plat, prepared in accordance with the provisions of this title, shall have been first considered by the planning commission and approved by the city council and recorded in the office of the county recorder. (Ord. 2002-25, 12-4-2002)

17.02.020: EXEMPTION FROM PLAT REQUIREMENT FOR AGRICULTURAL LANDS:

Lots that are not subject to plat requirements shall include the following types of lots:

- A. 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. 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. (Ord. 2002-25, 12-4-2002)

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Chapter 17.03 CONDOMINIUMS

17.03.010: PURPOSE AND OBJECTIVES:

The purpose of this chapter shall be to establish regulations governing the platting and construction of condominiums and their associated common areas. (Ord. 2009-11, 9-16-2009, eff. 1-5-2010)

17.03.020: APPLICABILITY:

For the purposes of this chapter, "condominiums" shall be defined as a building or complex in which individual units within buildings are owned by individuals, and common areas such as grounds and common buildings are owned jointly by the unit owners. (Ord. 2009-11, 9-16-2009, eff. 1-5-2010)

17.03.030: ZONING REQUIREMENTS:

Condominium plats shall adhere to the zoning requirements of the zone where the condominium is to be located. The condominium units shall follow the requirements of the individual zone regarding general types of uses allowed. For example, residential condominium units would not be allowed in zones that do not allow any residential uses. However, mixed use condominiums may be permitted if the individual zone allows for mixed uses. (Ord. 2009-11, 9-16-2009, eff. 1-5-2010)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

17.03.040: BUILDING STANDARDS; ALL CONDOMINIUMS:

Each new condominium or conversion of an existing building to a condominium shall meet the following standards:

- A. Each condominium shall conform to current international building code standards for condominiums.
- B. Each plan shall be reviewed by the development review committee (DRC) and the building official for recommendations to the planning commission and city council.
- C. Each unit shall have a separate accessible meter and shutoff for natural gas and electrical services.
- D. Each unit shall have a separate water meter. However, common areas may have a meter owned by the homeowners' association.
- E. Units may share sewer laterals, based on the city's standards for pipe sizes and equivalent residential units (ERUs), however each unit shall be charged the equivalent of one ERU per unit.
- F. Each unit must have its own heating unit. Air conditioning, if present, shall be separate for each unit as well. (Ord. 2009-11, 9-16-2009, eff. 1-5-2010)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

17.03.050: BUILDING STANDARDS; CONDOMINIUM CONVERSIONS:

Any existing building proposed to be converted into condominiums shall meet the following standards:

- A. Each unit proposed for conversion shall be inspected by the building official. The requirements of the building official shall be binding, for issues related to the life safety

requirements of the international building code. However, conversion into a condominium unit shall not be authorized until approval by the planning commission and city council, and the issuance of a building permit.

ENT 56319:2011 PG 163 of 662

- B. Each project proposed for conversion to a condominium shall be inspected by the city engineer or designee. The city engineer shall prepare a list of any infrastructure problems that need correction. These recommendations shall be forwarded to the planning commission and city council. (Ord. 2009-11, 9-16-2009, eff. 1-5-2010)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

17.03.060: PLAT REQUIREMENTS:

Each application for a condominium plat shall conform to all other provisions of this title and shall include:

- A. A condominium plat prepared by a licensed surveyor, including existing and proposed building footprints, proposed property lines. If multi-story buildings are proposed, elevations showing bench marks and property lines shall be included on the plat.
- B. A site plan showing building locations, landscaping, trash enclosures, and parking areas, and other site features.
- C. Covenants, conditions, and restrictions (CC&Rs) for the condominiums, including information on who will be responsible for the maintenance of the common areas. (Ord. 2009-11, 9-16-2009, eff. 1-5-2010)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

17.03.070: UTAH CONDOMINIUM OWNERSHIP ACT:

Each application for a condominium plat shall conform to all other provisions of title 57, real

estate, chapter 8, condominium ownership act, Utah code. (Ord. 2009-11, 9-16-2009, eff. 1-5-2010)

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This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

17.03.080: APPROVAL AUTHORITY:

Condominium plats shall be reviewed by the planning commission, which shall make a recommendation to the city council on whether to approve or deny the plat. The city council shall have final authority to approve or deny condominium plats. (Ord. 2009-11, 9-16-2009, eff. 1-5-2010)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

17.03.090: BONDING REQUIREMENTS:

Improvements shown on the approved plat shall be bonded for as per chapter 17.20, "Performance Guarantees", of this title. (Ord. 2009-11, 9-16-2009, eff. 1-5-2010)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

17.03.100: CONFLICTING PROVISIONS:

Where there are any conflicts between this chapter and other sections of this code in relation to condominium plats this chapter shall prevail. (Ord. 2009-11, 9-16-2009, eff. 1-5-2010)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

Chapter 17.04

PROCEDURE FOR APPROVAL OF A SUBDIVISION

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This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

17.04.010: DEVELOPMENT REVIEW COMMITTEE CONFERENCE:

The owner, or a person acting under the direction and/or on behalf of the owner, of any parcel of land within the city proposing to subdivide or develop such parcel shall obtain from the planning commission or their designated representative information pertaining to the requirements for subdivisions, zoning regulations, the city's plan of streets, parks, drainage, and other general plan elements affecting the land to be subdivided. (Ord. 2002-25, 12-4-2002; amd. Ord. 2007-10, 5-15-2007)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

17.04.020: PREPARE AND SUBMIT PLANS TO CITY:

The applicant shall prepare and submit a land use application, including fees, in accordance with this code and community development department policy. The applicant may submit a concept plan. While the concept plan is optional except under the circumstances stated below, a preliminary and a final plan are required. For subdivisions of four (4) or more lots, the preliminary and final plans may not be submitted or approved concurrently. The submission shall be in accordance with the following standards and guidelines:

A. Concept Plan:

1. The concept plan shall include the drawings and documentation set forth under section 17.08.010 of this title and shall provide a layout consistent with the design standards and criteria for subdivisions set forth under chapter 17.12 of this title.
2. Where the applicant owns or controls more territory than he proposes to submit for preliminary or final approval, or under circumstances where the proposed subdivision is part of a larger project or territory which the applicant owns or controls and which includes property in more than one planning district or zone as defined in the Mapleton City general plan, the city may require that a concept plan covering the larger area be submitted. The concept plan for the larger area shall show how the immediate development relates: a) to possible development of the remaining territory, b) to the city's major street plan, and c) to the provision of other public services and facilities.

3. An applicant may submit a concept plan if the applicant desires to obtain input from city staff or the planning commission prior to undertaking the preparation and submission of a complete preliminary plan.
4. If the community development director concludes that, because of the scope or complexity of a proposed project, the proposal should be reviewed by the planning commission at the concept plan stage, he may direct that the plan be forwarded for review by the commission prior to the preparation of the preliminary plan. (Ord. 2007-10, 5-15-2007)
5. Any review of a concept plan by the planning commission shall be considered as advisory only and shall not constitute a commitment of approval of a subsequent preliminary plan or final plat.

B. Preliminary Plan:

1. The preliminary plan shall include the drawings and documentation set forth under section 17.08.020 of this title and shall provide a layout consistent with the design standards and criteria for subdivisions set forth under chapter 17.12 of this title or adopted pursuant to chapter 17.24 of this title.
2. Where a subdivider proposes to submit a final plat containing less territory than shown on the preliminary plan (phased development) the preliminary plan shall identify each of the proposed phases. Any such final plat phasing scheme shall occur at logical "break points" in the project and provide access and utility services which will be adequate in the event that subsequent phases do not occur. The phasing scheme shall also incorporate the provisions of section 17.12.010 of this title.
3. No phasing scheme shall have the effect of leaving a residual lot for which the required subdivision improvements have not been previously constructed or for the proposed subdivision. For purposes of this code a "residual lot" shall be defined as a zoning lot, created by the proposed subdivision, but which is not shown as a lot on the final plat of the subdivision project.

C. Special Provisions For One Lot Subdivisions: Where the proposed subdivision consists of a one lot project the applicant may combine the concept plan, preliminary plan, and final plat requirements into a single submission provided:

1. The combined preliminary and final plat map is prepared in a manner capable of being submitted for recording at the office of the county recorder,
2. The combined preliminary and final plat map and appurtenant documents contain all of the information required for approval of a preliminary plan, and
3. All provisions of the ordinance relating to construction of improvements and bonding are complied with. (Ord. 2002-25, 12-4-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

17.04.030: COMMITTEE CONDUCTS APPLICATION CONFERENCE:

(Rep. by Ord. 2007-10, 5-15-2007)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

17.04.040: SUBMISSION OF PRELIMINARY PLAN APPLICATION:

An application for preliminary plan approval shall be placed on the commission agenda for consideration, subject to completion of the following:

- A. Submission of all required plans and documents as stated on the development application. The required number and types of plans and documents shall clearly appear on the development application.
- B. The applicant shall submit, with the submission of required plans and documents, evidence of notification of all owners of property located contiguous to the property proposed to be subdivided.
- C. All materials shall be submitted by the deadline established by the community development director. The required deadline shall clearly appear on the development application. The community development director may not make exceptions to established deadlines. (Ord. 2007-10, 5-15-2007)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

17.04.050: OBTAIN PLANNING COMMISSION APPROVAL OF PRELIMINARY PLAN:

- A. The planning commission shall review submitted preliminary plans and city staff recommendations thereon and shall: 1) approve the plan, 2) reject the plan, 3) approve the plan subject to specified modifications, or 4) table the plan for further consideration.
- B. In reviewing the proposed subdivision, the planning commission shall consider the following:
1. Are the plans, documents and other submission materials (including technical reports where required) sufficiently detailed for proper consideration of the project?
 2. Do the submitted plans, documents and submission materials conform to applicable city standards?
 3. Does the proposed development conform to city zoning ordinances and subdivision design standards?
 4. Do any natural or manmade conditions exist on or in the vicinity of the site defined in the preliminary plan that, without remediation, would render part or all of the property unsuitable for development? Does the preliminary plan address these conditions?
 5. Does the preliminary plan provide for safe and convenient traffic circulation and road access to adjacent properties under all weather conditions?
 6. Does the preliminary plan impose an undue financial burden upon the city?
 7. Are the location and arrangement of the lots, roads, easements and other elements of the subdivision contemplated by the preliminary plan consistent with the city's general street map and other applicable elements of the general plan? Does the preliminary plan recognize and accommodate the existing natural conditions?
 8. Are the public facilities, including public utility systems serving the area defined in the preliminary plan adequate to serve the proposed development?
 9. Will the project contemplated in the preliminary plan conform to the intent of this title as stated in chapter 17.01 of this title?
- C. The planning commission may direct that changes be made in the preliminary plan so that it conforms to the objectives of the applicable zone and this title, including, but not limited to, redesign of the road system, future extension of the road system into adjacent properties, relocation of lot boundary lines, and increase in water line size if necessary for the proposed development or future development.
- D. The action of the planning commission shall be entered in the commission minutes.

E. Upon approval of a preliminary plan the planning commission shall be committed to grant approval of the final plat, subject to full compliance with any conditions attached, unless, in the opinion of the planning commission, the approval was given based on inaccurate or incomplete representations or that changes have occurred in conditions relating to the property which were not known or present at the time approval was given, and which would result in a significant detrimental effect to the public if the project were carried out as initially presented.

F. Approval of the preliminary plan shall remain valid for a period of one year. (Ord. 2007-10, 5-15-2007)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

17.04.060: PREPARE AND SUBMIT FINAL PLAT, ENGINEERING DRAWINGS, AND DOCUMENTS TO PLANNING COMMISSION:

Upon approval of a preliminary plan by the planning commission, the applicant shall prepare and submit to the city staff for its review a final plat, final engineering drawings, cost estimates for required improvements, any agreement for construction of improvements and any other required document prior to the final plat being placed on the planning commission's agenda. (Ord. 2007-10, 5-15-2007)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

17.04.070: PLANNING COMMISSION TAKES ACTION ON FINAL PLAT:

The planning commission shall review the final plat, and staff report, and shall act to: a) recommend that the city council approve the plat, b) recommend denial of the plat, c) recommend that the city council approve the plat subject to modifications or d) where considered by the planning commission to be necessary, table further consideration of the plat.

Upon completion of the review by the planning commission, the chairman shall sign the plat and shall forward the same to the city council with the recommendation that the plat be approved or denied and the proposed dedications accepted or rejected.

Upon recommendation for denial by the planning commission, the applicant has thirty (30) days to notify the planning and zoning department, in writing, that they wish to proceed to city council for a final determination. (Ord. 2002-25, 12-4-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

17.04.080: CITY COUNCIL TAKES ACTION ON FINAL PLAT:

Upon receipt of the final plat, bearing all required signatures, seals and stamps, and also submission of evidence of ability to satisfy the performance guarantee requirements, the city council shall consider the plat, final engineering drawings, construction agreement and performance guarantee and shall act to approve or disapprove the plat or approve it with modification. If disapproved, the city council shall state its reasons therefor to the subdivider. If modifications are required such modifications must first be referred to and reviewed by the planning commission. If approved, the plat shall be signed by the city council and retained for recording. The signature of the city council on the final plat shall constitute final approval of the subdivision. Any final plat which has not been recorded within three (3) years of final plat approval by the city council shall become null and void.

Upon approval of the final plat by the city council the transportation and circulation element of the general plan of the city shall be deemed to have been amended to include the streets dedicated to the public in the location shown on the approved plat.

For final subdivision plats of three (3) lots or less, the planning commission may grant approval for the combined preliminary and final plat. Approval of the plat will only be considered valid upon a written staff report to the city council from the planning and zoning director giving notice and justification of the approval, as well as requesting the appropriate signatures of the city council and mayor/administrator. The subdivision becomes officially approved only after it is signed by the city council, and attested by the city recorder. All property owners within three hundred feet (300') shall be notified by U.S. mail of the decision to approve the final subdivision plat by the planning commission ten (10) days prior to having the plat signed by the city council. Any appeal of the approval shall be made to the city council no less than ten (10) days after prior to having the city council sign the final subdivision plat. (Ord. 2002-25, 12-4-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

17.04.090: AMENDING AND VACATING A SUBDIVISION PLAT:

A petition to vacate, alter or amend an entire plat, or to vacate a street in a subdivision shall

conform to Utah code. Petitions to adjust lot lines between adjacent properties, or petitions to combine lots in a platted and recorded subdivision shall require approval from the planning and zoning director, and the plat shall be signed by the planning commission chairperson, city council, and all other applicable signatures. Said amendment shall be drawn in final plat format to meet Mapleton City code. The plat shall include the lot or lots to be vacated. If adjusting a lot line or combining lots, the previous lot(s) shall be considered "vacated" and the new lot(s) in their new configuration shall be shown on the amended plat. The plat shall be given the same name as the subdivision that is affected, and shall be given the next available plat alphabetical designation. Prior to the recording of an amended plat, the notification process as described in section 17.04.080 of this chapter shall apply. Said amendments and lot line adjustments as herein defined, shall not create a new building lot, and the amendment or lot line adjustment shall not violate the lot requirements in the underlying zone. Appeals to decisions made to approve an amended subdivision plat shall be the same as described in section 17.04.080 of this chapter. (Ord. 2002-25, 12-4-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

17.04.100: NUISANCE STRIPS AND REMNANT PARCELS:

No subdivision or platting of a lot shall create a nuisance strip or remnant parcel of property less than three (3) acres in size. Any subdivision or platting of a parcel of real property shall include therein all of the property owned by the applicant as shown on the property deed. Remnant land not included in the proposed subdivision or platting of a lot can be deeded to adjacent property by "quitclaim", recorded at the same time as the subdivision or recording of a plat. (Ord. 2002-25, 12-4-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

17.04.110: APPLICANT SUBMITS PERFORMANCE GUARANTEE:

After final plat approval by the city council, and prior to commencement of the construction of the required improvements, the applicant shall: a) proceed to execute the improvements construction agreement and b) post a performance guarantee for the construction of the required improvements, in conformance with the provisions of chapter 17.20 of this title. (Ord. 2002-25, 12-4-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

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17.04.120: FINAL PLAT RECORDED IN OFFICE OF COUNTY RECORDER:

Upon approval of the final plat and performance guarantees and receipt of the executed documents and all other outstanding submissions and fees, including a copy on electronic media (such as a 3.5 inch floppy disk, a zip disk, or a CD-ROM), in a format approved by Mapleton City, the city shall submit the plat for recording in the office of the county recorder.

After recording, the building official may thereafter issue a building permit for the construction of the subdivision improvements. Upon the recording of the plat the owner may thereafter proceed to convey title to the lots as described by the plat. (Ord. 2002-25, 12-4-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

17.04.130: AVAILABILITY OF ADEQUATE PUBLIC FACILITIES:

- A. Approval of all development that requires development review approval shall be governed by this chapter. Mapleton City shall reserve one percent (1%) of its present and future public facilities' capacity for commercial, industrial and institutional (schools, churches, civic, and public uses) development with ninety nine percent (99%) of present and future capacity for residential development.
- B. The public facilities to which the preceding paragraph applies shall include the following:
1. The city culinary water system, including quantity, quality, treatment, storage capacity, transmission capacity, and distribution capacity;
 2. The city sanitary sewer system, including treatment, overall capacity, outfall lines, laterals, and collector lines;
 3. The storm water system, including drainage and flood control facilities;
 4. Streets and roads, including arterial and collector roads, sidewalks, curb and gutter, and related transportation facilities;
 5. City pressurized irrigation system, including transmission and distribution capacity.

- C. Approval shall not be granted until such time as the applicant has provided information, to the satisfaction of the city engineer, that adequate public facilities exist in the areas affected by the development to accommodate the development.
- D. The adequacy of public facilities shall be determined as of the date of application. Upon application for a development which requires development review, the city engineer, or his designee, shall calculate the public facilities existing as of the date of the application. To the extent that all public facilities required to approve the development proposed by the applicant are available to the city at the time of the application, the city engineer or his designee shall certify that the requirement for adequate public facilities has been met. To the extent that any one or more of the public facilities required to approve the development proposed by the applicant are not available to the city at the time of the application, the city engineer or his designee shall certify that the requirement for adequate public facilities has not been met.
- E. To calculate the adequacy of the public facilities for each application, the city engineer or his designee shall compare the base public facilities inventory and the modifications to the base public facilities to the type and quantity of public facilities required by the application under consideration pursuant to the Mapleton City standard specifications and drawings, the various master plans and the comprehensive general plan of the city.
1. In order to equitably determine the base public facilities inventory calculation, "zoning lots" shall be defined as in section 18.08.475 of this code.
 2. The base public facilities inventory shall be established by the city engineer, and adopted by resolution of the city council. A copy of the document shall also be maintained in the office of the planning and zoning director.
 3. The calculation of the base public facilities inventory shall be by determining the associated public facilities required for:
 - a. The number of residential structures within the city boundaries existing as of June 1, 2005.
 - b. The number of commercial structures within the city boundaries existing as of June 1, 2005.
 - c. The number of residential building permits issued for structures to be built within the city boundaries but which were not yet constructed as of June 1, 2005.
 - d. The number of commercial building permits issued for structures to be built within the city boundaries but which were not yet constructed as of June 1, 2005.
 - e. The number of transfer of development rights issued by Mapleton City and transfer development rights applied for but for which no building permit had been issued as of June 1, 2005.

- f. The number of potential transfer of development rights in excess of the number applied for as of June 1, 2005.
 - g. The number of lots of record with "zoning lot" status for which no building permit had been issued as of June 1, 2005.
 - h. The number of recorded subdivision lots within the city boundaries for which a building permit had not been issued as of June 1, 2005.
 - i. The number of recorded commercial lots for which a building permit had not been issued as of June 1, 2005.
4. The maximum number of physical sewer connections per year not to exceed two hundred sixty four (264). However, this section shall not apply to lots or dwelling units that have previously paid the impact fees in conjunction with a recorded subdivision plat prior to June 1, 2005.
 5. The city planning and zoning director shall create and maintain as a public record, the modifications to the base public facilities list. This document shall consist of a list of all additional public facilities acquired by or dedicated to the city, on or after June 1, 2005, as well as a list of any additional use of public facilities for all purposes, including public, residential or commercial on or after June 1, 2005.
 6. The principle of "first come, first served" for "zoning lot" applicants requesting sewer hookups will establish the yearly priority allotment.
 7. When considering any development which requires development review, the planning commission and city council shall be informed of the determination of the city engineer in his adequate public facilities review, and shall be provided with an accounting of the public facilities inventory at the time of application for the development, and the impact the development will have on the public facilities inventory if approved.
 8. The modifications to the base public facilities list shall be reviewed periodically but not less than once each year, by the city planning commission, and all additions to the list shall be approved and adopted by resolution annually by the city council on or before the first council meeting in April.
 9. Adequate public facilities are not guaranteed to any proposed development or subdivision until such time that the impact fees have been paid for every lot or unit within the development or within the plat to be recorded. No one development may record more than twenty (20) lots within one calendar year, from January 1 to December 31, unless otherwise specified by an approved development agreement between the Mapleton City council and the developer. Once impact fees have been paid, the developer will have six (6) months to record the subdivision, or commence the development by application of a building permit. If such time elapses, the money paid in impact fees shall be returned to the developer. The six (6) month requirement to record or commence the development may be extended if the developer agrees to pay six (6) months of back sewer usage fees per home or lot that are the result of the

development and start paying the monthly sewer fees thereafter. (Ord. 2005-02, 5-18-2005, eff. 6-15-2005) ENT 56319:2011 PG 175 of 662

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

17.04.140: UNAVAILABILITY OF ADEQUATE PUBLIC FACILITIES:

- A. In the event that the city engineer determines that adequate public facilities are not available and will not be available by the time of approval, so as to assure that adequate public services are available at the time of occupancy, the following alternatives may be elected, at the discretion of the city council:
1. Allowing the developer to voluntarily construct those public facilities which are necessary to service the proposed development and provide adequate facilities as determined by the city engineer, and by entering into an appropriate development agreement, which may include, as deemed appropriate by the city engineer, provisions for recoupment of any expenses incurred above and beyond those reasonably necessary for or related to the need created by or the benefit conferred upon the proposed development, and the method and conditions upon which recoupment is to be obtained. A provision shall be included in the development agreement consistent with city ordinance 96-25 that requires that any developer/individual who subsequently develops or benefits from the public facilities shall be required to pay back their proportionate share of the costs as determined by the city engineer. An agreement to pay this amount shall be signed by the subsequent developer prior to subdivision recording and/or building permit issuance;
 2. Requiring the timing, sequencing, and phasing of the proposed development consistent with the availability of adequate public facilities;
 3. Denying approval and allowing the applicant to reapply when adequate public facilities are available. (Ord. 2002-25, 12-4-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

Chapter 17.08 DOCUMENTATION REQUIREMENTS

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

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17.08.010: CONCEPT PLAN:

The concept plan shall consist of the following:

- A. A plan, twenty four inches by thirty six inches (24" x 36"), of the entire project area drawn at a scale of not smaller than one inch equals one hundred feet (1" = 100') and showing the general layout of the proposed subdivision and its relationship to the adjacent properties; the location of each proposed lot; the location, width and general configuration of proposed roads in the subdivision, and their relationship to the existing road system and major street plan; and major canals and watercourses in the vicinity.
- B. A written statement indicating the intent and manner for complying with the improvement guarantee, water rights conveyance and similar requirements.
- C. Evidence of payment of the subdivision application fee. (Ord. 2002-04, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

17.08.020: PRELIMINARY PLAN:

The preliminary plan shall consist of the following:

- A. A layout plan of the subdivision drawn at a scale of no smaller than one inch equals sixty feet (1" = 60'), on a twenty four inch by thirty six inch (24" x 36") sheet, showing the following:
 1. The boundary lines of the tract proposed to be subdivided.
 2. A contour map with a contour interval of no greater than two feet (2') on slopes up to ten percent (10%) and five feet (5') on slopes greater than ten percent (10%).
 3. The location and dimensions of all proposed lots, streets, easements, and open space with all areas proposed to be dedicated to the city clearly indicated.

4. The location of all existing and proposed canals and major ditches, bridges, culverts, drains.
5. The size and location of all existing and proposed water mains, fire hydrants, storm drainage facilities, curb, gutter and sidewalk improvements, mailboxes, and any other proposed or required facilities.
6. The location of the proposed initial and subsequent phases to be submitted for final plat approval.

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- B. Preliminary engineering drawings showing the proposed cross section for all streets within or adjacent to the subdivision, including the placement of curb, gutter, sidewalk, water lines, mailboxes and other street improvements (to conform to city standards), the proposed road grades (when required by the planning commission) and the proposed engineering treatment of any proposed canal or ditch piping and related culverts and bridges, storm water retention facility or other significant engineering features.
- C. A statement indicating the type of performance guarantee proposed to be offered as security for construction of the required public improvements.
- D. Evidence of ability to satisfy the water rights conveyance requirements.
- E. Evidence of payment of all preliminary plan submission and processing fees.
- F. Evidence of notification of adjacent property owners of intent to subdivide.
- G. Evidence that the proposed plan has been submitted to the irrigation company for review if applicable.
- H. Street plan and profile.
- I. Any other material or information required by the planning commission.

The preliminary plans and documents shall be prepared in accordance with city standards. The number of copies required for submission shall be as set forth under

section 17.04.040 of this title. Failure to submit the required material in accordance with city standards and requirements shall be grounds for denial. (Ord. 2002-04, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

17.08.030: FINAL PLAT AND ENGINEERING DRAWINGS:

The final plats and plans shall consist of the following:

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- A. The original final plat Mylar, prepared on the forms approved by the county recorder for use in the county.

- B. Copies of the final engineering drawings shall include the following:
 - 1. Road width, curb, gutter and sidewalk.
 - 2. Road section and curb, gutter and walk section.
 - 3. Water line - connection to existing, field location and lot connection, valves.
 - 4. Irrigation easements.
 - 5. Drainage - contours, sumps, drop inlet boxes.
 - 6. Street plan and profile.

- C. Documents indicating full compliance with the water rights conveyance requirements.

- D. An itemized estimate of the cost of constructing all required improvements, prepared by or under the direction of the city engineer. This estimate shall be used as the basis for setting the amount of the performance guarantee.

- E. Final copies of improvements construction agreement and the performance guarantee documents.

F. A title report, covering the property within the final plat area, to identify all interests in the property which have an effect on the title, and to establish that the land proposed for subdivision is free of boundary conflicts. The purpose of this requirement shall be to ensure that purchasers of lots will have a clear and marketable title.

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G. Final copies of all other required documentation, as applicable.

H. Evidence of payment of final plat checking and recording fees and facility improvement construction fee.

I. The final plat shall show the location of all areas determined to be hazardous or otherwise unsuitable for building purposes (nonbuildable areas) together with a written statement identifying the reason(s) for the limitation against building in the nonbuildable areas, and indicating the fact that building is prohibited except in areas designated as buildable.

J. Evidence of review of the plat by the electric, gas and telephone utility providers.

K. Written notification from applicant to city requesting future reimbursement for specific on site and off site improvements prior to the recording of the final plat.

The final plans, plats, and documents shall be prepared in accordance with city standards. The number of copies required for submission shall be no less than thirteen (13). Failure to submit the final material in accordance with city standards and requirements shall be grounds for denial. (Ord. 2002-04, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

17.08.040: TECHNICAL REPORTS REQUIRED; CE-1 ZONE AND OTHER ZONES AS MAY BE REQUIRED:

The technical reports are required for all subdivision applications in the CE-1 zone, floodplain zones A or B as defined by the U.S. department of housing and urban development flood insurance rate map and all other property in the fault buffer areas or debris flow areas indicated on the Utah County hazard map.

- A. Technical Report: In addition to other materials required or submission, the preliminary plat shall be accompanied by copies of the following technical reports prepared by a professional engineer licensed by the state of Utah.
1. Geotechnical And Geology Report (Global And Site Specific): The report shall include, but is not necessarily limited to, identification and mapping of the location of major geographic and geologic features such as fault traces, surface ruptures, zones of deformation, potential slide and other high hazard areas such as mine shafts and avalanche paths, conclusions and recommendations regarding the effect of geologic conditions on the proposed development, recommendations covering the adequacy of sites proposed for development, and any potential adverse impact on the natural environment. This report shall be completed by a geotechnical engineer or an engineering geologist. The geotechnical report shall contain a certification in accordance with section 18.30.010 of this code.

The geotechnical investigation shall include soil borings extended to a depth sufficient to define the soil stratigraphy, water table and other features within the zone of significant stress of the proposed structural footings of the proposed development. If the development needs evaluation of slope stability then the soil borings will extend deep enough to define all soil layers in the zone of possible slippage.

If published geologic maps show possible faults in the area or a surface geologic examination reveals signs of faulting then the geotechnical investigation will be supplemented by trenching in addition to the soil borings. The trenches will be so located as to intercept the apparent fault at a perpendicular angle to the trend of the fault. The trenching will extend a minimum of twenty feet (20') each side of the located fault. Developments of two (2) acres or more will require at least two (2) trenches to define the fault. One trench will be approximately where the fault enters the property and the other where it leaves the property. The trenches will be excavated to a depth that will define the fault and allow physical observation and measurement to be taken.

2. Soils Report: The report shall include, but is not necessarily limited to, information with respect to slope analysis, general soils classification, suitability for development, erosion potential, any recommendations for proposed methods of mitigating any constraints determined to be present as part of the development plan, and any adverse impact on the natural environment.
3. Grading And Drainage Plan: The plan shall include, but is not necessarily limited to, information on ground water levels, identification and mapping of drainage channels and systems, floodplains, existing details and contours where modification of terrain is proposed, the direction of proposed drainage flow, proposed plans and the location of all surface and subsurface drainage devices to be constructed as part of the proposed development, erosion control measures during the course of construction, identification of any grading and drainage problems such as the alteration of natural drainage patterns and any other problems of the proposed development, and a plan to mitigate or eliminate such problems and any adverse impact on the natural environment.
4. Natural Conditions And Vegetation Analysis And Preservation Plan: This report and plan shall include a survey of existing trees, large shrubs and ground covers, a plan for

the proposed revegetation of the site, detailing existing vegetation to be preserved, new vegetation to be planted and any modifications to existing vegetation, and the identification of any vegetation problems and recommendations as how to mitigate or eliminate such problems and avoid potential adverse impact on the natural environment.

5. Fire Protection Report: The report shall include, but not be limited to, identification of potential fire hazards, mitigation measures, access for fire protection equipment and proposed fire flow capability.

The scope and content of these required technical reports and plans shall be in accordance with city standards. The planning commission, subject to the prior recommendation of the city engineer, may waive the necessity for submitting one or more of the technical reports or any elements of a report where, in its opinion, conditions associated with the proposed development do not require consideration of the subject matter covered. Also, where the lot is contained within an approved subdivision and the technical reports previously submitted as part of the subdivision approval process are sufficient in scope and detail to adequately address the issues required under this chapter, this requirement may be waived. (Ord. 2002-04, 3-20-2002)

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This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

Chapter 17.12 DESIGN STANDARDS AND CRITERIA

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

17.12.010: SUBDIVISION DESIGN TO CONFORM TO STANDARDS:

The layout and design of all subdivision developments shall be in accordance with the standards as contained herein or as may be adopted by the city pursuant to the provisions of [chapter 17.24](#) of this title. (Ord. 2002-04, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

17.12.020: STREETS AND ROADS; GENERAL CRITERIA:

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- A. Subdivision Plans To Be Consistent With Transportation And Circulation Element Of The General Plan: Subdivision plans shall be consistent with the transportation and circulation element of the general plan as adopted by the city, as follows:
1. Arterial And Collector Streets (Feeder): Where the area of a proposed subdivision includes any arterial or collector class streets, as shown on the transportation and circulation element of the general plan, the subdivision plan shall incorporate such streets in the location shown on the transportation and circulation element of the general plan and the approval of the final plat shall include the dedication of the right of way and its improvement in accordance with the applicable city standards.
 2. Minor Streets (Local Service): Where the area of a proposed subdivision includes any minor class streets, as shown on the transportation and circulation element of the general plan, the subdivision plan shall provide for such streets in the approximate location shown and the approval of the final plat shall include the dedication of the right of way and its improvement in accordance with the applicable city standards.
 3. Significant Realignment: No subdivision plan which proposes the deletion or significant realignment of any street shown on the transportation and circulation element of the general plan shall be given preliminary approval unless and until the transportation and circulation element of the general plan shall have been amended by action of the city council. For purposes of this subsection A3 a "significant realignment" shall be deemed to include: a) any proposed offset in a street alignment of fifty feet (50') or more from that shown on the transportation and circulation element of the general plan, b) any proposed realignment which has the effect of shifting part or all of the right of way of a proposed subdivision street to property owned by another, or c) any other condition or change deemed by the planning commission to constitute a significant realignment.
- B. Relationship To Adjacent Streets: The proposed street system shall properly align and be compatible with adjacent streets.
- C. Access To Adjacent Properties: In order to facilitate the development of an adequate and convenient circulation system within the city and to provide access for the logical development of adjacent vacant properties, the city may, as a condition of approval, require the subdivision plan to include one or more temporary dead end streets (stub streets) which extend to the boundary of the subdivision. All such stub streets shall be fully developed to the boundary of the subdivision. Any plan for the subsequent development of the adjacent property shall provide for the continuation of any such stub street.

- D. Temporary Dead End (Stub Streets): Where a final plat includes a dead end stub street which is intended to be continued into adjacent property in the future and which serves as the primary access for one or more adjacent lots, said final plat shall make provision for temporarily accommodating vehicular movement and the extension of utility services by designating temporary cul-de-sacs, turnaround areas, travel easements connecting the end of the stub street with other streets in the vicinity or such other temporary measure as may be approved by the planning commission. Such temporary facilities required pursuant to this provision shall remain until such time as the street has been extended into the adjacent property and the improvements accepted by the city. (Ord. 2002-04, 3-20-2002)

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This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

17.12.030: STREETS AND ROADS; RIGHT OF WAY WIDTH:

Subject to the provisions adopted under section 17.12.040 of this chapter:

- A. The minimum width of right of way for streets shown on the transportation circulation element of the general plan shall conform to the width as designated on the plan.

- B. The minimum right of way width for streets not shown on the plan shall be as follows:

Class Of Street	Right Of Way Width
Rural local class	50 feet
Local class	56 feet
Collector class	66 feet
Arterial class	80 feet

(Ord. 2009-13, 11-18-2009, eff. 1-5-2010)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

17.12.040: STREETS AND ROADS; WIDTH OF PAVEMENT; OTHER IMPROVEMENTS:

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- A. All streets within and adjacent to the subdivision shall be hard surfaced. The width of the hard surfacing and the location and type of other required street improvements shall be as set forth on the applicable street cross section standard adopted by the city council.

- B. As part of the preliminary plan review process, if approved by the city council, the curb, gutter, and sidewalk improvements otherwise required may be modified and specifically tailored to more effectively achieve the policies, goals, and objectives of Mapleton City. The modification 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. (Ord. 2009-13, 11-18-2009, eff. 1-5-2010)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

17.12.050: STREETS AND ROADS; DESIGN STANDARDS:

- A. Reverse Curves: Reverse curves shall have a tangent of at least one hundred feet (100'), unless in the opinion of the planning commission such is not necessary.

- B. Street Intersection: Streets shall intersect each other as nearly as possible at right angles. Minor streets shall approach the major or collector streets at an angle of not less than eighty degrees (80°). Offsets in street alignment of more than fifteen feet (15') or less than one hundred twenty feet (120') shall be prohibited.

- C. Street Grades: The maximum grade of any street in the subdivision shall be eight percent (8%) unless the street design has been approved by the city engineer.

D. Street Curves: Where the street lines within a block deflect from each other at any one point more than ten degrees (10°), there should be a connecting curve. The radius of the curve for the inner street line should be not less than three hundred fifty feet (350') for arterial and collector class streets, two hundred fifty feet (250') for an important minor class street, and one hundred feet (100') for minor streets.

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E. Curbs: Where curbs are required said curbs at intersections shall be rounded with curves having a minimum radius of twenty feet (20') for minor streets, and twenty five feet (25') for collector and major streets. Property lines at street intersections shall be parallel to the curve where necessary to fit the curb radius.

F. Street Names: New street names should not duplicate those already existing. A street obviously a continuation of another already in existence should bear the same name. Before the street is named, the proposed name must be submitted to and approved by the city.

G. Cul-De-Sacs: Permanent cul-de-sacs shall be allowed upon the recommendation of the planning commission and the approval of the city council as the most desirable design. In accordance with standard drawings S-04A, S-04B, and S-04C, each cul-de-sac stem shall meet the standard street requirement including right of way, pavement width, gutter, curb, and sidewalk within residential subdivisions.

Permanent cul-de-sacs shall be designed in conformance with standard drawings S-04A, S-04B, S-04C and S-04D. Each cul-de-sac stem shall meet the street standard of the stem road connecting to the cul-de-sac. The maximum length of a cul-de-sac street shall be four hundred feet (400') from the center of the cul-de-sac to the centerline of the intersecting street. The planning commission may allow a five hundred foot (500') maximum cul-de-sac length if the applicant of such can demonstrate one or both of the following requirements:

1. That a road cannot be extended through the property to connect to another street elsewhere.
2. That development has occurred on at least three (3) sides of the surrounding property.

Subject to giving the staff sixty (60) days to bring an ordinance forward establishing provisions for maintenance. (Ord. 2004-20, 7-7-2004, eff. 8-4-2004)

H. Easements: Easements of not less than ten feet (10') on each side of all rear lot lines and side lines will be required where necessary for poles, wire, conduits, storm or sanitary sewers, gas and water mains, and other public utilities. Easements of greater width may

be required along property lines where necessary for surface overflow or for the extension of main sewers or similar utilities.

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- I. Road Edge Curbing: All Mapleton City streets shall be curbed. In zones which do not require high back curbs, the pavement shall be curbed with a two foot (2') wide concrete roll curb.
- J. Street Thickness: All Mapleton City streets shall be hard surfaced (asphalt) with a two and one-half inch (2¹/₂") bituminous coat even with the lip of the curb applied over eight inches (8") of road base, with a subbase determined by the Mapleton City engineer from the results of the California bearing test. In addition, the developer shall be required to pay a fee to be determined by the city engineer, and held in an escrow account for future road overlay equal to a one inch (1") overlay, including the use of a roto mill on the edge and a tack coat. (Ord. 2002-04, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

17.12.060: BLOCKS; DESIGN STANDARDS:

- A. Length: The maximum length of blocks, generally, shall conform to the current transportation and circulation element of the general plan.
- B. Width: The width of blocks generally shall be sufficient to allow two (2) tiers of lots.
- C. Use: Blocks intended for business or industrial use shall be designed especially for such purposes with adequate space set aside for off street parking and delivery facilities. (Ord. 2002-04, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

17.12.070: LOTS; DESIGN STANDARDS:

- A. **Building Sites:** The lot arrangement, design, and shape shall be such that lots will provide satisfactory and desirable sites for buildings, be properly related to topography and conform to requirements set forth herein. Lots shall not contain peculiarly shaped elongations solely to provide necessary square footage which would be unusable for normal purposes.
- B. **Size Of Lots:** All lots shown on the subdivision plat must conform to the minimum requirements of the zone in which the subdivision is located.
- C. **Corner Lots:** Wherever possible corner lots shall have ten feet (10') extra width to accommodate the additional setback requirements.
- D. **Angle Of Lot Lines:** Side lot lines shall be approximately at right angles, or radial to the street line, except where topographic conditions make it advisable to have side lot lines deflect at sharper angles.
- E. **Parts Of Lots:** All remnants of lots below minimum size left over after subdividing of a larger tract must be attached to adjacent lots rather than allowed to remain as unusable parcels. Protection strips shall not be permitted.
- F. **Multiple Ownership Of Lots:** Where the land covered by a subdivision includes two (2) or more parcels in separate ownership and the lot arrangement is such that a property ownership line divides one or more lots, the subdivision shall be considered as a joint project and the final plat shall be signed by all affected property owners.
- G. **Conformance To Standards:** Any lot that contains a portion of ground within the CE-1 zone shall conform to the CE-1 zone standards. (Ord. 2002-04, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

17.12.080: SPECIAL DESIGN STANDARDS FOR SUBDIVISIONS IN THE CE -1 ZONE:

The following design standards shall apply to subdivisions within the CE-1 zone. Provided that where the provisions of this section conflict with other provisions of this chapter these provisions shall prevail:

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A. General Design Criteria:

1. Each lot in the subdivision shall comply with the minimum requirements for a zoning lot as set forth under the zoning ordinance including, but not limited to, the minimum size, width, buildable area, frontage, access, utility and special requirements.
2. The design shall recognize and accommodate all significant environmental conditions known or identified in the technical reports.

B. Streets:

1. Wherever possible street alignments should be parallel to contours, in valleys or along ridges and the street system should be designed to produce minimal impact with environmental constraints (i.e., large cut faces, extensive removal of natural vegetation, concentration of drainage waters).
2. Streets shall not be located on land having a slope greater than thirty percent (30%), except that the city may approve the placement of streets in such locations provided:
 - a. It has been demonstrated to the satisfaction of the city that the placement of the roadway in the proposed location is necessary for the proper development of the area and there is no feasible alternate alignment which conforms with the slope requirement,
 - b. No cut or fill slope created as part of the construction of the street shall exceed the critical angle of repose, and
 - c. It has been demonstrated that the plan provides adequate measures to ensure that all disturbed surfaces will be stabilized, erosion hazard eliminated, vegetation restored and other environmental hazards accommodated.
3. No street shall have a grade of more than eight percent (8%), unless the street design has been approved by the city engineer.
4. All minor streets shall have a minimum pavement width of thirty four feet (34') and collector streets shall have a minimum pavement width of forty four feet (44'). All streets shall be bordered by curbs and gutters or other suitable edging.
5. Sidewalks of not less than four feet (4') in width shall be constructed adjacent to all streets. Provided, that on minor streets which provide access to lots on one side only

the city may waive the requirement for the construction of a sidewalk on the nonaccess side.

6. Where the road is located in a cut or fill area the graded roadbed shall extend not less than three feet (3') beyond the curb face or edge of sidewalk, as applicable, on the fill side and two feet (2') on the cut side.
7. Cul-de-sac shall have a maximum length of one thousand feet (1,000') and shall be terminated with a suitable turnaround having a diameter of not less than one hundred sixty eight feet (168') in accordance with standard drawing S-04.

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C. Grading:

1. All land surface having a slope of thirty percent (30%) or greater shall remain in its natural state and shall not be graded or otherwise disturbed except for the planting of additional vegetation, the addition of sprinkler irrigation systems, the establishment of required fire breaks or access easements, or when such disturbance is specifically provided for under the approved plan.
2. No grading, filling or excavation of any kind shall be commenced without first having obtained a grading permit from the public works director who shall not issue such permit until the final grading and drainage plan is endorsed by a licensed civil engineer, and approved by the city engineer.
3. Fill areas shall be prepared by removing organic material such as vegetation, rubbish and other material which is determined by the city engineer to be detrimental to proper compaction or otherwise not conducive to stability. No rock or similar irreducible material with a maximum diameter greater than twelve inches (12") shall be used as a fill material in fills that are intended to provide structural strength.
4. All rough street and site grading shall be completed prior to the installation of utilities.
5. Fills shall be compacted to at least ninety five percent (95%) of AASHTO T180 density for those areas intended as structural foundations, including roadways.
6. The surface of cut slopes shall be no steeper than two and one-half ($2\frac{1}{2}$) horizontal to one vertical. Subsurface drainage shall be provided as necessary for stability.
7. The surface of fill slopes shall be not steeper than two (2) horizontal to one vertical.
8. Slope easements shall be provided of sufficient width on both sides of a street so that tops and toes of cut and fill slopes shall be set back from the slope easement boundary a distance of ten feet (10').
9. Borrowing for fill shall be prohibited unless the material is obtained from a cut permitted under an approved grading plan obtained for some purpose other than to produce fill material, or imported from outside the hillside area of the zone.

10. Cut slopes shall be constructed to eliminate sharp angles of intersection with the existing terrain and shall be rounded and contoured as necessary to blend with existing topography to the maximum extent possible.

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D. Drainage:

1. Required storm water run off collection facilities shall be designed so as to retain on site the storm water runoff resulting from a 25- and 100-year frequency storm for a sufficient length of time so as to prevent flooding and erosion.
2. Required storm water run off collection facilities shall be so designed as to divert surface water away from cut faces or sloping surfaces of a fill. French drains are not acceptable.
3. Curb, gutter and pavement designs shall be such that water on roadways is prevented from flowing off the roadways.
4. Natural drainage shall be riprapped or otherwise stabilized to the satisfaction of the city engineer below drainage and culvert discharge points for a distance sufficient to convey the discharge without channel erosion.
5. Waste material from construction, including soil and other solid waste materials, shall not be deposited within a natural or manmade drainage course nor within irrigation channels.
6. Sediment catchment ponds shall be constructed downstream from each development, unless sediment retention facilities are otherwise provided.

E. Vegetation And Revegetation:

1. Every effort shall be made to conserve topsoil which is removed during construction for later use on areas requiring vegetation or landscaping, e.g., cut and fill slopes.
2. New planting shall be protected with organic cover.
3. All disturbed soil surfaces shall be stabilized and revegetated. Plans for the revegetation of all disturbed slopes shall be submitted as part of the grading and drainage plan.

F. Fire Protection:

1. The placement of buildings on lots shall be such that adequate clearance of hazardous, flammable vegetative cover may be accomplished.

2. The city may require the dedication of easements for firebreaks for safety of built up areas. Such easement shall provide access for firefighting personnel and equipment and shall be dedicated for this specific purpose by being recorded in the office of the Utah County recorder.
3. The inability to provide fire line water pressure and fire flows consistent with the standards set by the Insurance Service Organization shall be justification for denial of a subdivision request. However, there shall be a minimum fire flow requirement of at least five hundred (500) gpm with a twenty five (25) psi residual pressure.

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G. Access Easements:

1. The city may require the dedication of easements adjacent to the borders of lots adjoining public lands for the purpose of providing public access to said public lands. Said easements may be combined with those required for fire safety purposes as set forth under subsection F2 of this section. (Ord. 2002-04, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

17.12.090: DESIGN STANDARDS FOR MULTI-FAMILY AND SPECIFIC DEVELOPMENT PLAN (SDP) ZONES:

The following minimum standards shall apply to all proposed multi-family and specific development plan (SDP) zone projects. This section may apply to other zones and developments as dictated by a development agreement prior to the rezoning of a property. Additional design standards may be added during the execution of a development agreement.

A. Single-family detached homes shall have the following design standards:

1. A variety of architectural styles shall be required. No two (2) homes of the same exterior architectural design shall be situated next to, or across the street from, another.
2. The developer/builder shall provide Mapleton City with no less than five (5) different home designs with differing exterior elevations, rooflines, colors and materials. Exceptions shall be granted if the lots or pads are sold to individuals who will build custom homes. If the lots are purchased by one builder or multiple builders who have purchased a "block" of lots or pads, then these design standards shall apply.

B. Attached buildings, such as duplexes, twin homes, condominium units, or similar, shall be approved by the planning commission and city council as part of the project plan approval.

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C. Building materials shall be approved by the Mapleton City council, with recommendation from the planning commission.

D. Colors shall reflect the natural surroundings in Mapleton City. Bright colors shall not be permitted.

E. Building height shall be the same as allowed in the original zone.

F. Garages shall not be the main feature of the home. Garages shall either be detached to the rear of the home, set back from the facade of the home, flush with the home, or extended out from the home no more than four feet (4'). Garages may be located off of an alleyway in the rear of the home. Said alleyway may only be allowed as part of the overall design, and shall be sufficient to allow for one-way traffic, or two-way traffic if the alley does not connect to another public street.

G. Carports shall only be allowed in the SDP zone, but shall not be permitted in front of the building. Therefore, it is the intent of this section to have carports, for attached buildings only, located in back of the home or building. Other appropriate locations may be permitted with recommendation from the planning commission to the city council.

H. Orientation:

1. The front elevation of every building shall face a street or small park or be visible and directly accessible from a street. Where units are across the street from a park, the front elevation shall face the park. Rear yards which occur along local or collector streets shall be buffered by nonsee-through barriers of a permanent structure with a minimum of six feet (6') in height pending compliance with a fencing ordinance.

2. The front elevation and primary entrance of every building shall face:

a. A street, or

b. A plaza, or

c. A small park, or

- d. A landscaped walkway that is visible and directly accessible from a street.
- e. Buildings used to meet the minimum frontage requirements must have front elevations and primary entrances facing a street.

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3. Orientation for all multi-unit buildings:

- a. At least seventy five percent (75%) of the front yard frontage shall have buildings within the minimum and maximum setback.
- b. Buildings that are located within thirty feet (30') of a side property line facing a street shall have at least twenty five percent (25%) of the wall in window or door areas.
- c. Parking areas shall not be located between buildings and the street. Parking lots may be located on one side and behind the buildings.
- d. Buildings shall be directly accessed from the street and the sidewalk.
- e. Ground floor pedestrian entrances must be oriented toward the street and an open space accessible from a street.

4. Setback requirements:

- a. Porches may project up to six feet (6') into required setbacks. Bay windows, fireboxes and balconies may extend up to three feet (3') into required setbacks.
- b. Every primary entry shall be accompanied by a porch or covered area. (Ord. 2003-02, 1-15-2003, eff. 1-29-2003)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

Chapter 17.14

STANDARD SPECIFICATIONS AND DRAWINGS

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

17.14.010: ADOPTED:

The city hereby adopts by reference the standard specifications and drawings regulations as if fully set forth herein. (Ord. 2002-04, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

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Chapter 17.15 LANDSCAPE STANDARDS

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

17.15.010: PURPOSE:

The landscaping and buffering requirements specified in this chapter are intended to foster aesthetically pleasing development which will protect and preserve the appearance, character, health, safety and welfare of the community. These regulations are intended to increase the compatibility of adjacent uses and, in doing so, minimize the harmful impacts of noise, dust and debris, motor vehicle headlight glare or other artificial light intrusions, and other objectionable activities or impacts conducted or created by an adjoining or nearby use, thereby fostering compatibility among different land uses. These regulations are also intended to preserve, enhance and expand the urban forest and promote the prudent use of water and energy resources. (Ord. 2002-26, 12-4-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

17.15.020: LANDSCAPE REQUIREMENTS:

- A. Whenever the submission and approval of a landscape plan is required by this chapter, such plan shall be an integral part of any application for a commercial project plan approval, SDP proposal, assisted living center proposal, multiple-family development proposal, building permit or occupancy permit (aforementioned uses only). No such permits or approvals shall be issued without city approval of a landscape plan as required in this chapter.

- B. The planning commission may approve a project plan modifying the standards of this chapter if the property owner seeking development approval presents substantial evidence for the modification. The planning commission shall determine if the proposed modification constitutes an innovative landscaping design superior to the required

landscaping standards. If the planning commission grants a modification under this subsection, it shall make particularized findings justifying the modification. (Ord. 2002-26, 12-4-2002)

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This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

17.15.030: SAVING EXISTING VEGETATION:

- A. Developments shall be designed to incorporate existing large trees, clusters of trees or clusters of large shrubs unless the Mapleton City shade tree commission finds (or a certified arborist in the absence of a finding from the Mapleton City shade tree commission) that such preservation is unwise. The planning commission or its designee shall review the appropriateness of removal of such vegetation if proposed in a development plan.
1. The planning commission may approve removal of some or all existing vegetation based on a determination of the benefits of such vegetation and the efforts made to save and incorporate the vegetation into the design of a development versus the problems such vegetation may create for the development. Areas of consideration will be general construction techniques, the impact the removal will have on the character of the area, the topography of the site and harmful conditions created by the vegetation.
 2. The planning commission may deny a development plan if it determines trees or other vegetation were removed prior to submittal of the development application. If existing trees, clusters of trees or clusters of large shrubs deemed beneficial to the property are removed without city authorization prior to approval of a development, then the replacement of a specific caliper and number of trees will be recommended by the Mapleton City shade tree commission and shall be planted in their place.
- B. Trees and other vegetation to be saved shall be clearly marked to ensure protection against removal or damage. Snow fencing or other acceptable barriers shall be used to protect existing vegetation designated to be saved. The planning department or shade tree commission shall approve the location of such barriers. (Ord. 2002-26, 12-4-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

17.15.040: DEFINITIONS:

The following definitions shall apply to the regulation and control of landscaping within this title:

ANNUAL: A plant which completes its life cycle within one year of germination.

BIENNIAL: A plant which completes its life cycle in two (2) years.

BOTANICAL NAME: The Latin scientific name of a plant.

BUFFERING: The use of landscaping (other than mere grass on flat terrain), or the use of landscaping along with berms, walls or decorative fences that at least partially obstruct the view from the street, in a continuous manner, of vehicular use areas, parking lots and parked cars, and detention ponds.

CALIPER: A standard trunk diameter measurement for nursery grown trees taken six inches (6") above the ground for trees up to and including four inch (4") caliper size, and twelve inches (12") above the ground for larger size trees.

CULTIVAR: The plant variety originated in cultivation and not in the wild.

DECIDUOUS: A plant that loses its leaves at the end of the growing season.

DEEP SOAK IRRIGATION SYSTEM: An underground system meant for watering trees in parkway areas.

DETENTION AREA OR DETENTION BASIN OR RETENTION BASIN: A temporary storage of a determined quantity of water with a release rate that is either fixed or variable.

DEVELOPMENT REVIEW COMMITTEE: The committee established to review all applications for development.

DRIP IRRIGATION: A network of narrow tubes or porous tubing which delivers small amounts of water to individual plants in order to reduce the amount of water wasted due to wind, evaporation or spillage.

DRIP LINE: A vertical line extending from the outermost edge of the tree canopy or shrub branch to the ground.

EVERGREEN: A plant which retains its leaves in a living state during the winter.

FOUNDATION AREA: The ground area immediately adjacent to a building on all sides thereof.

GENUS: A class of plants divided into subordinate species.

GROUND COVER: A prostrate plant less than two feet (2') in height at maturity and used for ornamental purposes.

HARDSCAPE: Landscaping which may include interior decorative walkways, curbing or patio areas.

HARDY: A plant which can withstand prolonged exposure to temperatures at or below forty five degrees Fahrenheit (45°F).

ISLAND: A raised planting area, usually curbed, and placed to guide traffic, separate lanes, limit paving (impervious surface), preserve existing vegetation and increase aesthetic quality in parking lots and other areas.

LANDSCAPE PLAN: The preparation of graphic and written criteria, specifications, and detailed plans to arrange and modify the effects of natural features such as plantings, ground and water forms, circulation, walks and other features to comply with the provisions of this chapter.

LANDSCAPE YARDS: A yard devoted exclusively to landscaping except that driveways and sidewalks needed to serve the use and buildings on the lot may be located within a required landscape yard.

LANDSCAPING: Any combination of living plants, such as trees, shrubs, vines, ground covers, flowers or grass; natural features such as rock, stone, bark chips or shavings; and structural features, including, but not limited to, fountains, reflecting pools, outdoor art work, screen walls, fences, or benches.

MICROCLIMATE: A specific expression of the wind, temperature, and precipitation patterns of a specific site or property.

MULCH: Any loose, usually organic, material placed over the soil as a protective covering or for decorative purposes such as ground bark, sawdust, leaves, compost or straw.

PARKING LOT PLANTINGS: A planting area, within or adjacent to a parking area, designed to shade and improve the attractiveness of large areas of pavement.

PARKWAY AREA: The strip of land next to a road which is between the curb and the sidewalk.

PERENNIAL: A plant which will live for three (3) years or more under normal conditions.

PLANTING AREA: The area prepared for the purpose of accommodating the planting of trees, shrubs, and ground covers.

RETENTION AREA: An area designed and used for the temporary or permanent storage of storm water runoff.

ROOT BALL: Matted roots plus enclosed soil within the pot of a container grown plant.

SHRUB: A small, medium, or large upright plant growing less than five feet (5') to twenty feet (20') in height at maturity that is planted for ornamental or screening purposes.

SITE ANALYSIS PLAN: A plan drawn with sufficient detail to show existing site conditions including steep slopes, wetlands, watercourses, existing vegetation, scenic views, drainageways, fences, easements, and other existing features pertaining to the proposed site.

SPECIES: A category of plants ranking below genus.

STREET TREE OR PUBLIC TREE: A tree in any public place, located on Mapleton City property, or street rights of way, including, but not limited to, parkway areas.

STREET YARD: A planting area parallel to a public street designed to provide continuity of vegetation along the right of way and to soften the impact of development by providing a pleasing view from the street.

TREE: A woody plant with a distinct central trunk.

TREE, ORNAMENTAL: A small to medium tree, growing fifteen (15) to forty feet (40') in height at maturity, that is planted for aesthetic purposes such as colorful flowers, interesting bark, or fall foliage.

TREE PROTECTION ZONE: The area around a tree corresponding to the drip line or ten feet (10') in all directions from the trunk.

TREE, SHADE: A large tree, growing to over forty feet (40') in height at maturity, planted to provide canopy cover shade.

VARIETY: One of possibly many closely related plant species.

XERISCAPE: A reduced water usage landscape achieved through the use of good planning and design, limited turf areas, soil improvements, efficient irrigation, mulching, low water use plants, and appropriate trees, shrubs, and ground cover. (Ord. 2002-26, 12-4-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

17.15.050: LANDSCAPE REQUIREMENTS FOR SINGLE-FAMILY HOMES:

It is the intent of this section to provide a guide for all single-family homes, however, this section shall be required for all homes constructed on any lot less than an acre in size. These standards shall also apply to any of the aforementioned zones with a "cluster or transferable development right" overlay zone, as well as any lot one acre in size or less. This section shall only apply to the front yards of residential homes. Unless otherwise agreed upon by the developer of a subdivision, the homeowner, within one calendar year, must provide landscaping with the following minimum standards:

- A. No less than seventy five percent (75%) of front yard shall be lawn or sod, and a combination of shrubs, trees, decorative rock, ground cover or other recognized landscape materials such as wood chips. Areas of the front yard not landscaped shall be "hardscaped" (pathways or patios). Front lawns shall be kept free of weeds, structures, or debris.

- B. Automatic surface sprinkling system for front yard is encouraged. This will include lawn area, parkway in front of house and between sidewalk and curb. Each station should provide sufficient water to meet needs of plants being watered.

- C. Separate deep soak irrigation system for street trees and trees planted in planter strips between curb and sidewalk is also encouraged.

- D. Mapleton City recommends using plants with low water requirements.

- E. Where a parkway or planter strip is present, street trees, as approved by the Mapleton City tree list shall be installed. The number of trees shall be determined by the spread or canopy of the tree at full maturity. Trees shall be no less than one inch (1") caliper in size. Larger trees may be used, but are not recommended. A bond for the trees shall be collected with the building permit for any new home with a parkway in the front or side yard (corner lots). (Ord. 2002-26, 12-4-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

17.15.060: LANDSCAPE PLAN:

- A. A landscape plan shall be required whenever landscaping or alteration of existing landscaping is required by this title (excluding section 17.15.050 of this chapter) or title 18 of this code, and shall be submitted with the initial application for approval. Such landscape plan shall conform to the requirements specified in this chapter. Landscape plans shall be prepared by a licensed Utah design professional where applicable and be approved by the planning commission or its designee prior to the issuance of a building permit. If a building permit is not required, landscape plans shall be approved as part of a project plan.

- B. All landscape plans submitted for approval shall be drawn to standard engineer's or architect's scale on twenty four inch by thirty six inch (24" x 36") or eleven inch by seventeen inch (11" x 17") sheets and shall include the following components:
1. Location and dimensions of all existing and proposed structures, property lines, easements, parking lots and drives, roadways and rights of way, sidewalks, bicycle paths, ground signs, refuse disposal and recycling areas, bicycle parking areas, fences, freestanding electrical equipment, tot lots and other recreational facilities, and other freestanding structural features;
 2. Location, quantity, size, and botanical and common names of all proposed plants;
 3. Location, size and common names of all existing plants including trees and other plants in the parkway;
 4. Indication of plants to be retained or removed and how they will be protected during construction;
 5. Location of existing buildings, structures and plants on adjacent property within twenty feet (20') of the site;
 6. Existing and proposed grading of the site using two foot (2') contour intervals;
 7. Proposed berming using one foot (1') contour intervals;
 8. Elevations and cross sections of all proposed fences and retaining walls;
 9. Elevations and cross sections of other landscape features;
 10. Summary data indicating the total area of property and percentage of the site devoted to landscape area; and
 11. Irrigation system plan provided on a separate sheet of paper. (Ord. 2002-26, 12-4-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

17.15.070: DESIGN STANDARDS:

This section applies to all commercial or industrial projects. All areas not included as part of the parking lot or areas wherein any structure lies, shall be landscaped according to this chapter. Parking lots shall not encroach on any required setback area.

A. Landscape plans shall incorporate the design standards set forth in this section and shall be evaluated and approved based on compliance therewith.

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B. The scale and nature of landscaping materials shall be appropriate to the size of the structures on the premises and character of the location.

1. Plants shall be selected for form, texture, color pattern of growth and adaptability to local conditions. Plants shall be of good quality, and capable of withstanding the extremes of the Mapleton climate. The mature height and spread of plants shall be taken into account during selection.
2. Evergreens shall be incorporated into the landscape treatment of a site, particularly in those areas that require screening and buffering.
3. Plants shall be placed intermittently against long expanses of building walls, fences, and other barriers to create a softening effect.
4. Detention/retention basins and ponds shall be landscaped where possible. Such landscaping may include shade and ornamental trees, evergreens, shrubbery, hedges, turf and ground cover.
5. Plant placement shall be designed to reduce the energy consumption needs of the development.
 - a. Deciduous trees shall be placed on the south and west sides of buildings to provide shade from the summer sun.
 - b. Evergreens shall be concentrated on the north side of buildings to dissipate the effect of winter winds.
6. Whenever practical, earthen berms and existing topographic features shall be incorporated into the landscape treatment of a site, particularly when combined with plant material to facilitate buffering.

C. Landscape design shall recognize the climatic and geologic limitations of the Mapleton City area and the need for water conservation. While irrigation systems are required for certain landscape areas, and may be desirable for other applications, all irrigation systems shall be designed to minimize the use and run off of water.

1. All areas to be landscaped with sod, seed, and/or hydroseed shall have sprinklers and/or an irrigation system. All other landscaped areas shall be provided with drip irrigation systems.
2. Sod shall be used in areas with less than a ten percent (10%) slope to prevent the runoff of irrigation water.

3. To promote water conservation every effort should be made to use drought tolerant species that can withstand dry conditions once established. The use of drought tolerant vegetation is encouraged in required landscape areas, especially in hillside areas. The shade tree commission shall maintain a current list of drought tolerant trees and shrubs that are locally available. Xeriscape landscaping may include a combination of drought resistant trees, shrubs, ground covers, organic mulches as well as some dry landscape materials.

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D. Annuals, biennials and perennials, decorative stone or similar materials shall be used in planting beds and may be used as an alternative to grasses. Ground covers may be used together with mulch to provide complete coverage of bare ground. Where ground cover is not used, planting beds shall be mulched with bark chips, decorative stone, or similar materials. Mulch shall not be used as a substitute of plants.

E. Minimum plant sizes shall be as follows:

1. All deciduous and/or ornamental trees shall have a minimum one inch (1") caliper size.
2. All evergreen trees shall have a minimum height of five feet (5') measured from finished grade to the top of the plant.
3. All shrubs shall have a minimum height or spread of eighteen inches (18") depending on the plant's natural growth habit. (Ord. 2002-26, 12-4-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

17.15.080: INSTALLATION AND MAINTENANCE OF PLANT MATERIALS:

- A. All landscaping shall be installed in accordance with planting procedures established by the American Nursery and Landscape Association and ANSI Z60.1-1996. The installation of all plants required by this chapter may be delayed until the next optimal planting season, as determined by the planning department, subject to the posting of a bond to guarantee installation. Such bond shall conform to the requirements of section 15.03.280, of this code.
- B. All landscaping materials, fences and walls, and irrigation systems shall be maintained in good condition so as to present a healthy, neat and orderly appearance, and shall be replaced when necessary. The owner of the premises shall be responsible for the

maintenance, repair and replacement of all landscaping materials, fences and walls.
(Ord. 2002-26, 12-4-2002)

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This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

17.15.090: LANDSCAPING REQUIREMENTS IN THE SDP ZONE:

A. Within the SDP zone the following landscaping provisions shall apply:

1. At the time of rezoning and preliminary project plan approval, an overall landscaping plan shall be submitted showing typical landscaping (including type, size, number, and location of plant materials) for the following areas: project entrances, perimeter buffers, open space easements and common areas, and streetscape landscaping. Detailed landscape plans for individual lots shall be submitted at the time of project plan approval for individual buildings. Landscape improvements for common open space features shall be developed at each phase of the project.
2. A minimum of thirty five percent (35%) of the overall project site and individual lots shall be maintained in permanent landscaped open space.
3. Internal circulation roads shall be landscaped with street trees and street side planters. A minimum ten foot (10') width shall be landscaped adjoining the right of way of any such street or road. Streetscape planting shall be consistent throughout the development to provide a unifying landscape theme. Details for these areas shall be submitted with the overall landscape plan at the time of preliminary plan approval.
(Ord. 2002-26, 12-4-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

17.15.100: PARKING LOT LANDSCAPING:

- A. All parking lots designed for six (6) or more parking spaces shall provide landscaping in accordance with the provisions of this section. Smaller parking lots shall not be required to provide landscaping other than yard area landscaping and landscaped buffer requirements as specified in other sections of this chapter.

- B. Parking areas shall be landscaped at a rate of at least four (4) square feet of landscaping per required off street parking stall. Landscaping areas located along the perimeter of a parking lot (beyond the curb or edge of pavement of the parking lot, up to a depth of 10 feet) may be included toward satisfying this requirement. Deciduous trees shall be planted within said parking area landscaping in a manner such that, at maturity of said trees, at least twenty five percent (25%) of the paved surface area of the parking area will be shaded when the sun is directly overhead.
- C. Landscaped areas shall be improved in conformance with the following requirements:
1. Interior parking lot landscaping areas shall be dispersed throughout the parking lot. Landscaped islands shall be required at the end of the parking rows, and at the midpoint of parking rows which exceed ten (10) parking stalls, or every ten (10) stalls if parking rows exceed twenty (20) stalls.
 2. Interior parking lot landscaping areas shall be a minimum of one hundred twenty (120) square feet in area and shall be a minimum of five feet (5') in width, as measured from back of curb to back of curb.
- D. The plants used to improve the landscape areas defined above shall conform to the following:
1. Primary plant materials used in the interior parking lots shall be deciduous shade tree species in conformance with applicable provisions of section 17.15.070 of this chapter. Ornamental trees, shrubbery, hedges, and other plants may be used to supplement the shade tree plantings in perimeter planting areas, but shall not be the only plants used in such landscaping.
 2. One shade tree shall be provided for every one hundred twenty (120) square feet of landscaping area.
 3. A minimum of fifty percent (50%) of every interior parking lot landscaping area shall be planted with ground cover at a density that will achieve complete cover within two (2) years.
- E. Six inch by six inch (6" x 6") minimum poured concrete curb controls shall be constructed around all required landscaping within the interior of parking lots for the protection of the landscaping, except as follows:
1. In the I&M-1 zone, hard surfaced areas used as operational yard areas for trucks, trailers and other incidental vehicles, other than passenger automobiles and light trucks, and which are not parking lots for employees, clients, and customers, shall be exempt from parking lot interior landscaping requirements. (Ord. 2002-26, 12-4-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

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17.15.110: LANDSCAPE BUFFERS:

- A. The requirements of this section shall establish the dimensions and improvement requirements of landscape buffers as required for transitions between dissimilar uses.

- B. Landscape buffers shall be reserved for vegetation and fencing. No parking, driveways, sidewalks, accessory buildings or other impervious surfaces shall be permitted, unless specifically authorized through the project plan review process. Landscape buffers may be located within required landscape yards as established in the applicable zone regulations. Where both landscape buffers and parking lot landscaping is required the more restrictive shall apply.

- C. The width of landscape buffers shall be a minimum of ten feet (10') as set forth in section 14.34.300 of this code, subject to the following requirements:
 - 1. Shade trees shall be planted at the rate of one tree for every thirty (30) linear feet of landscape buffer.
 - 2. A continuous evergreen or deciduous shrub hedge shall be planted along the entire length of landscape buffer. This shrub hedge shall have an expected mature height of not less than six feet (6') within three (3) years of planting. (Ord. 2002-26, 12-4-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

17.15.120: PARKWAYS:

- A. All parkways in new developments shall be landscaped in conformance with the provisions of this section.

- B. Parkways two feet (2') or more in width shall be landscaped with turf grass. No rocks, gravel, bark, asphalt, thorn bearing plant species, ground cover or shrubs shall be

permitted in a parkway. Parkway less than two feet (2') in width may be landscaped with impervious materials including brick pavers, concrete pavers or concrete. Asphalt shall not be permitted.

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- C. Parkway four feet (4') or more in width shall include trees. Such trees shall be spaced not more than thirty feet (30') apart and shall have a minimum caliper size of one inch (1").
1. Parkway trees may be clustered or spaced linearly in the right of way as determined by Mapleton City's shade tree commission.
 2. If adequate space is not available in the parkway, the shade tree commission may require the planting of parkway trees on the lot adjacent to the right of way.
 3. A variety of compatible species shall be included in the planting plan for a specific site or development. Trees shall be selected from the tree selection guide maintained by the shade tree commission and shall be appropriate to their location. Tree selection shall be reviewed and approved by the shade tree commission.
 4. Trees may be planted in parkways along state highways only after a permit is issued by the Utah department of transportation.
- D. Vegetation which causes a public safety problem, as determined by the city engineer, may be removed by the city.
- E. Occupancy permits for new commercial or multi-family residential buildings shall not be issued unless abutting parkway landscaping has been installed or a bond provided to guarantee installation.
- F. Where a parkway strip has been installed, the abutting property owner shall provide landscaping as provided in this section and shall continue to maintain the landscaping in a healthy, safe, attractive, and nuisance free condition. This shall include taking appropriate measures to water and trim plant materials, and to keep the parkway weed free.
- G. It shall be unlawful for any person to remove from a parkway any landscaping required by the provisions of this chapter. This provision shall not apply to routine parkway maintenance.

H. In all new subdivisions and developments requiring street improvements (curb, gutter, sidewalks and street trees), the developer shall, as part of the development, install the concrete work around the parkway strip, along with sleeves underneath or through the sidewalk to accommodate eventual deep soak irrigation system.

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I. Every developer shall install trees and improvements for each new development as provided in this section. However, in standard subdivisions where a developer would sell off the lots, it shall be the homeowner's responsibility to install said trees. A bond for the required trees shall be required with the building permit application. A bond estimate shall be submitted by a local nursery. The trees shall conform to the adopted Mapleton City tree list. Spacing of the trees shall depend on the type of tree being installed. Trees shall be a one inch (1") caliper or greater, however, one inch (1") caliper is highly recommended. Improvement guarantee bonds collected from developers shall be placed in individual project accounts with the city and shall be released to the developer when trees are installed.

J. The city parks department may periodically prune and spray parkway trees as needed. Utah Power and Light may, with the city's permission, maintain safe distances between tree limbs and power lines in the area.

1. If a parkway tree needs to be removed because of disease or death, the city shall do so. Removal of parkway trees by property owners without approval from the shade tree commission shall be unlawful except as otherwise provided by another express provision of this code. (Ord. 2002-26, 12-4-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

17.15.130: BONDING:

Bonding shall be required for all landscaping improvements prior to obtaining a building permit or commencing work on any project where landscaping is required by this title. Bonds shall be subject to the requirements as outlined in the adopted Mapleton City bond form. (Ord. 2002-26, 12-4-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

17.15.140: NONCOMPLYING LOT DUE TO LANDSCAPING:

If the remodeling of a building in any zone causes the exterior of the building to be enlarged, the landscaping requirements of this chapter shall apply, with the following limitations:

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- A. The requirements of this chapter shall not apply where those requirements would conflict with parking requirements, be incompatible with the design of existing buildings, or impair ingress or egress to existing buildings or parking areas.
- B. The requirements of this chapter shall not be applied to require improvements which cost more than ten percent (10%) of a total remodeling project. (Ord. 2002-26, 12-4-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

17.15.150: ENFORCEMENT:

- A. All landscaping shall be installed and maintained in conformance with an approved landscape plan. Any modification to an approved plan shall require approval of the planning commission or its designee.
 - 1. Bonding for all landscape improvements shall be held until required landscaping is inspected and shown to conform to the approved landscape plan.
 - 2. Unauthorized changes to a landscape plan shall be corrected by the person responsible for deviating therefrom. Unauthorized changes which remain uncorrected shall be a violation of this chapter and subject to the fines and penalties established in this code.
- B. The planning department is hereby authorized to bring actions against property owners for violations of this chapter. (Ord. 2002-26, 12-4-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

Chapter 17.16

SUBDIVISION IMPROVEMENTS

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

17.16.010: IMPROVEMENTS REQUIRED; TIME OF CONSTRUCTION; PERFORMANCE GUARANTEES REQUIRED:

- A. The improvements hereinafter set forth shall be required to be constructed for all areas shown on the final plat and at all off site locations designated at the time of final approval. All subdivision improvements shall meet minimum city standards and specifications as directed by the city engineer. In the instance of third lot divisions, the subdivider shall be responsible only for those improvements required for the third and subsequent lots.

- B. The construction of required improvements shall not commence prior to final plat approval, bonding in accordance with the provisions of chapter 17.20 of this title, and recording of the final plat.

- C. A performance guarantee securing the installation of any required improvements shall be required as a condition of final plat approval. Said performance guarantee shall be in accordance with the provisions of chapter 17.20 of this title.

- D. Notwithstanding the other provisions of this section, for subdivisions containing one lot, the city council, subject to the prior recommendation of the planning commission, may authorize an indefinite delay of the construction of improvements. However, a cash bond equal to the estimate of cost for the required improvements must be posted with the city prior to final plat recording. (Ord. 2002-04, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

17.16.020: STREETS AND ROADS:

All streets shown on the final plat for dedication to the city and any existing street, whether or not shown on the final plat, which is contiguous and provides access to any lot in the

subdivision shall be improved in conformance with the applicable cross section and construction standards as adopted by the city council. (Ord. 2002-04, 3-20-2002)

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This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

17.16.025: STREET OVERLAY FEE:

Street paving requirements shall be as set forth in the standard specifications and drawings. In addition, the developer shall be required to pay a fee equal to a one inch (1") overlay of asphalt, including the use of a roto mill on the edge and a tack coat, to be determined by the city engineer and held in an escrow account for future road overlays in their subdivision. (Ord. 2002-04, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

17.16.030: CULINARY WATER:

- A. The subdivider shall be responsible for installing all off site and on site water mains. All on site mains shall be installed in such a way that each lot may be served therefrom. All mains shall extend to the boundaries of the subdivision.

- B. All water mains shall be sufficient in size to provide a volume of flow and level of pressure adequate for culinary use (in accordance with state and city standards) and fire protection purposes, provided, that no water main shall be less than eight inches (8") in diameter.

- C. Water service laterals shall be installed from the main line to the outer edge of any road proposed to be dedicated to the city. The service laterals shall be not less than one inch (1") diameter and shall consist of: 1) the corporation stop adjacent to the main line, 2) the lateral pipe running from the main to the edge of the adjacent lot, and 3) the stop and waste valve, meter box and meter setter located adjacent to the public right of way immediately adjacent to the property line.

D. All mains and laterals shall be constructed prior to the installation of road base and hard surfacing of the road and the construction of curb, gutter and sidewalk improvements.

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E. Each lot shall be served by a water lateral connected to an in service city water trunk line.
(Ord. 2002-04, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

17.16.035: PRESSURIZED IRRIGATION:

- A. The subdivider shall be responsible for installing all on site pressurized irrigation mains. If an existing pressurized irrigation main lies within three hundred (300) lineal feet of the subdivided property, following the course of any city street the subdivider shall also be responsible to install off site mains and to connect them with the existing pressurized irrigation main.
- B. All pressurized irrigation systems shall conform to the pressurized irrigation engineering plan of the city, provided that no main shall be less than six inches (6") in diameter.
- C. Pressurized water service laterals shall be installed from the main irrigation line to the lot line proposed. The service laterals shall be not less than one inch (1") in diameter and shall consist of: 1) the stop and waste valve adjacent to the main line, 2) the lateral pipe running from the main to the edge of the adjacent lot, 3) the stop and waste valve, located on the public right of way immediately adjacent to the property line. The stop and waste valve adjacent to the main line is part of the city's pressurized irrigation system, and may not be accessed, or used by the property owner without prior approval of the city.
- D. All mains and laterals shall be constructed prior to the installation of road base and hard surfacing of the road and the construction of curb, gutter and sidewalk improvements.
(Ord. 2002-04, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

17.16.040: FIRE HYDRANTS:

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All subdivisions shall have fire hydrants installed at locations approved by the city after being reviewed by the fire chief and city engineer. No hydrant shall be placed more distant than five hundred feet (500') from the next closest hydrant. Also, a fire hydrant shall be placed within two hundred fifty feet (250') of each building lot, as measured within the public right of way. (Ord. 2002-04, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

17.16.050: SEWAGE DISPOSAL:

- A. The subdivider shall be responsible for installing all off site and on site sewer mains. All on site mains shall be installed in such a way that each lot may be served therefrom. All mains shall extend to the boundaries of the subdivision.
- B. All sewer mains shall be sufficient in size to provide an adequate flow. No sewer main shall be less than eight inches (8") in diameter using ductile iron class 50 pipe.
- C. Sewer service laterals shall be installed from the main line to the outer edge of any road proposed to be dedicated to the city. The service laterals shall be not less than four inches (4") in diameter, and shall be located ten feet (10') inside the property line.
- D. All mains and laterals shall be constructed prior to the installation of road base and hard surfacing of the road and the construction of curb, gutter and sidewalk improvements.
- E. Each lot shall be served by a sewer lateral connected to an in service city sewer trunk line. (Ord. 2002-04, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance. ENT 56319:2011 PG 213 of 662

17.16.060: PERMANENT SURVEY MONUMENTS:

Permanent survey monuments shall be installed in each subdivision. The minimum number of monuments shall be determined by the city engineer. The monuments shall be installed in accordance to Mapleton City standard drawings and must contain the state coordinates (MN -01). The location of the monuments shall be shown on both the preliminary and the final plat. Monuments shall be located at all street intersections on the centerline, and at the point of each curve. (Ord. 2002-04, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

17.16.070: ELECTRIC POWER, TELEPHONE AND NATURAL GAS:

Electric power, telephone and natural gas shall be provided to each lot. All lines and appurtenant facilities shall be located underground. (Ord. 2002-04, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

17.16.080: STREET SIGNS:

Street signs shall be installed at all locations indicated on the preliminary plan. All required signs shall conform to city standards and be provided and installed by the city, at the expense of the subdivider in accordance with the current fee schedule. (Ord. 2002-04, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

17.16.085: STREET LIGHTING:

In subdivisions, street lighting, that meets this code, must be indicated in the preliminary plan located at least as follows:

A. At the entrances to the subdivision.

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B. At each intersection.

Prior to recordation of the final plat of any subdivision, Mapleton City must receive, from the developer, payment equal to the current fee structure for each lot to pay for the initial cost of installing luminaires, supplying electricity and/or replacement of bulbs for streetlights. Installation and maintenance shall be provided by Mapleton City, in conjunction with an agreement with Utah Power and Light. The location of said streetlights shall be recommended by the planning commission with final location to be determined upon approval of the planning and zoning director and public works director. After installation, the streetlights shall become the property of Mapleton City. Thereafter, lacking specific agreements to the contrary, Mapleton City shall pay for the operation maintenance and repair of all streetlights installed within the city. (Ord. 2002-04, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

17.16.090: ENVIRONMENTAL HAZARDS:

If any of the following conditions exist, technical reports in accordance with section 17.08.040 of this title will be required. Adverse environmental conditions must be eliminated or accommodated as follows:

A. Soils:

1. The placement of streets, buildings and the designation of building sites on areas of unstable soil shall be prohibited.
2. Soils with a significant erosion hazard shall be protected. Revegetation or other erosion control measures may be imposed as a condition of subdivision approval.

B. Surface Water Disposal:

1. To the maximum extent possible surface water produced from the subdivision development shall be properly disposed of within the limits of the subdivision.

2. Pipes, sumps and other facilities for the collection and disposal of surface water shall be installed where required by the city. The location, size, and design of said facilities shall be in accordance with the city's storm water disposal plans and standards or as directed by the city engineer.

C. Flooding:

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1. All subdivision proposals shall be consistent with the need to minimize flood damage.
 2. The subdivision layout shall make adequate provision for natural drainage channels and floodways.
 3. All water, sewer and other utility systems and facilities located in designated flood areas shall be designed and constructed to minimize flood damage including the infiltration of floodwater into the system, or discharge of the system into the floodwaters.
 4. Base flood data shall be provided by the developer as part of the preliminary plan.
- D. Other: Where applicable, other adverse environmental conditions must also be eliminated or adequately accommodated. The additional conditions shall include, but not be limited to, seismic, landslide, ground water, and noise or blasting impact. (Ord. 2002-04, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

17.16.100: IRRIGATION WATER SYSTEM:

- A. All subdivision plans shall recognize and accommodate the irrigation system within the city, including, as necessary, the installation of culverts and pipes, the rerouting of ditches and the reconstruction of headgates. All canals, ditches and other watercourses which lie within or are contiguous to a proposed subdivision shall not be interfered with by the subdivider without complying with the requirements of section 73-1-15, Utah Code Annotated, (1953, as amended) and the applicable provisions of this code.
- B. Whenever any canal, ditch or similar watercourse, which is owned and/or maintained by an established irrigation water company or receives water therefrom, lies within or is contiguous to a proposed subdivision, the subdivider shall, prior to submission for

preliminary approval, consult with irrigation company officials and shall obtain from them recommendations regarding the appropriate means of reducing safety hazards associated with the watercourse, maintaining flows, reducing damage to private property, and otherwise complying with the requirements of Utah Code Annotated 73-1-15.

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- C. The city may, as a condition of subdivision approval, require the fencing or piping of the watercourse and the installation of appurtenant entrance works and grating or other improvements. The final plat of any subdivision containing elements of the irrigation system shall designate appropriate easements.
- D. Performance bonds required pursuant to section 17.16.010 of this chapter shall include the cost of required irrigation improvements and release of said guarantee shall, in addition to the requirements set forth under chapter 17.20 of this title, require written notification of acceptance of the improvements by the owner or owners. (Ord. 2002-04, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

17.16.110: MAIL DELIVERY BOXES:

In subdivisions where a monolithic curb, gutter and sidewalk (no planter strip) is to be installed, provision for the permanent placement of mail delivery boxes shall be made as follows:

- A. For subdivisions containing eight (8) or more lots cluster mailboxes shall be installed at designated locations within the subdivision as shown on the preliminary plan.
- B. Where the final plat of the subdivision contains seven (7) lots or less the subdivider may, in lieu of cluster boxes, install connecting brackets or sleeves on the top of the curb for the placement of individual mailbox stands.

Placement of mailboxes within the gutter is prohibited. (Ord. 2002-04, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

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Chapter 17.18 TRAIL LOCATION AND CONSTRUCTION STANDARDS

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

17.18.010: GENERAL GUIDELINES:

The following guidelines provide specific recommendations for how trails should be routed and/or constructed to reduce maintenance and environmental impacts and should be followed in the construction of trails:

- A. Trails should be located and constructed in such a manner as to minimize maintenance and maximize access.

- B. Trails should follow natural contours where possible and respect surrounding land forms. For example, trails crossing steep sites should flow with the land form.

- C. Drainage features, such as water bars, should be constructed where appropriate to reduce erosion.

- D. Trail slopes should match expected user volumes and types. Refer to AASHTO "Guide For The Development Of Bicycle Facilities" for further guidance. (Ord. 2002-04, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

17.18.020: LOCATION, BONDING, PHASING, AND LIABILITY FOR TRAILS:

- A. Location: Where feasible, trails should be separated from vehicle traffic.
- B. Bonding For Trail Improvements: Where trails are required as part of a development project, a security or bond will be posted for the full cost of the trail improvements. This is required prior to the recording of final plats.
- C. Phasing Of Trail Improvements: When trails are part of a phased project, the phasing of various trail segments will follow a logical sequence for trail users. Some trail construction may be required through an entire project to provide completed trail connections at an early phase in the project.
- D. Trail Rights Of Way And Easements: All trails that are open to the public should be located on publicly dedicated property, or dedicated easements for such purposes. There are a variety of mechanisms for this to occur. Public street rights of way and dedicated easements are the most common and acceptable forms of access rights. The trails map provides recommended right of way widths for the various trail types.
- E. Trail Easement Liability: In cases where public easements are dedicated, or lease agreements are negotiated for public use with private landowners, the jurisdiction should assume general liability responsibility in the same manner as assumed for streets and other public areas. (Ord. 2002-04, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

17.18.030: RECOMMENDATIONS FOR ENVIRONMENTALLY SENSITIVE SITES:

- A. Special location or construction methods may be necessary to reduce impacts and minimize disturbance in environmentally sensitive areas. Examples of visually or environmentally sensitive sites include: flood zones, highly visible hillsides, significant vegetation areas, highly erodible soils, unstable slopes, and ridgelines.

- B. Techniques, such as site specific trail routing, erosion control measures, site specific adjustment of construction standards, and site specific construction practices should be implemented to minimize environmental, visual or construction impacts. Construction methods that should reduce impacts include installing retaining walls to reduce cut and fill slopes on a visually prominent hillside, hand construction of the trail, stabilizing a mine hazard that is located within or adjacent to a trail corridor or installing a tree well around a significant tree to be preserved.

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- C. Each environmentally sensitive site is unique, specific trail proposals through such locations need to be considered on a case by case basis. (Ord. 2002-04, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

17.18.040: GUIDELINES FOR SENSITIVE SITES:

- A. Construction Practices For Sensitive Sites: Disturbance fencing limits should be implemented to minimize construction impacts. Construction limits should be as small as practical to construct the trail. Significant vegetation root zones should be considered when locating the trail and establishing construction limits.
- B. Erosion Control: Methods should be employed to protect areas adjacent to the trail from impacts both during and after construction. (See Drainage Planning and Slope Management Guidelines sections.)
- C. Indigenous Materials: Indigenous construction materials should be used for retaining walls, bridges, and barriers wherever possible.
- D. Existing Vegetation: Existing significant vegetation should be preserved wherever possible. Trees, riparian vegetation, scrub oak, and rare plants are considered significant. Root zones, as well as aboveground vegetation require protection when preserving plants. In general, the area within the drip line of trees, especially on the down slope side of the vegetation, is sensitive to disturbance. If root zones are impacted or grades are changed significantly, temporary irrigation may be necessary.

- E. **Revegetation:** Native and/or self-sustaining plant materials should be used for revegetation of all disturbed areas where trails pass through native or nonirrigated sites. Revegetation can be used to provide screening. Construction techniques to preserve vegetation and trail routing techniques should be used to minimize visual intrusion.
- F. **Natural Considerations:** Where significant wildlife or other natural features exist, special trail routing, construction methods and trail use should be considered.
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- G. **Visually Sensitive Areas:** Locations that are visually sensitive, such as tallus slopes, may require reduced cut and fill slopes, hand construction, and low retaining walls to minimize site disturbance and visual intrusion.
- H. **Environmentally Hazardous Areas:** Where environmental hazards are present, special trail construction techniques or locations should be used to mitigate the hazard. Hazardous areas can be abandoned mine sites, where mine tailings should be stabilized, top soiled and revegetated. Other hazardous locations, such as lightning prone areas, rockslide and avalanche areas should either be avoided or be closed seasonally when hazardous conditions are a problem.
- I. **Microclimatic Trail Use Opportunities:** Locate the trails for both summer and winter activities, where possible, given the terrain and climatic considerations. Identify snow retention areas for possible cross country ski trails. In open areas, place trail alignment to take advantage of wind protection and shaded canyon areas. (Ord. 2002-04, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

17.18.050: UTILITIES:

The routing of utilities within trail corridors is generally encouraged. Many trail managers have allowed colocation of utilities in consideration for appropriate fee payments by the utility company. Locations that are visually or environmentally sensitive may restrict or preclude sharing utilities with trails. The following guidelines for placement, site disturbance and access should be followed:

- A. **Placement:** Utility lines that run parallel to the trail should be placed under the trail bed where possible to minimize site disturbance. Utility lines that are perpendicular to the trail

and lateral lines should be located to minimize site disturbance and removal of significant vegetation. Physical obstructions, such as utility pedestals, transformers and the like should be located out of the clear zone so they are not hazards to trail users. Access points which are not a physical obstruction, such as manhole covers should be located flush with the trail surface and where they do not pose a hazard to trail users.

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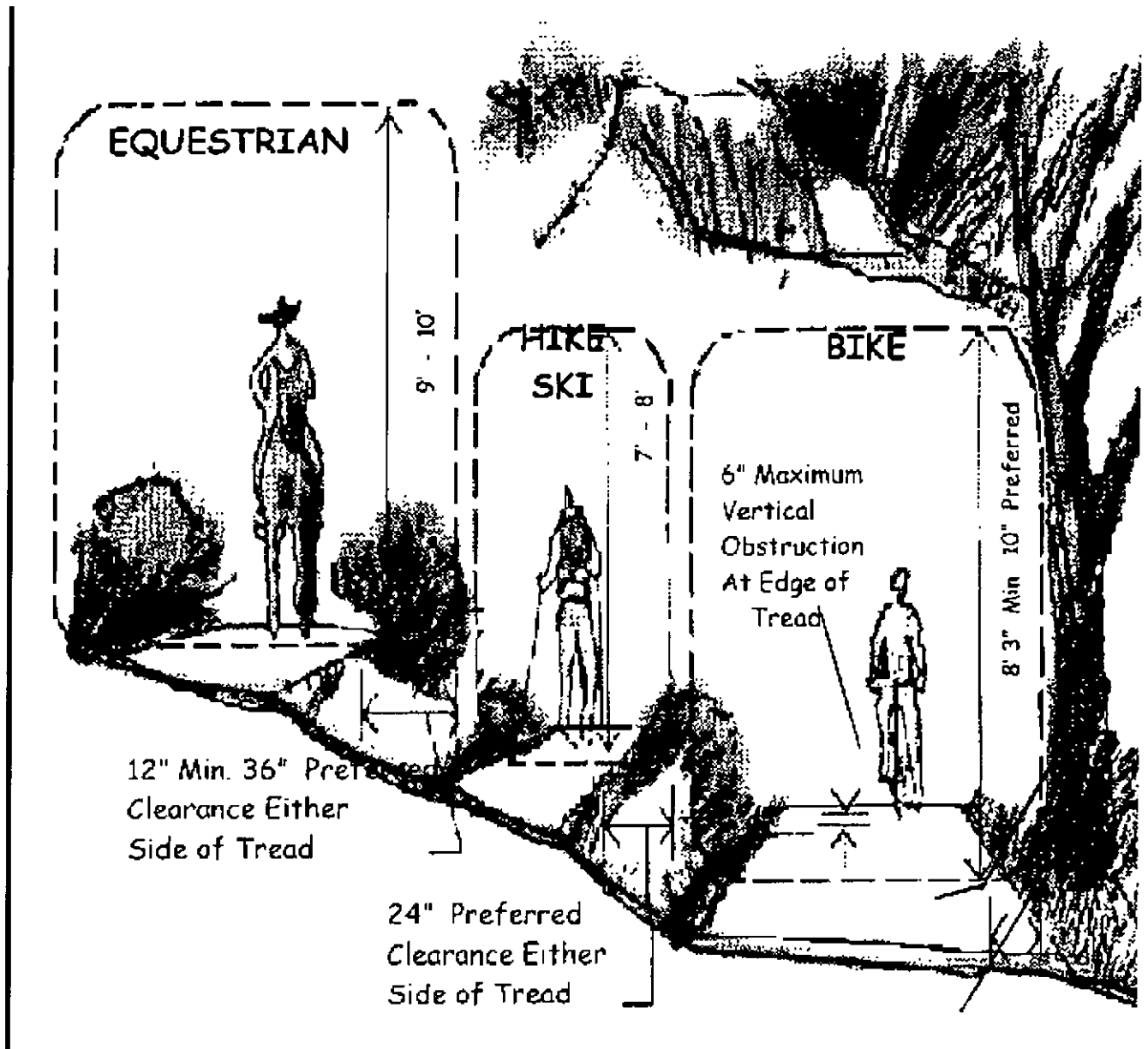
- B. Site Disturbance: Construction of utility lines within naturally vegetated areas should minimize site disturbance wherever possible. All disturbances should be revegetated according to the requirements for trail construction. Bonding for this work should be required.

- C. Utility Access: Access for utility maintenance vehicles will be evaluated on a case by case basis and provided for as part of the trail construction. Visually or environmentally sensitive sites may preclude full access to trail/utility corridors. (Ord. 2002-04, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

17.18.060: VERTICAL CLEARANCE GUIDELINES:

A ten foot (10') vertical clearance from the trail surface is recommended. The vertical clearance to obstructions will be a minimum of eight feet (8') across the clear width of the path.



(Ord. 2002-04, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

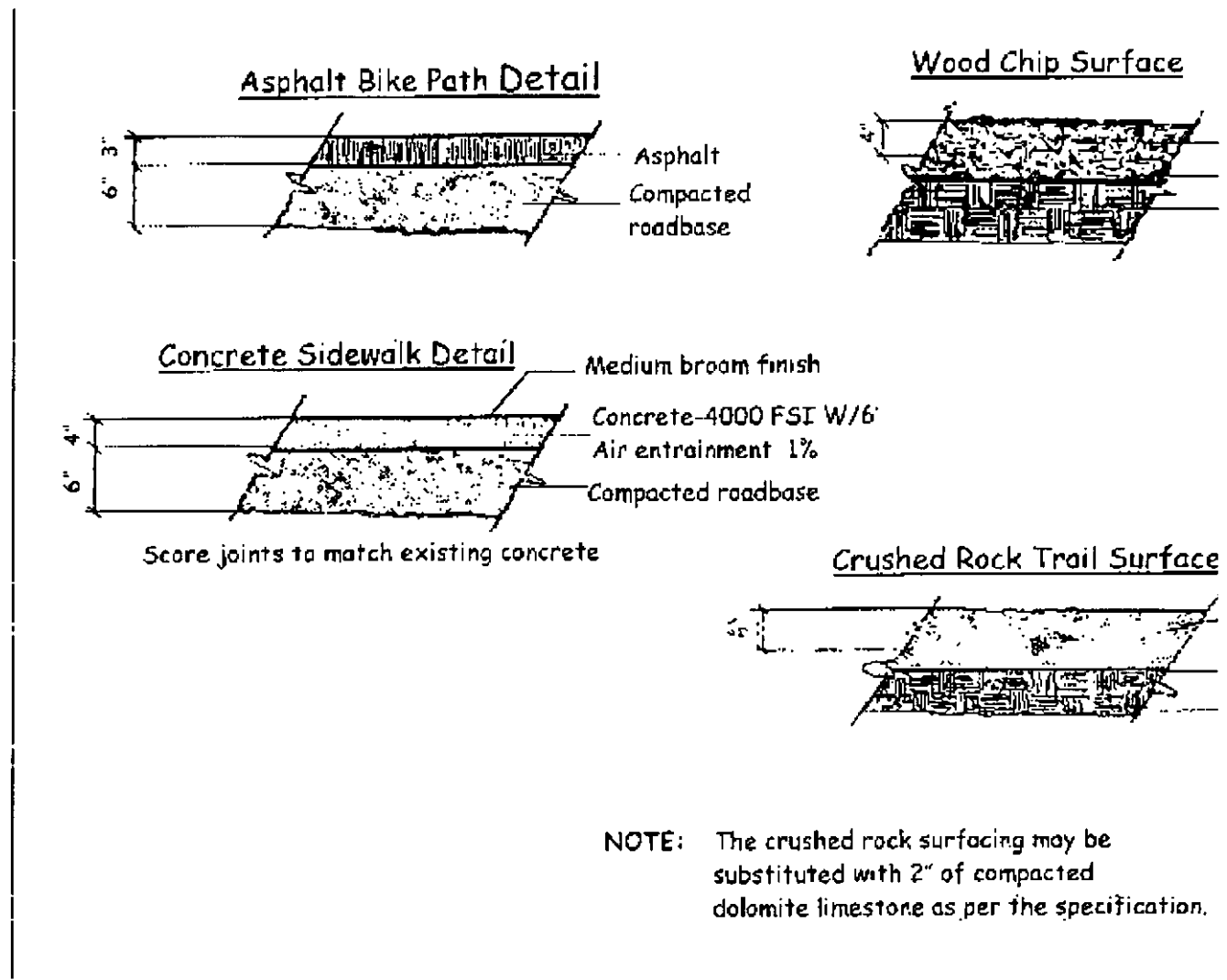
17.18.070: TRAIL SURFACING GUIDELINES:

Asphalt, concrete and base specifications will meet those set forth in this document. The six foot (6') crushed rock trail surfaces may be substituted with a compacted two inch (2") dolomite limestone material meeting the following specifications:

- Passing 1/2" screen - 100%
- Passing 3/8" screen - 97-99%
- Passing #4 screen - 75-80%
- Passing #8 screen - 50-55%
- Passing #16 screen - 30-35%
- Passing #30 screen - 20-25%
- Passing #50 screen - 17-20%
- Passing #100 screen - 13-17%
- Passing #200 screen - 12-15%
- Maximum water absorption - less than 3%

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A six inch (6") compacted road base subgrade should be placed under the dirt surface in areas with a high water table or with poor drainage conditions. If a wood or other edging material is used along any of the trail surfaces, care will be taken to assure trail surface drainage. Edging is not recommended along soft surface trails because the soft surface changes over time causing the hard edge to impede drainage. Weed or root barriers also may be necessary.



(Ord. 2002-04, 3-20-2002)

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This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

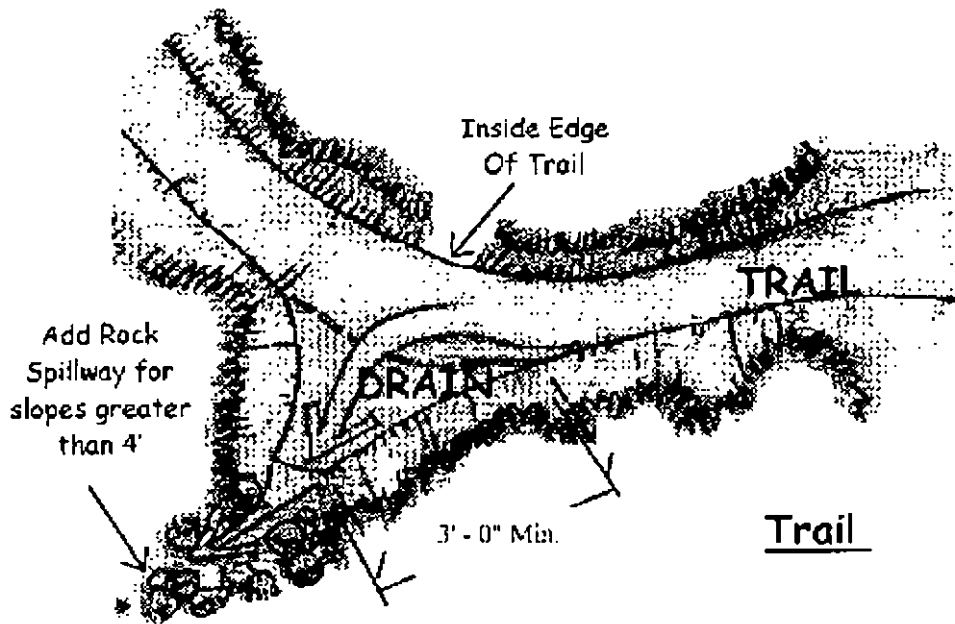
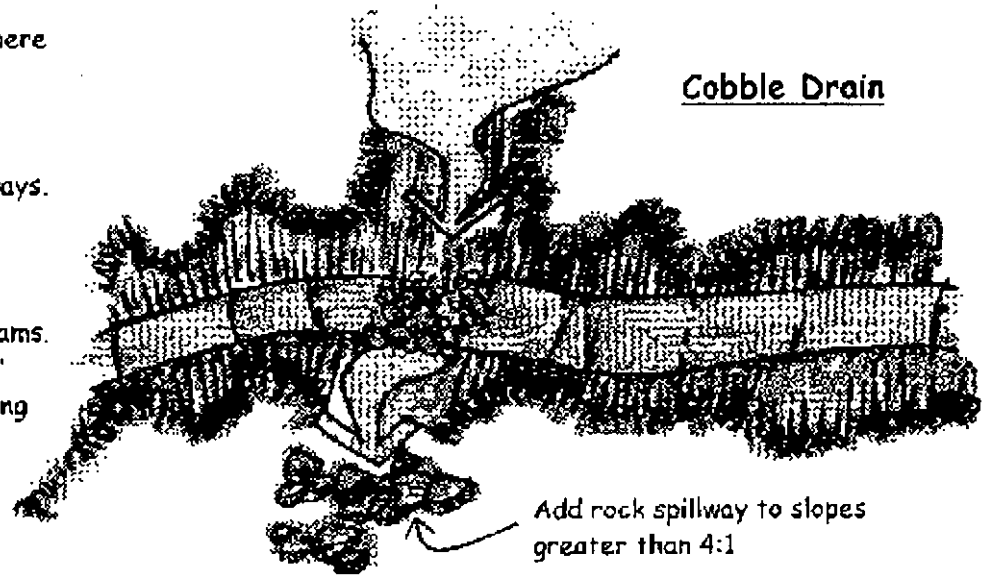
17.18.080: DRAINAGE PLANNING:

Careful study of topography adjacent to the trail may yield insight to maximize protection of the trail, while minimizing trail structures. General drainage should be studied at fifty (50) stations with provisions made to protect the trail.

A. Swells And Culverts: Drainage swells or culverts should be installed on trails at locations where the normal cross slope will not allow for adequate drainage. Drainage swells are not allowed on paved trails. Drains are best located at low points or bends in the trail along existing natural drainageways.

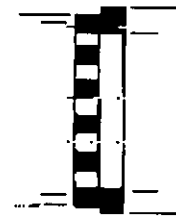
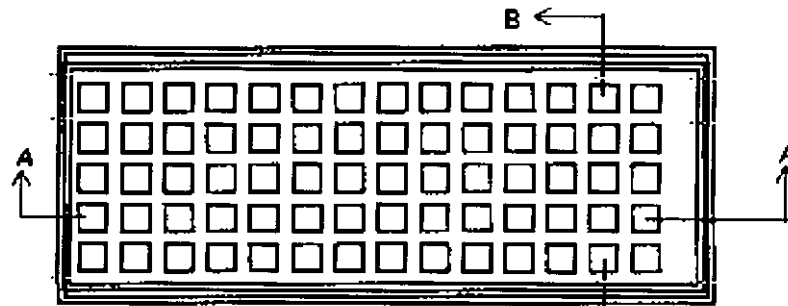
Wherever water is concentrated into new locations or in heavier concentrations, erosion protection needs to be evaluated and installed if necessary. Native stone is the preferred material.

Cobble Drain: Use where intermittent flow is expected, such as in pronounced gullies or established drainageways. Do not use where continuous flow is expected, such as at seeps, springs or streams. Cobbles shall be 2"-3" stones stockpiled during trail construction.



Trail Drain: Use w trail construction r drainage such as all and/or steep vertic ascents. Do not us established drainag exist. They are be located at loss poin bends in trail. Trai from Trail to drain require 6' at low pa 6' transition will be up to normal trail.

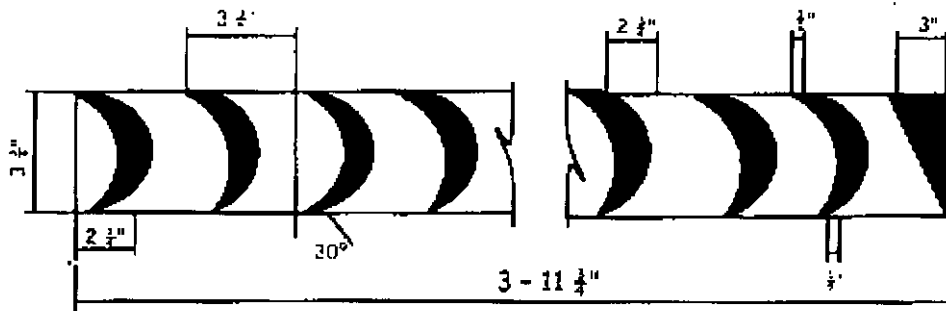
- B. Drainage Grates: Drainage inlet grates on bikeways will have openings narrow enough and short enough to assure bicycle tires will not drop into the grates (e.g., reticular type), regardless of the direction of bicycle travel.
- C. Bicycle Safe Drainage Grates: Drainage grates should be installed where necessary to allow drainage and safe passage for bicycles.



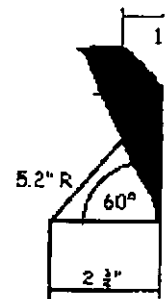
Section BB

GUIDELINE
 Use for all :
 grates in pu-
 Private road
 where bicyc
 possible.

Bicycle - Safe Grating and Frame

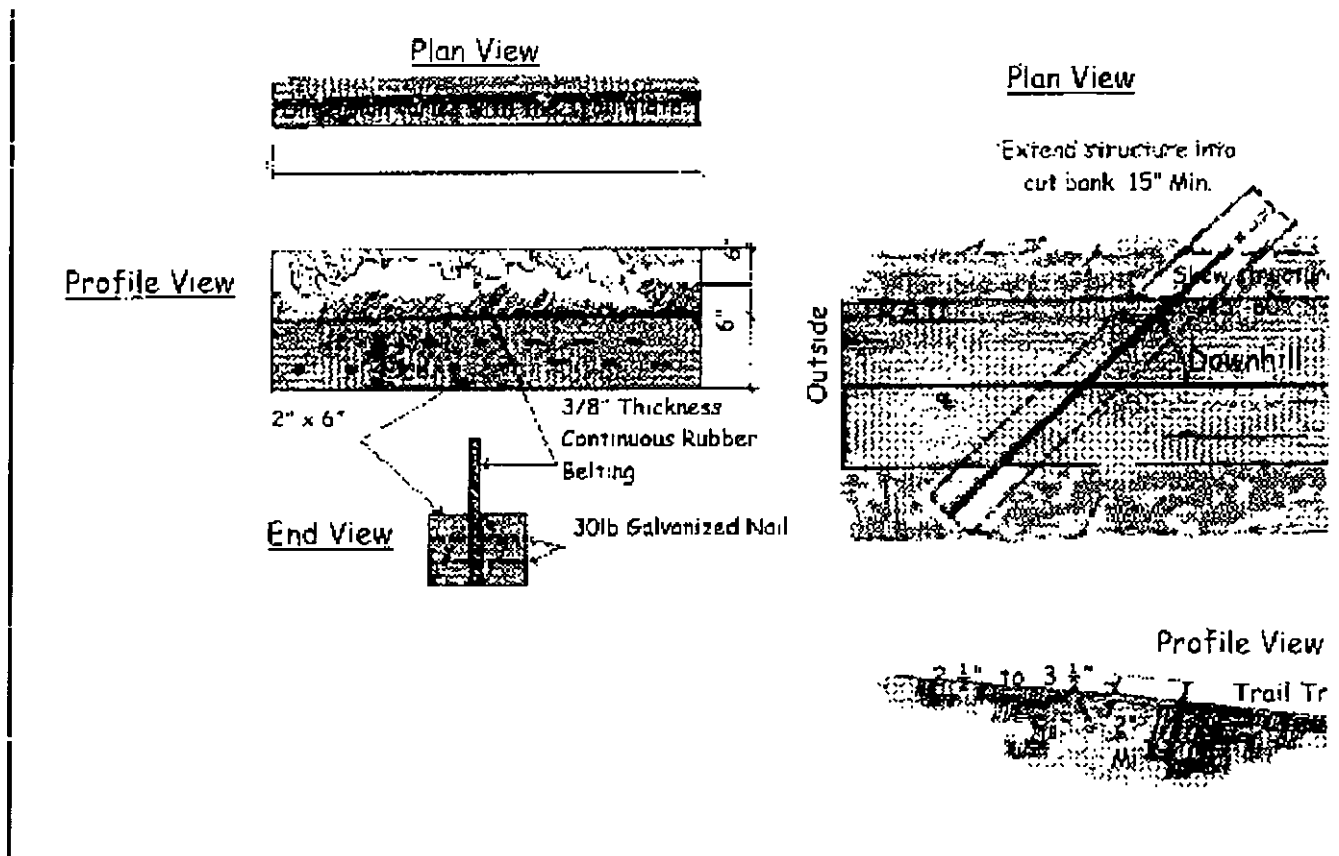


Section AA



Manufacture D&I

D. Water Bar: Water bars will likely need to be installed at regular intervals on soft surface trails that are steeper than a five percent (5%) gradient for more than five (5) vertical feet. Rubber water bars should be used since they are the safest for multiple use trails, also construction is more economical, faster and easier than other construction methods.



(Ord. 2002-04, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

17.18.090: SLOPE MANAGEMENT GUIDELINES:

When sloped areas are disturbed, the area needs to be stabilized and revegetated as part of the trail construction process to prevent subsequent soil erosion and frequent maintenance problems.

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.

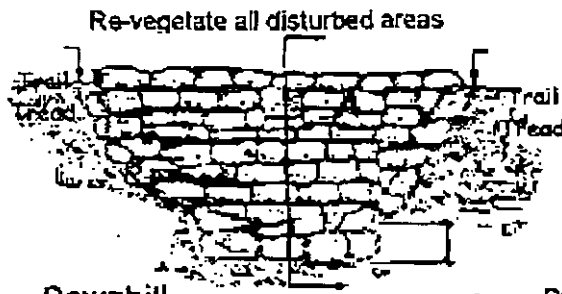
Where necessary for safety, retaining walls should be installed to prevent erosion of cut or fill slopes, to reduce cut and fill slopes or to minimize disturbance on

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 building code.

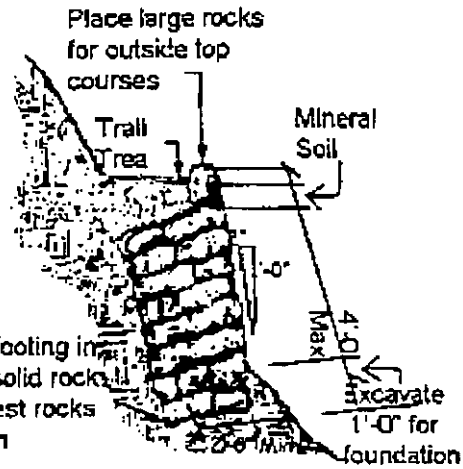
Following are some guidelines for various techniques. All uninterrupted cut or fill slopes will not exceed six (6) vertical feet unless a site specific analysis is performed to justify otherwise. Some method of permanent slope stabilization should be required for all slopes in excess of two to one (2:1) vertical unless a site specific soils analysis is performed to justify otherwise.

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NOTES: Wall shall be 2' wide or 1/2 the wall height, whichever is greater



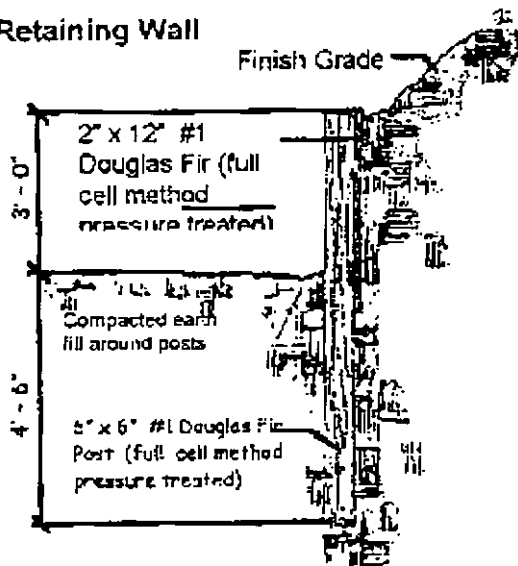
Downhill Wall
Wall Guidelines



- Use stone which is native to the site wherever possible:
- To stabilize the trail in less than adequate situations.
- To widen a trail that otherwise would be too narrow.
- To taper up or down in areas where typical tread construction will not work.
- Walls should be built in areas where adequate footings can be dug.
- All stones should be angular free, free from defects, projections and impressions.
- Approximately 25-33% of wall should be tie stones.
- Maximum height of wall should be 4'-0"

- Use wherever natural trees or otherwise significant vegetation can be saved with the use of walls.
- Uniformly distribute sizes and shapes over the entire face of the wall.
- Shape stones for best fit. Use a 4" hammer if available.
- All walls must be battered: 3 in 12 through 12 in 12 are acceptable.
- Trench should slope inward as shown and drain to daylight. The stones shall completely penetrate wall. Miscellaneous backfill must be free from organic matter. Select backfill less than 1/2" maximum dimension, 4" depth optimum.
- Walls which are greater than 4'-0" in heights shall be engineered.
- Use where either cut or fill slopes for trail construction exceeds 4 vertical feet.

Retaining Wall



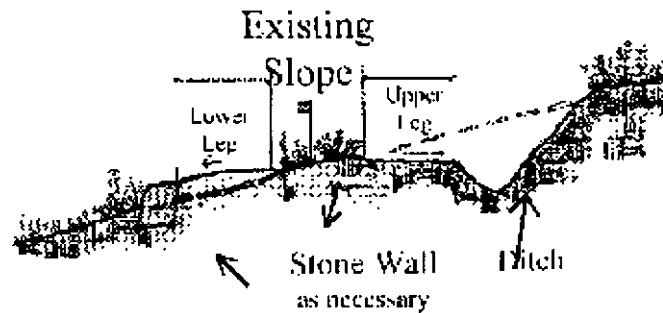
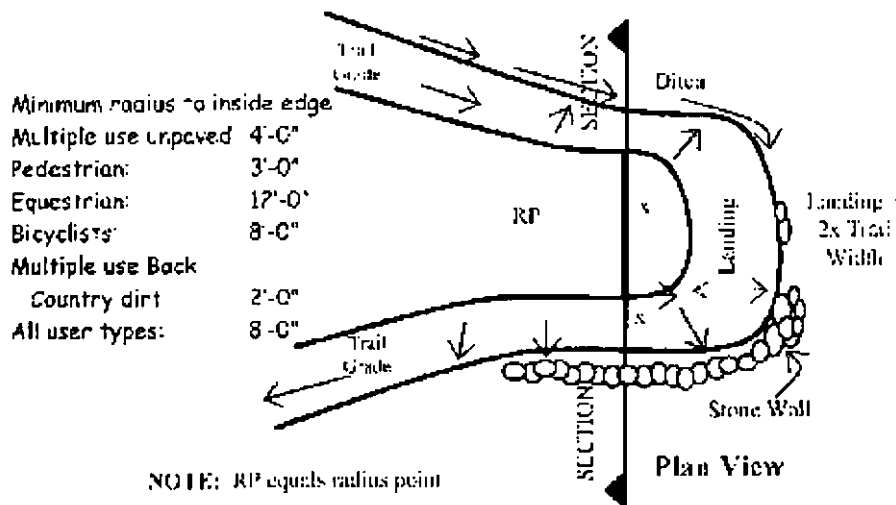
- Cut and fill slopes should be a maximum of 2:1 unless site specific soil analysis is performed to justify stability of steeper slopes.
- A maximum of 4 vertical feet of cut or fill is allowed environmentally or visually sensitive areas may be less.
- Areas which require steeper cut or fill slopes than the allowable shall use retaining walls as shown in these details.
- All disturbed areas shall be re-vegetated. Species for re-vegetation shall be appropriate and wherever possible shall match the surrounding species.

2. **Cut And Fill Slopes:** Combined cut and fill slopes should not exceed twelve (12) vertical feet and individual cut or fill slopes should not exceed six (6) vertical feet (less in environmentally and visually sensitive areas). Slopes that exceed these parameters should consider low retaining walls or alternate routing of the trail to a more acceptable location.

Cut or fill finish grades should not exceed a two to one (2:1) vertical unless a site specific soil analysis is performed to justify the stability of steeper slopes. All cut and fill slopes will be stabilized and revegetated as per the revegetation and slope stabilization guidelines.

3. **Existing Vegetation Protection:** Existing significant vegetation that is to be saved will be protected with temporary fencing along the limits of disturbance. Trees that are to be saved should not be disturbed within the drip line of the tree, if possible, and the protective limits of disturbance fencing should extend to the drip line. Where this is not possible, all work within the drip line should be done by hand and mechanical equipment should not be allowed within the drip line. If filling is necessary above the root zone, perforated pipe along the drip line and vertical air wells should be installed. If cutting of roots or interception of natural drainage to the root zone is necessary, temporary irrigation may be required to compensate for the disturbance.
4. **Temporary Runoff Management:** During construction and establishment of revegetation, techniques, such as temporary erosion control, runoff measures, and slope stabilization may be necessary. Techniques, such as hydro mulching, straw mulch, jute matting, wood excelsior matting, tackifiers, straw bales, siltation fences, matting in drainage channels and stone mulching are examples of temporary runoff management. The following treatment guidelines provide some direction for the use of these measures. All are temporary measures and are intended to last from one to two (2) years until permanent stabilization techniques are effective.
5. **Wattling:** Bundles of branches are used to both stabilize and revegetate slopes that are nearly stable but continue to erode. Wattling is only recommended after initial methods have failed and where the unstable areas are minor.
6. **Slope Serration:** Small steps or indentations are cut in the slope face and are useful for providing small favorable sites for vegetation establishment. This technique should be used only on soils that are fairly cohesive. Sites that have severe exposure to heat, sun or wind and have slopes that are excessively steep benefit most from this method.
7. **Switchbacks:** Switchbacks are expensive to construct but are necessary when steep slopes are encountered. When switchbacks are required, they should be designed to discourage crosscutting and subsequent erosion. Locate switchbacks where natural barriers exist: installing physical or visual barriers or providing sufficient separation between the switchbacks all help to discourage crosscutting. If crosscutting cannot be discouraged through design or construction then the installation of stairs or relocation of the trail should be considered.

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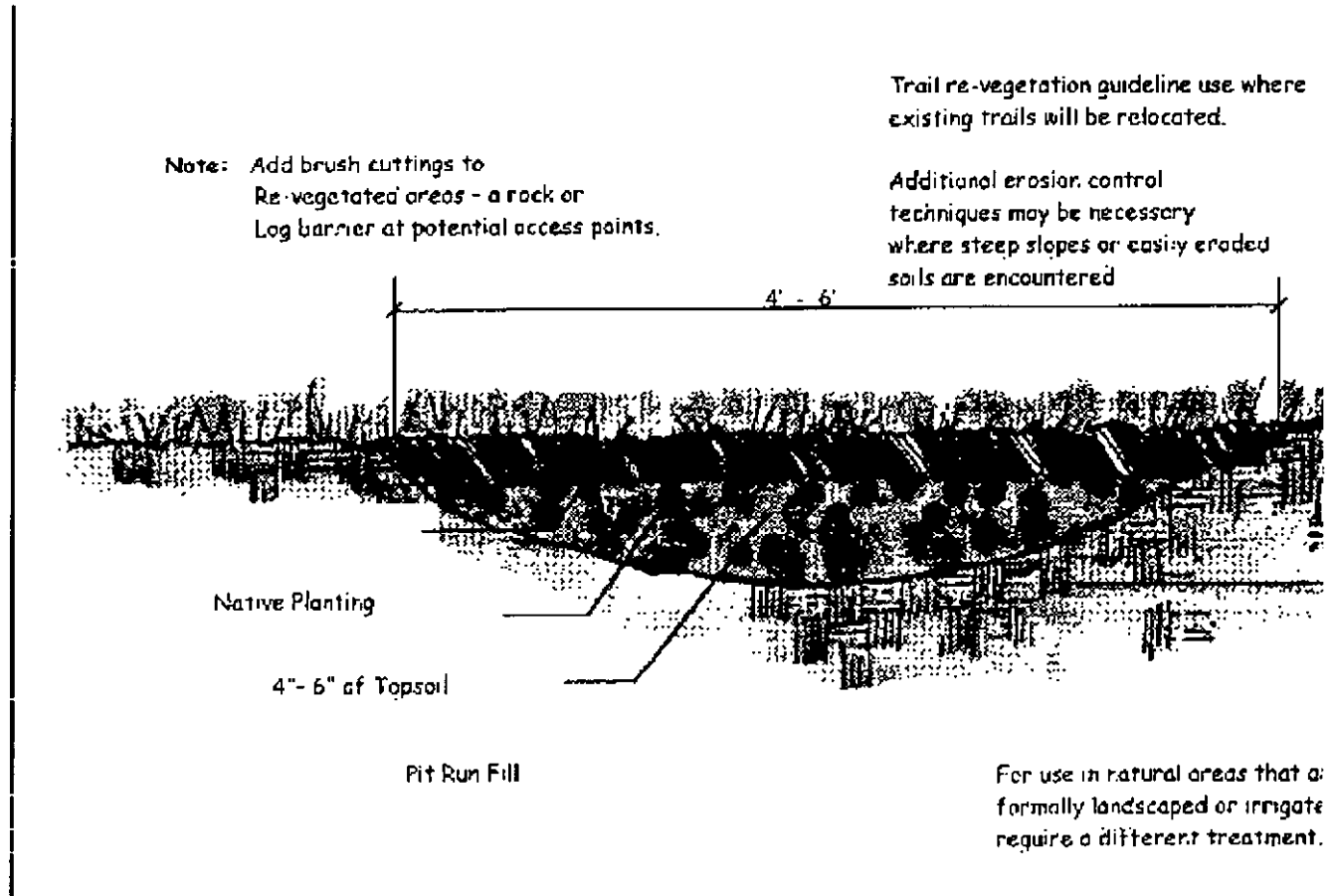


8. **Revegetation:** Revegetation consists of seeding and planting operations. Seed and plant species and application rates will be submitted and approved with the construction plans. In general the revegetation of natural sites will match that of the undisturbed areas in species, density and vegetation patterns. Revegetation will be accomplished as soon as grading work is completed and weather permits. Unless the site is irrigated, native plant species indigenous to the site should be used. All revegetation work on nonirrigated sites will be done between October 15 and April 15 unless approval is granted otherwise. Sites that are revegetated between June 1 and September 1 will require temporary irrigation.

- a. **Seedbed Preparation:** Subgrade soils should be scarified to a depth of three to four inches (3_4") and topsoil placed to a minimum depth of four inches (4").
- b. **Seeding:** Seeds will be broadcast or hydro seeded and raked into topsoil before the application of mulch, matting or other surface stabilization materials. Seeding can be used for grasses and forbs, but container stock should be used for all trees and shrubs.
- c. **Planting:** Planting of container grown materials on nonirrigated sites will be confined to tubling stock unless there is sufficient natural moisture present to sustain larger plants.

d. Maintenance: Revegetated sites will be maintained until sufficient establishment has occurred to reasonably stabilize the site. Security bond will be posted for all revegetation work for a minimum of one year at which time it will be reviewed and released if it meets the above requirements.

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B. Temporary Slope Stabilization:

1. Hydro Mulching: Hydro mulching is a mechanized, rapid method for mulching large areas and is generally used with seeding to revegetate disturbed areas. Use may be limited on sites where equipment access is limited. Only one hundred percent (100%) wood fiber mulch will be used and applied at a rate of three thousand (3,000) pounds per acre.
2. Straw Mulching: Straw mulching can be used over small areas where it is applied by hand or on large sites where it is installed mechanically. Straw mulching is generally used in combination with seeding to revegetate disturbed sites. Straw must be held in place by matting, crimping or other method. Apply at a rate of two (2) tons per acre or a uniform depth of two to three inches (2_3").

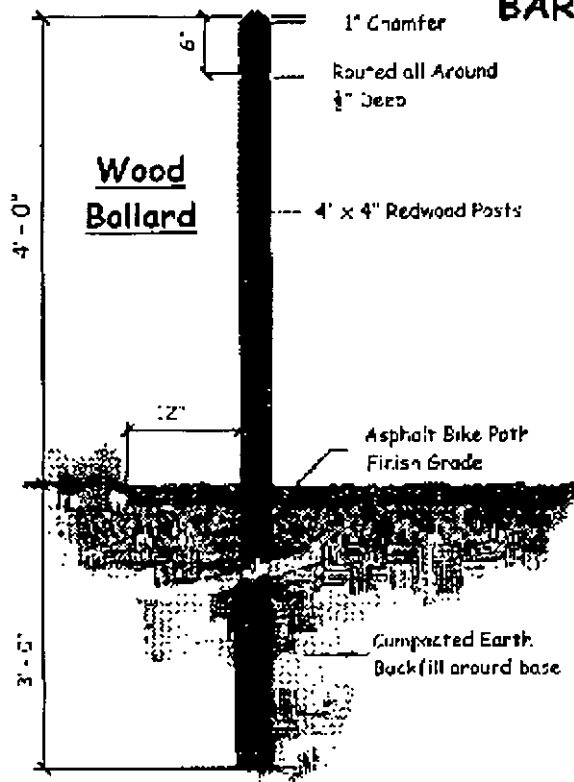
3. **Jute Matting:** Jute matting can be used alone or in combination with hydro mulching or straw mulching for erosion control and slope stabilization. It is generally used in combination with seeding to revegetate disturbed areas. Apply up and down the slope, never along the slope. Overlap edges a minimum of four inches (4") and use wire staples that are a minimum of six inches (6") long and spaced approximately five feet (5') apart down the sides and middle of the role. Extend the mat a minimum of three feet (3') beyond the top and bottom of the slope and bury the mat end in an eight inch (8") deep trench at the top of the slope. Uniform contact of the mat to the slope underneath is critical.
4. **Wood Excelsior Matting:** Wood excelsior matting is used for erosion control generally in combination with revegetation. Care must be taken during installation to prevent concentrated flows under the mat. Apply up and down the slope, never along the slope. Edges should butt snugly together and held down with wire staples, a minimum of eight inches (8") long spaced approximately two feet (2') along the edges and four (4) down the center. Extend the mat a minimum of three feet (3') beyond the top and bottom of the slope and bury the mat end in an eight inch (8") deep trench at the top of the slope.
5. **Tackifiers:** Generally, tackifiers are mixed with mulches to provide better adhesion to steep and/or windy slopes. Tackifiers should be applied at a rate of eighty (80) pounds dry ingredients per acre or two hundred (200) gallons wet ingredients per acre.
6. **Straw Bales:** Straw bales can be used in a variety of ways to protect areas from impact, straw bales reduce uninterrupted flow in low and intermittent flow channels. Straw bales also provide a siltation device for slopes or gullies until revegetation can be established. When installing, anchor bales in place with steel rebar stakes, driven a minimum of twelve inches (12") into the subgrade, in a six inch (6") deep trench which has soil tamped firmly along the uphill side.
7. **Siltation Fences:** Siltation fences are used to protect undisturbed down slope areas from up slope erosion.
8. **Matting In Drainage Channels:** Jute matting or fiberglass roving are typically installed in open drainage channels for temporary erosion control. Use this technique only where flow velocities do not exceed two feet (2') per second. Apply from the top and overlap edged a minimum of four inches (4"). Secure the top and bottom ends in an eight inch (8") deep trench secured with steel staples every twelve inches (12"). Edges should be stapled every two inches (2").
9. **Stone Mulching:** Stone mulching may be used during construction to control erosion, mud or dust.
10. **Gabions:** Gabions are rock filled wire baskets used to retain steep slopes or stabilize drainageways and may be preferable to stacked rock walls where the native rock is too small or too rounded for effective stacking. They are particularly effective when seepage is anticipated. Empty gabions are placed in position, wired together and filled with rock that is a minimum of four to six inches (4_6") in diameter. When used as a retaining wall the bottom basket should be buried a minimum of six inches (6") at the

toe. Gabions should be keyed into the slope and laid back at a maximum of six inches (6") vertical to one inch (1") horizontal.

11. Bollards And Barriers: Barriers should be installed at trailheads to control access of motor vehicle traffic and to direct and/or protect trail users from steep or hazardous areas along the trail.

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BARRIER AND BOLLARD



Use where motorized access could be a problem, such as at trailheads, where trails intersect or cross streets and where trails parallel roads at points where access is likely.

Bollards are used within the trail surface to prohibit or limit access.

Use along trail where downslope grades are steep and hazardous.

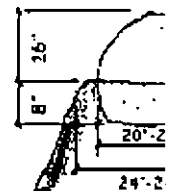
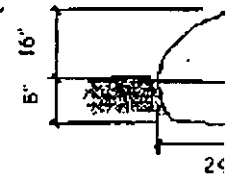
Use along outside edge of trail curves where slopes are steep and exposed.

Use where switchback cutting could be a problem.

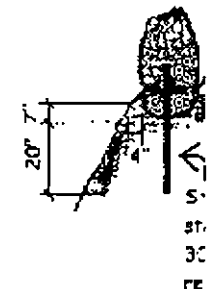
Use at trailheads or road crossings to discourage or prohibit motorized access.

Use to direct trail users to stay on the trail.

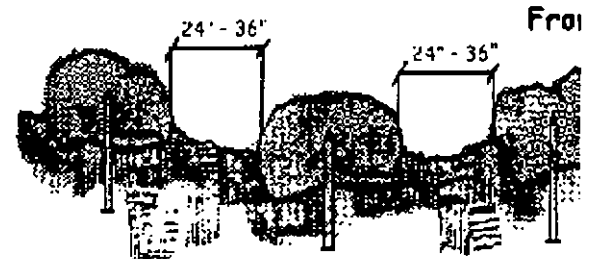
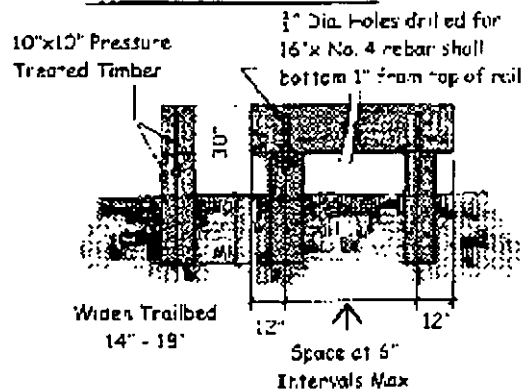
Rock



Side View



Timber Barrier



Note: Size of barrier stones shall be approx 14'-24" in height, width and length. All dimensions shall not be less than 12" for width and 18" for length

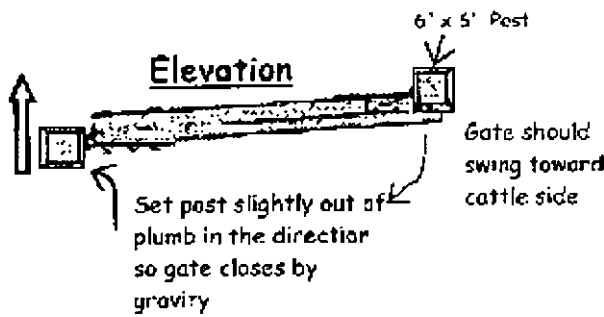
Three (3) types of barriers are generally used: large boulders, timber barriers and wood bollards. All three (3) types of barriers are effective in stopping motorized access when placed at the trailhead. The location of such barriers is usually where trails intersect or cross streets and where trails parallel roads at points where access is likely. Rock barriers can also be used along portions of a trail where the down slope grades are hazardous, where switchback cutting can be a problem and along outside edges are exposed to steep slopes.

The placement and spacing of barriers are dependent upon unique trail site characteristics and use requirements.

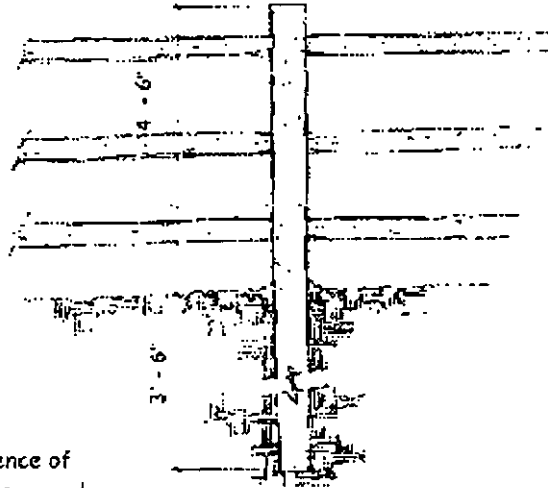
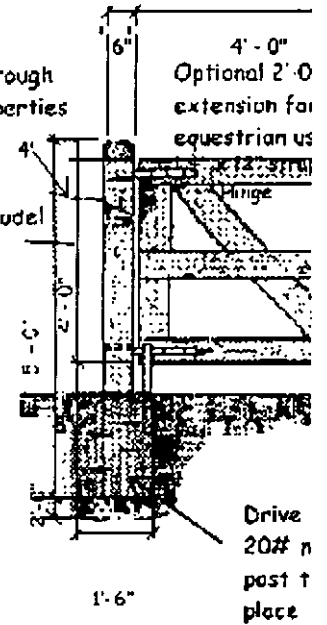
12. Fencing: Fencing should be installed only where physical separation is necessary for safety and/or to preserve adjacent landowner privacy. Fences should not create a narrow corridor effect for long stretches along the trail. Where possible fencing should be located only on one side of the trail at a time.

Fences should be no closer than five feet (5') from the trail edge. Where fences are necessary along both sides of a trail, the minimum width should be twenty feet (20').

Gates are required for trails that cross stock grazing area. They will be a self-closing lever latch type gate, such as those manufactured by Powder River or another manufacturer with similar design characteristics.



NOTE: Use self closing gate where trail passes through unfenced grazing properties



3 rail split fence of Cedar or other wood suitable for below grade installation

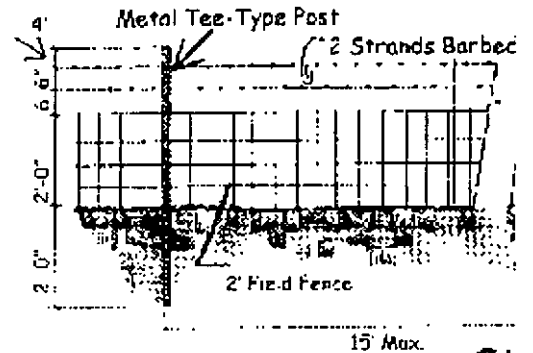
Posts to have a minimum dimension of 6"

Rails to have a minimum dimension of 4"

GUIDELINES FOR USE
 This is the typical fence along the U224 corridor

Any new developments the entry should use this same design.

Use where trail separation is needed from adjacent landowners

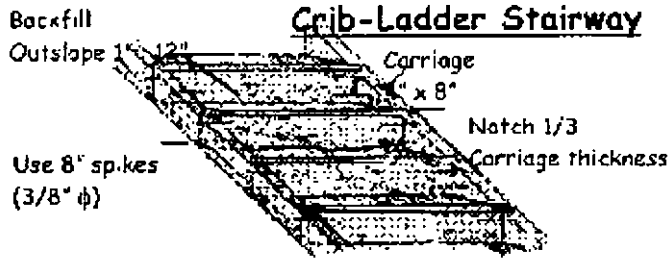


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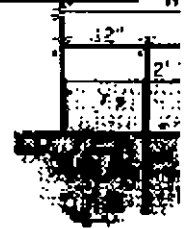
13. Stairways: Trails in excess of the slopes indicated on the trails matrix should consider stairways. Stairways may be required to conform to the requirements set forth in the uniform building code. Stairs should not be used on trails that are used by horses, road bikes or the disabled.

a. Wooden Stairs: Will be constructed of pressure treated or approved rot resistant timber.

Pinned Stairway

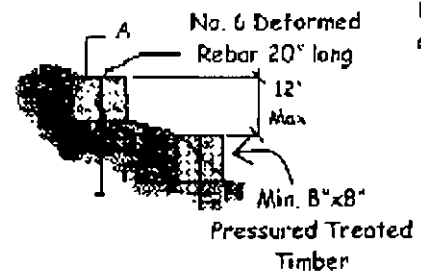
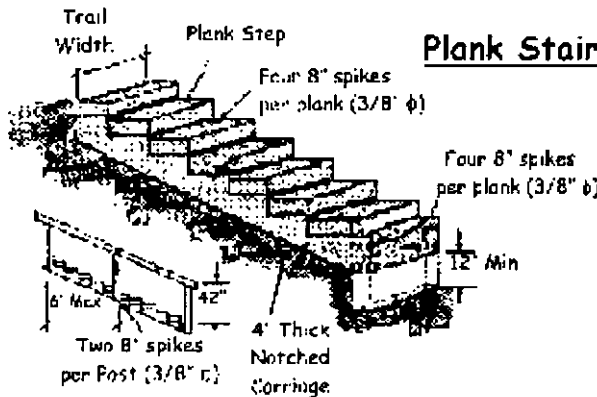


NOTE: Where stairs are located in developed areas of the community, compliance with the uniform building code is required



Treads set into

Plank Stairway



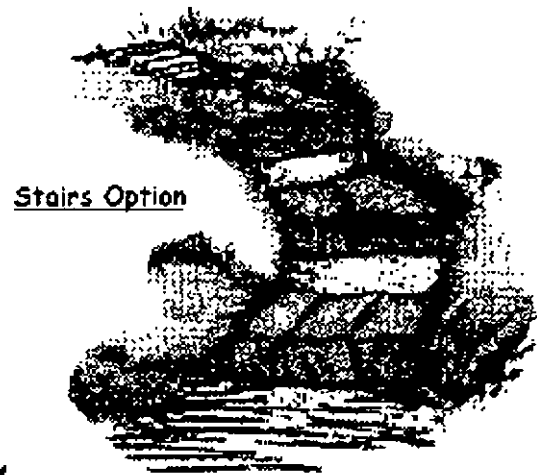
Drill hole each re

Drive re and into

b. Stone Stairs: Can be used where trail grades exceed the maximum allowable slopes and where the grade must be gained quickly. Stone stairs should be built with the intent that intensive use should not impact the stairs in the slightest.

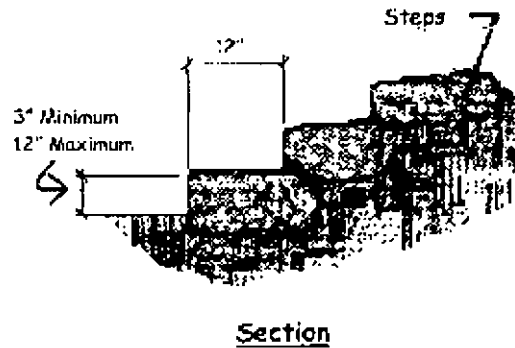
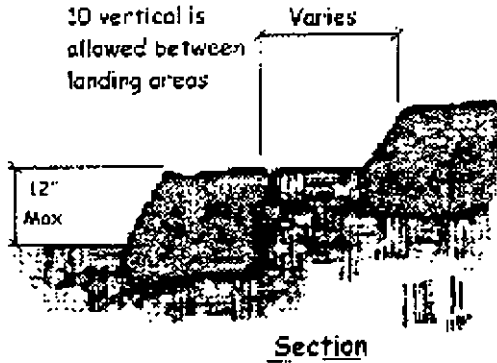
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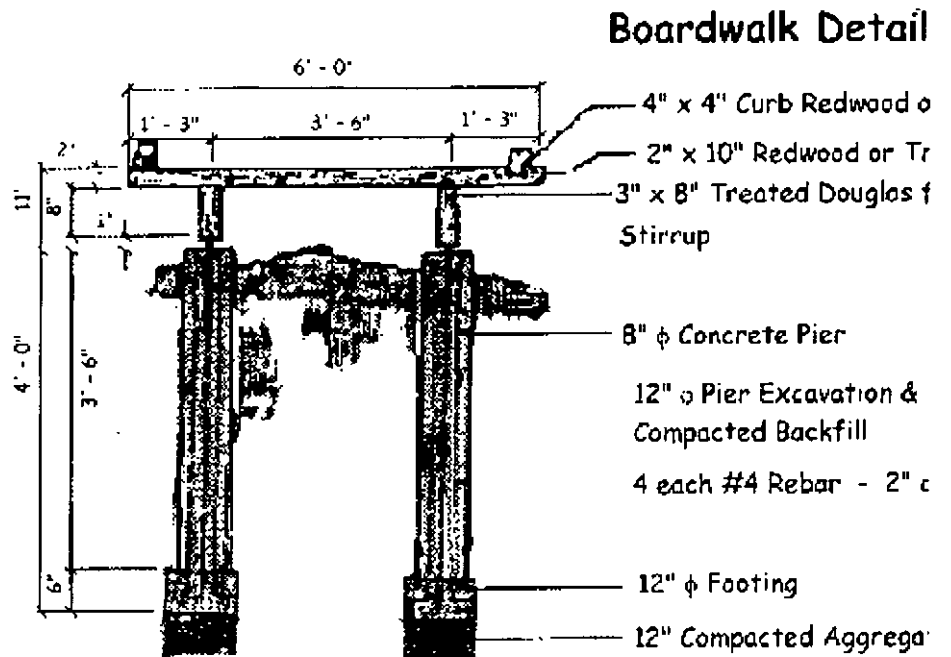
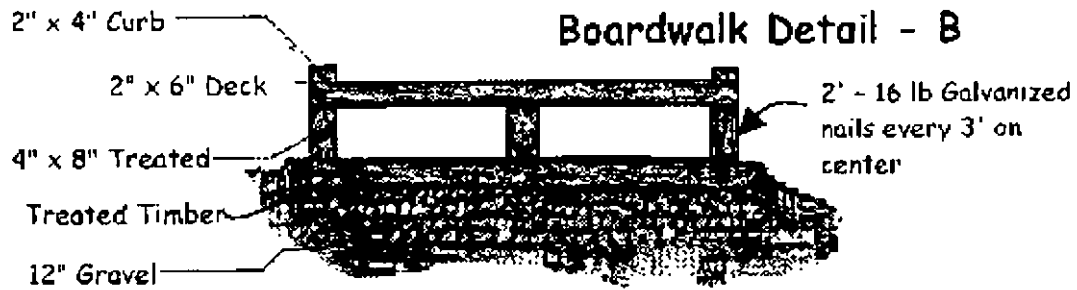
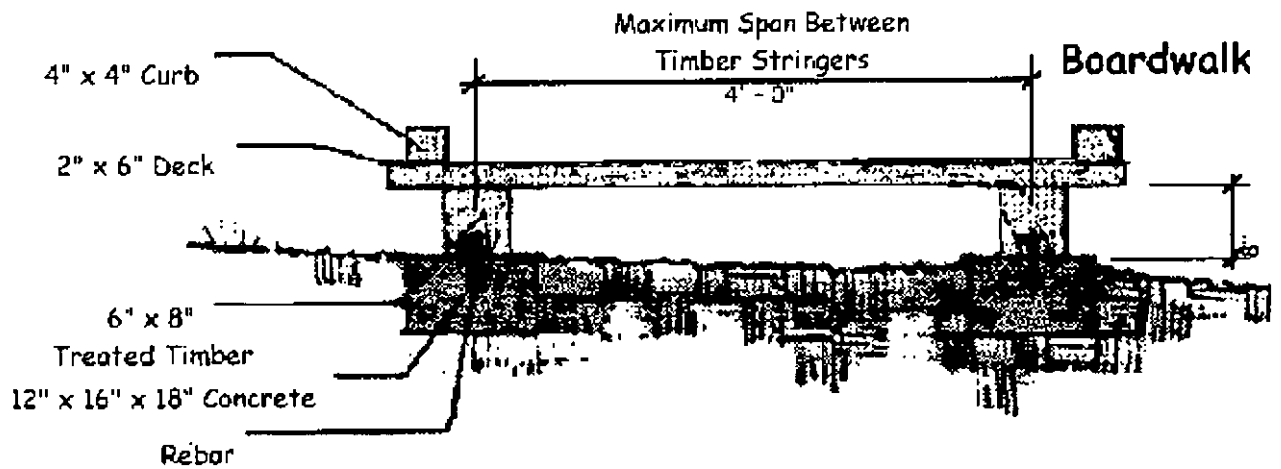


Stone Stairs for Back Country

NOTE: A maximum of 30 vertical is allowed between landing areas



14. Boardwalks: All wood used in boardwalk construction will be pressure treated or approved rot resistant timber.



15. Root Barriers: Root barriers should be installed along the edges of trails where riparian or vegetation that aggressively seeks out water is present. Willows, Gamble's oak, aspens and cottonwoods are examples of aggressively spreading plants. In situations where irrigated land is on one side of the trail and nonirrigated land is on the other, water seeking vegetation in the nonirrigated side may send roots to the irrigated side, a root barrier should be installed. (Ord. 2002-04, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

17.18.100: AMERICANS WITH DISABILITIES ACT INFORMATION AND STANDARDS:

In 1990, congress passed the Americans with disabilities act. Among other provisions, the act prohibits state and local governments from discriminating on the basis of disability and requires government services, programs, and activities to be accessible to people with disabilities. Technical assistance concerning the law's application is available by calling 1-800-USA-ABLE. Where potential use and/or ADA access needs warrant, provide trail access through, around, over or under major barriers. For pedestrians, add or improve sidewalks, create safe crossings, add ADA compliant ramps, and modify signalization and intersections where needed.

Almost fifteen (15) years ago, William Whyte wrote, "If circulation and amenities are planned with (the disabled) in mind, the place is apt to function more easily for everyone".

ADA guidelines recommend that to accommodate people in wheelchairs and with other disabilities, each street corner should include two (2) curb ramps. Midblock crossings should have curb ramps at each end. The city of Seattle now installs about four hundred (400) wheelchair ramps at pedestrian crossings per year.

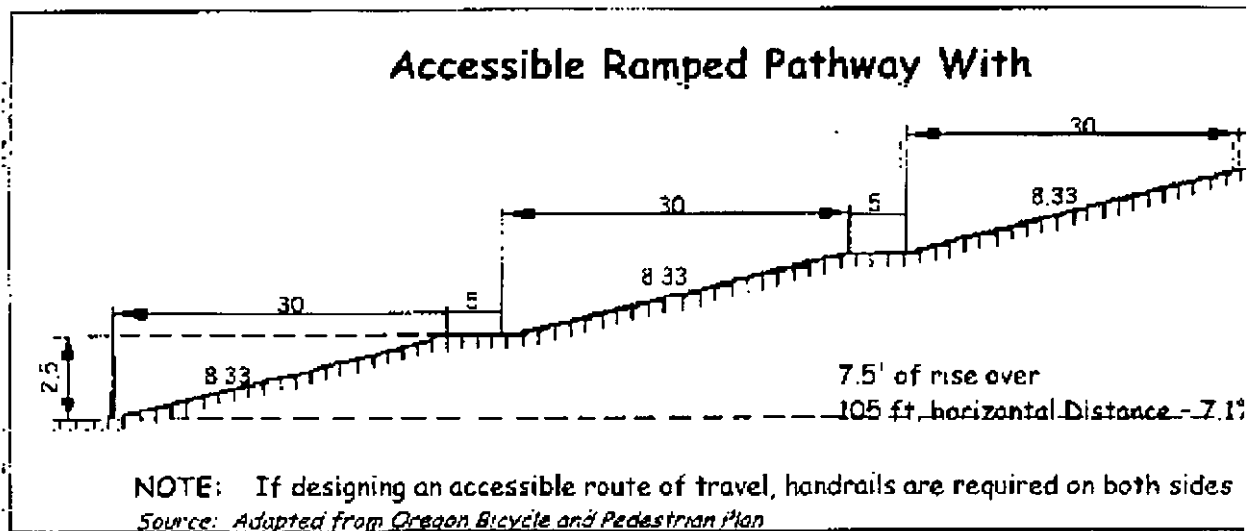
Alternatively, the crosswalk area can be raised to the level of the sidewalk. Such a raised crosswalk will have additional traffic calming benefits, serving as "speed tables" that will slow traffic speed at intersections.

A. Access For The Disabled: While it is clearly not practical for all types of trails in a mountainous environment to be fully accessible to the disabled, where reasonably appropriate, the trail system should comply with the standards set forth in this law. Until such time as more definitive standards are set forth, this section of the master plan will provide a policy as to what trails are required to comply with this law and how Mapleton City will approach the improvement of trails. All new trails that provide access between new parking lots and new public facilities, such as recreation or institutional facilities, clubhouses, resort facilities, and commercial or business facilities are required to comply with ADA. All new trails providing access to new public, private and institutional

transportation facilities also need to comply with ADA requirements. Trail renovation or new trails located in existing developed areas of the community should comply with the ADA standards.

A trail is considered ADA accessible if it meets the following criteria:

1. Five foot (5') minimum width. ENT 56319:2011 PG 242 of 662
2. Hard surfaces: Asphalt and concrete are the most accessible. Compacted crushed stone also works well, provided that the stones' diameter is less than three-eighths inches ($\frac{3}{8}$ "). Loose gravel is not recommended.
3. Trail gradient should be no greater than five percent (5%).
4. Ramps, not stairs, should be provided for grades exceeding the five percent (5%) maximum.
5. Ramp grades should not exceed eight percent (8%) and have a level landing for every thirty inches (30") of vertical rise and have a slip resistant surface.
6. Thirty two inch (32") high handrails should be installed on all ramps and bridges.
7. Fully accessible trails should have a rest area every three hundred feet (300'), preferably cleared with a bench outside of the trail path with the distance between rest areas posted at the trailhead.
8. One or more accessible parking space should be provided at trail parking lots.
9. If gate or bollards are planned to prevent motorized vehicle access to the trail, maintain thirty two inch (32") clearance to ensure or provide wheelchair access.



(Ord. 2002-04, 3-20-2002)

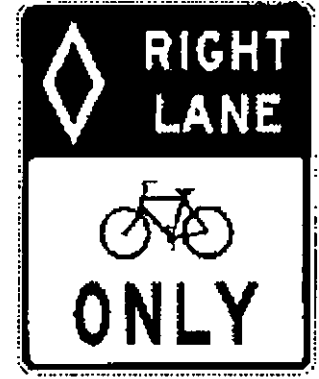
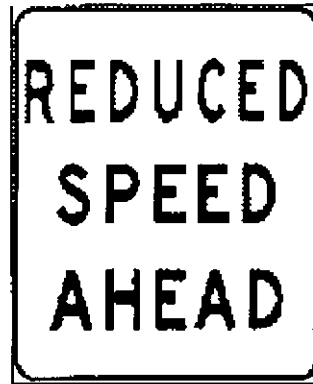
This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

17.18.110: SIGNS AND PUBLIC MAPS:

Locations for signs need to be evaluated on a case by case basis and signs should only be posted where necessary to avoid visual pollution. These guidelines provide general direction for signs and their placement.

Signage on privately constructed trails will be purchased by local cities, Mapleton City or UDOT, and given to the contractor constructing the trail for installation. The building department should maintain a stock of commonly used signs. Contractors should notify the building department a minimum of thirty (30) days prior to trail completion to assure the signs they need are available.

- A. Regulatory Signs: Requirements for the use and placement of signs, including regulatory signs at intersections, will follow the standards set forth in the "Manual On Uniform Traffic Control Devices" (MUTCD) section on "Traffic Control Devices For Bicycle Facilities" and will apply to all multiuse paved trails. Bicycle crossing signs near a road approaching a crossing will conform to MUTCD standards. The following information lists the types of regulatory signs and describes where they should be located:



Examples of other signs available. Copy and graphics can be altered to fit your needs and size.



1. Stop Signs: Stop signs will be installed wherever paved multiple use trails cross public streets, unless traffic is required to stop at trail intersections or at other potentially hazardous locations.
2. Speed Limit, Steep Grade, Danger Warning, And Slow Signs: These signs should be installed where trails approach maximum slopes, areas with limited sight distance and areas with dangerous conditions ahead, such as "Moose Crossings".
3. Curve Signs: Trail users should be cautioned by signs when a curve has a smaller than recommended travel radius and/or limited sight distance. Curve signs should be posted at points along the trail where travel at a moderate rate would cause a trail user to leave their lane.
4. Dismount Signs: Such signs should be posted in areas where slope exceeds recommended standard and where trail width or vertical clearance is less than the recommended standard.

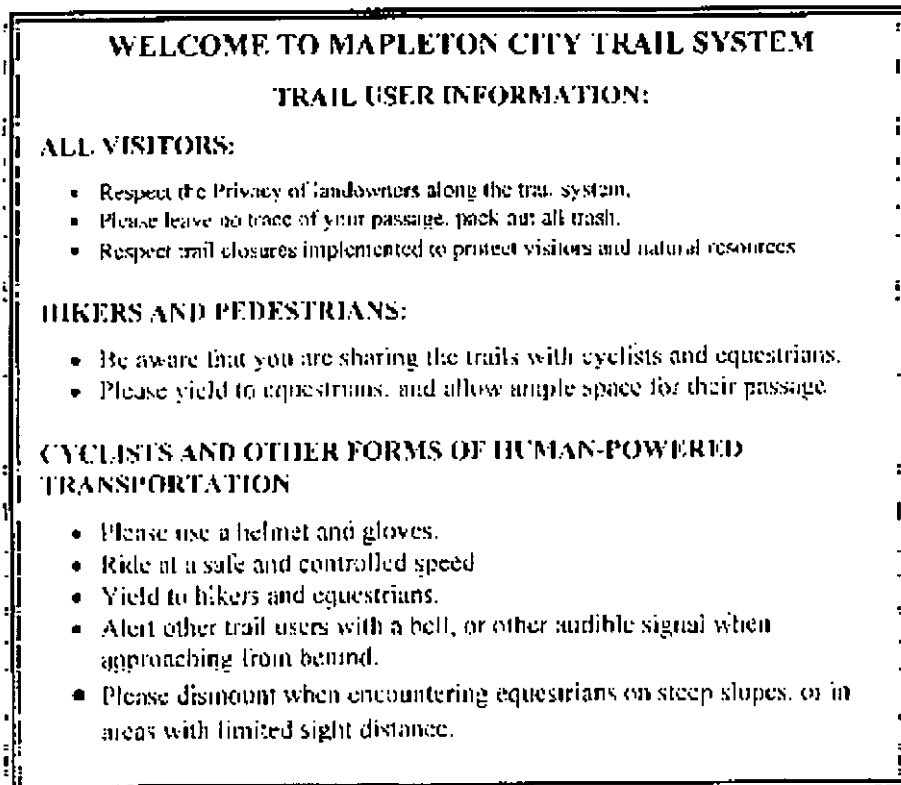
5. School Zone Signs: For the safety of school children and trail users, school signs should be posted near schools.
6. Private Property Signs: Signs identifying private property should be located on an "as needed" basis.

All regulatory signs should have engineer grade reflective coating and be graffiti proof. Sign size and letter height should conform to the speed of traffic along the trail.

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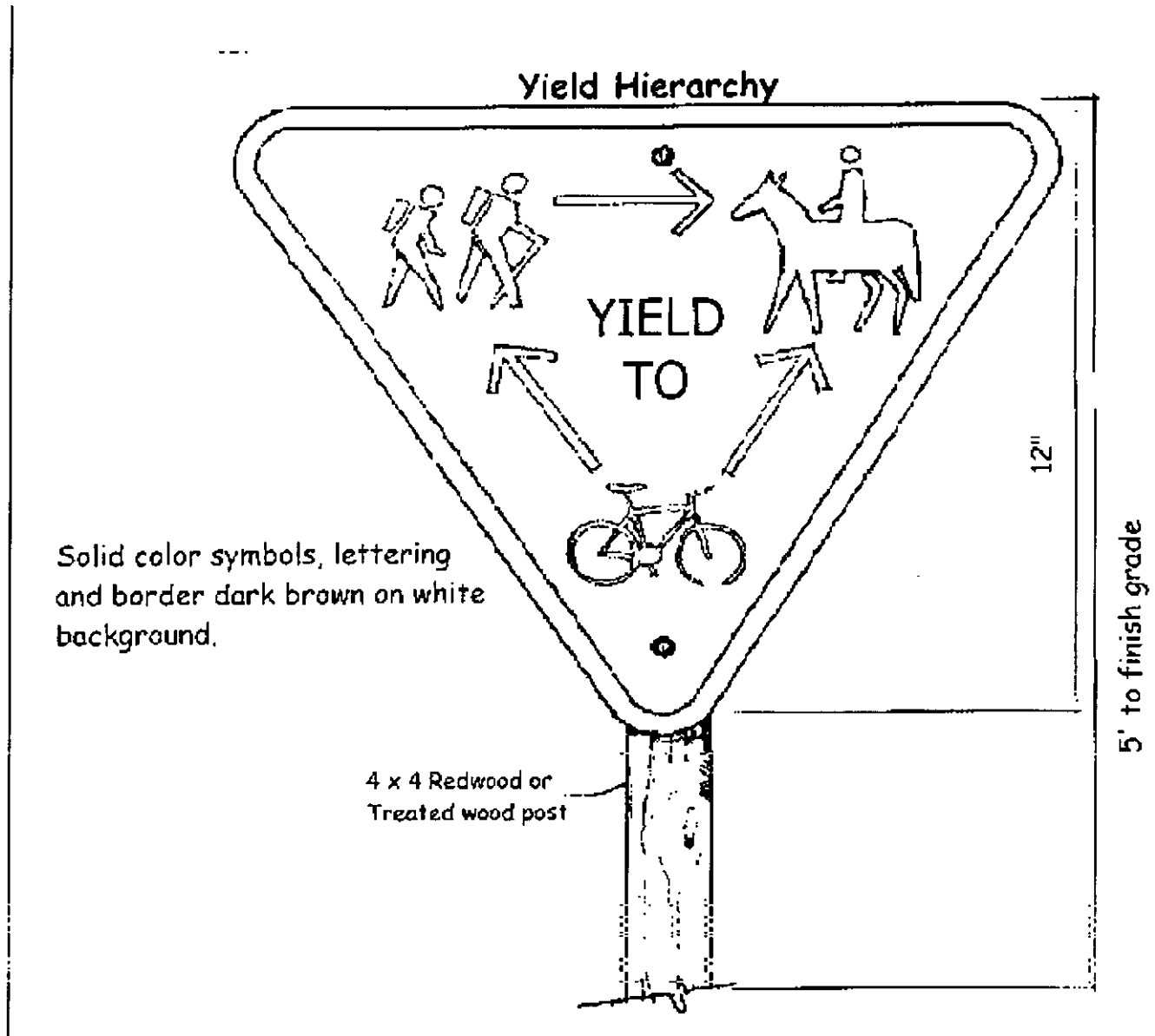
B. Informational Signs:

- * Signs indicating allowed uses should be posted at trailheads.
 - * At high volume multiple use trailheads, informational signs indicating user etiquette should be posted.
1. Trail User Information Sign: This sign should be placed at all major trailhead facilities and city parks where trails are accessed. It should be located where it is clearly visible and where it does not impede trail use or present a hazard to trail users.



2. **Yield Hierarchy Sign:** This sign should be placed at all major access points of multiple use trails. It should be located where it is clearly visible and where it does not impede trail use or present a hazard to trail users.

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3. **Trail Courtesy Sign:** Trail courtesy signs should be posted at all trailheads. A shortened user courtesy sign should be installed at trail access points. This sign can be placed on the same post as the "Yield Hierarchy Sign", wherever the trail user information sign is not located. The trail courtesy sign should also be located on "Stop" and "Private Property Signs".

REMEMBER TRAIL COURTESY

- 1. IF IN DOUBT YIELD**
- 2. RESPECT HORSES**
- 3. RIDE SAFELY AND AWARE**
- 4. ALERT OTHERS WHEN
APPROACHING**
- 5. LEAVE NO TRACE**

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(Ord. 2002-04, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

Chapter 17.20 PERFORMANCE GUARANTEES

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

17.20.010: PERFORMANCE GUARANTEE REQUIRED:

Wherever a performance guarantee is required under the terms of this title, the performance guarantee shall be submitted:

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- A. In conformance with this chapter; and
- B. Prior to the commencement of any improvements. (Ord. 2009-02, 3-18-2009, eff. 4-22-2009)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

17.20.020: TYPE AND AMOUNT OF GUARANTEE:

- A. Performance bonds under this section shall apply to all land development subject to regulation by Mapleton City.
- B. A performance bond for any street improvements, utility improvements, grading improvements, landscaping improvements, driveway installation, early occupancy, and similar matters is required to be installed:
 - 1. At the time of development approval; or
 - 2. With the issuance of a building permit.
- C.
 - 1. The amount of the performance bond for street, grading, or utility improvements shall be established by the city engineer or his designee, and shall be based on the average cost paid by the city for the same type of performance.
 - 2. The amount of the performance bond for landscaping improvements, driveway installation, and early occupancy shall be established by the director of the department of community development or his designee as follows:
 - a. Where landscaping is required, the developer must submit at least two (2) bids from landscaping companies to be considered;
 - b. For all new single-family residential units, an improvement performance bond paid at the issuance of the building permit is required in the amount of a minimum of two thousand three hundred dollars (\$2,300.00).

- D. Under subsection C1 of this section, the principal amount of a performance bond posted with Mapleton City shall be one hundred twenty percent (120%) of the total estimated cost of any performance which is promised to the city.
- E. The performance bond shall be in the form of cash or an irrevocable letter of credit with:
1. Twenty percent (20%) of the performance bond being posted in the form of cash and shall be the last monies released; and
 2. The remaining amount posted in the form of cash or an irrevocable letter of credit.
- F. A performance bond agreement shall be entered into by and between Mapleton City and the applicant:
1. The performance bond agreement shall include a provision that the performance bond shall expire within thirteen (13) months from the date issued.
 2. If the project has not been completed by that date, then the performance bond shall be considered foreclosed upon.
 3. All remaining funds shall be thereafter remitted to the city as set forth in the performance bond agreement.
 4. A performance bond may be extended only if special circumstances warrant an extension, as determined by the city engineer.
- G. 1. A performance bond may be partially released if the performance to which it relates has been satisfactorily completed, except that not less than twenty percent (20%) of the performance bond shall be retained to ensure completion of the entire performance.
2. Beginning with the third partial release of a performance bond, a service charge of one hundred dollars (\$100.00) shall be charged in addition to the actual cost of processing the partial release.
- H. The director of the department of community development or a designee may establish objective procedures consistent with this section relating to the administration of performance bonds, including fund management, default and collection. (Ord. 2009-02, 3-18-2009, eff. 4-22-2009)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

17.20.030: FINAL DISPOSITION AND RELEASE:

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- A. Upon completion of the work for which a performance bond has been posted, the developer shall submit to the city one copy of a written request for release.

- B. After receipt of the notice and request under subsection A of this section, the city engineer shall make a preliminary inspection of the improvements and shall submit a report to the director of the department of community development setting forth the condition of the facilities.

- C. The director of the department of community development shall accept the report and authorize release of the remainder of the performance bond except for that portion to be held as an improvements assurance warranty under section 17.20.050 of this chapter if the city finds, based on objective inspection standards, that the condition of the improvements are satisfactory.

- D. The performance bond may not be released if the city finds:
 - 1. That the condition of material or workmanship shows unusual depreciation or does not comply with the acceptable standards of durability; or
 - 2. That any other terms of the performance bond have not been satisfied.

- E. In the case of a dispute over the release of a performance bond under this section, the city administrator may refer the matter to the city council for subsequent action to secure performance. (Ord. 2009-02, 3-18-2009, eff. 4-22-2009)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

17.20.040: DEFAULT:

- A. Upon substantiating a finding under subsection B of this section, the director of the department of community development with approval of the city administrator may, with due notice to the developer:
1. Declare the performance bond forfeited; and
 2. Install or cause the required improvement to be installed using the proceeds from the performance bond to defray the costs.
- B. A performance bond may be forfeited under subsection A of this section if the city finds that a developer has failed or neglected to:
1. Satisfactorily install the required improvements;
 2. Make required corrections;
 3. Make payment to the city for administration and inspections; or
 4. Otherwise failed to carry out the activity for which the performance bond was required.
- C. The developer is responsible for work beyond the limits of the bond amount.
- D. Any funds remaining after completion of the required improvements will be returned to the developer. (Ord. 2009-02, 3-18-2009, eff. 4-22-2009)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

17.20.050: IMPROVEMENTS ASSURANCE WARRANTY:

- A. The city shall retain an improvements assurance warranty (formerly known as durability retainer) in the amount of not less than twenty percent (20%) of the initial amount of the performance bond in the form of cash. The improvement assurance warranty shall be for the purpose of warranting the improvements and shall be for a period of:
1. One year after final acceptance of the improvement or warranty work; or
 2. Two (2) years after final acceptance of the improvement or warranty work, if the city:

- a. Determines for good cause that a lesser period would be inadequate to protect the public health, safety, and welfare; and
- b. Has substantial evidence of:
- (1) Prior poor performance of the applicant;
 - (2) Unstable soil conditions within the subdivision or development area; or
 - (3) Extreme fluctuations in climatic conditions that would render impracticable the discovery of substandard or defective performance within a one year period.
- B. A determination under subsection A2 of this section shall be made by the city engineer in consultation with the city administrator.
- C. If, after the warranty period, the durability of said improvements are found to be satisfactory, the retainage may be released following the procedure outlined under section 17.20.030 of this chapter.
- D. The city engineer may authorize a release of fifty percent (50%) of the improvement assurance warranty prior to the warranty period, if determined appropriate based on a finding of:
1. The project has been completed and found acceptable and all monies have been released except for the improvements assurance warranty;
 2. An error in the initial amount of the performance bond or the original calculation of the improvements assurance warranty; or
 3. Fact that was previously unknown to the city that is material in a determination that the city's public health, safety, and welfare would still be adequately protected.
- E. 1. The person giving the improvements assurance warranty shall correct the improvements if at any time during the warranty period:
- a. Any required improvement fails or shows unusual depreciation;
 - b. Certain work has not been completed or it becomes evident that certain work was not completed; or
 - c. The materials or workmanship used in constructing the improvements do not otherwise comply with accepted standards of durability.

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2. If the corrections are not made within a reasonable time, the director of the department of community development, with review from the city administrator, in accordance with section 17.20.040 of this chapter, may declare the person in default and use the retainage to defray the cost of any required work. (Ord. 2009-02, 3-18-2009, eff. 4-22-2009)

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This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

Chapter 17.24 GENERAL REQUIREMENTS

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

17.24.010: STREETS TO BE EXCAVATED TO THE FULL WIDTH:

All streets shall be excavated to the full width shown on the preliminary plat after obtaining an excavation permit in accordance with the city's requirements as set forth in chapter 12.08 of this code. (Ord. 2002-04, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

17.24.020: STREETS TO BE DEDICATED; PARTIAL WIDTH STREETS; RETAINER STRIPS NOT PERMITTED:

All streets within and adjacent to the subdivision shall have been previously conveyed to the city by deed or dedication or shall be shown on the final plat for dedication to the city for street purposes. All streets shown on the final plat for dedication to the city shall conform to the minimum standards for both street right of way width and street improvements for the entire width of street, except that the city council, subject to the prior recommendation of the planning commission, may accept the dedication and/or improvement of partial width street provided:

- A. That the proposed partial width street is located at the border of the subdivision and the land abutting the uncompleted side is not owned by the subdivider.

B. That the width of right of way of the proposed partial street shall be not less than one-half ($1/2$) of the total width for the class of road, plus an additional five feet (5') of width.

C. That the improvements constructed on the partial width street shall include:

1. The curb, gutter and sidewalk improvements on the side abutting lots in the subdivision, where applicable,
2. All required utilities, and
3. A hard surfaced travelway portion having a width not less than one-half ($1/2$) that required for the specific road classification plus the additional five feet (5') of right of way.

All construction shall be in accordance with city standards.

D. That there are no existing conditions which would have the effect of preventing the subsequent development of the remaining portion of the street.

E. That, in the opinion of the city, construction of a partial width street at the proposed location will not create an unsafe or hazardous condition.

No final plat shall be approved where access to a proposed or existing street from adjacent property is proposed to be prohibited through the use of an access retainer strip. (Ord. 2002-04, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

17.24.030: ALL LOTS TO ABUT ON PUBLIC STREETS:

Each lot in a subdivision shall abut upon and have access to a street which is: a) dedicated to the city by the subdivision plat or b) an existing publicly dedicated street, or c) a street which has become public by right of use and which is at least fifty feet (50') wide and has been improved in accordance with city standards. (Ord. 2002-04, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

17.24.040: AMENDED PLATS:

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No change shall be made in a plat which has received final approval by the city council within the last three (3) years unless and until approval for said change has been given by both the planning commission and city council. Any change in a subdivision for which a final plat has been recorded shall first require that the plat be vacated in accordance with the applicable provisions of state law and a new plat of the territory approved and filed in accordance with the requirements of this title. Any final plat which has not been recorded within three (3) years of final plat approval by the city council shall become null and void. (Ord. 2002-04, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

17.24.050: WORK TO BE DONE BY ENGINEER OR SURVEYOR:

All engineering work must be done by, or under direction of, a professional engineer registered in the state of Utah. All land survey work must be done by, or under the direction of, a professional land surveyor registered in the state of Utah. (Ord. 2002-04, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

17.24.060: AS BUILT DRAWINGS OF RECORD REQUIRED:

Plans showing the location and size of all sewer and water lines, valves and other subsurface utility and service lines and facilities shall be required prior to the release of performance guarantees. (Ord. 2002-04, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

17.24.070: RESERVED:

(Ord. 2002-04, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

17.24.080: WATER RIGHTS TO BE CONVEYED TO CITY:

As a condition of approval, all subdividers shall convey to the city title to one acre-foot of potable water for each lot, which does not have an existing dwelling, shown in the final plat of the subdivision. Satisfaction of this requirement may be accomplished by one or a combination of the following:

- A. Conveyance of all right, title and interest to a certificated natural flow right, well, or irrigation company stock equal to one acre-foot of potable water.
- B. Conveyance of an in lieu cash contribution in an amount not less than the then current price of an acre-foot of water stock. (Ord. 2002-04, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

17.24.090: AMENDMENTS TO SUBDIVISION ORDINANCE:

The provisions of this title may from time to time be amended in accordance with the following:

- A. Any person seeking an amendment to the provisions of this title shall submit a written petition designating the change desired and the reasons therefor. The planning commission shall consider the request and within a reasonable time thereafter shall forward its recommendation to the city council. The planning commission or city council may also initiate amendments to this subdivision ordinance.
- B. Amendments shall be adopted by ordinance duly passed by the council. Before adopting any proposed amendment the council shall hold a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. Notice of the time and place and subject matter of the hearing shall be published in a newspaper of general circulation within the city at least fifteen (15) days prior to the date of the hearing. No material change in or departure from the proposed amendment as recommended by the planning commission shall be made after the hearing unless such change or

departure be first resubmitted to the planning commission for its consideration and recommendation.

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- C. All amendments to the ordinance shall be published or posted and recorded in accordance with the applicable provisions of Utah Code Annotated 10-3-701 et seq., as may be amended. (Ord. 2002-04, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

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

- A. No building permit for the construction of a dwelling or other structure intended for human occupancy may be issued for any lot in a subdivision unless and until said lot is served by the following minimum level of subdivision improvements:
1. The required culinary water main and lateral connection, extending from its point of connection to the existing city supply main, to the lot.
 2. The permanent water service line including the service tap, pipe and meter housing and assembly.
 3. The required basic road improvements (required subbase and untreated road base) extending from the existing city street system to and across the lot.
 4. The required sewer main and lateral connection extending from its point of connection to the existing city supply main, to the lot.
- B. Notwithstanding the above, in no case shall more than fifty percent (50%) of the available building permits in any subdivision plat be issued prior to the completion of one hundred percent (100%) of all the required improvements agreed to be provided by the developer, as bonded for and set forth on the preliminary plat of the recorded subdivision.
- C. In no case shall a certificate of occupancy be issued for any dwelling until such time as all required improvements are installed and accepted by the city. (Ord. 2002-04, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

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Chapter 17.28 FEES AND CHARGES

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

17.28.005: APPLICABILITY:

The provisions of this chapter shall be applicable even though the construction of outstanding subdivision improvements is secured through a performance guarantee. (Ord. 2002-04, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

17.28.010: PROJECT APPLICATION AND REVIEW FEES:

- A. All costs for the processing of subdivision proposals and the administration of this title shall be borne by the subdivider. The city council may, from time to time, establish by resolution a schedule of fees for that purpose and provide for the assessment and collection thereof. Such schedule of fees shall be on file in the city recorder's office and open to public inspection during normal office hours.

- B. In addition to the regular review and processing charges provided for under subsection A of this section, all cost for conducting the regular and special reviews required pursuant to section 17.08.040 of this title shall be borne by the applicant. (Ord. 2002-04, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

17.28.020: RESERVED:

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(Ord. 2002-04, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

17.28.030: DEVELOPMENT COSTS TO BE BORNE BY SUBDIVIDER; CITY MAY PARTICIPATE:

All costs and charges in connection with the planning and development of subdivisions shall be borne and paid by the subdivider, provided that in instances where oversized improvements are required by the city, the city may pay a portion of the excess cost for such oversized improvements in an amount as determined by negotiations between the subdivider and the city. (Ord. 2002-04, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

17.28.040: RESERVED:

(Ord. 2006-01, 1-4-2006)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

17.28.050: REIMBURSEMENT FOR ON SITE OR OFF SITE IMPROVEMENTS PERMITTED; CONDITIONS AND LIMITATIONS:

- A. Reimbursement shall be allowed for on site or off site improvements which subsequently benefit adjacent property owners who develop building lots, which are required as a condition of approval of a subdivision. Whenever a developer wishes to be reimbursed for any required on site or off site improvement that benefits property in an area benefited by the improvement as determined by the city engineer, other than property owned by the subdivider, the developer must notify the city in writing prior to recording of the final plat and following posting a performance guarantee and bond. The city will enter a

deferred credit on its records in the amount of the actual cost of the extension across the benefited property and shall reimburse the subdivider upon collection by the city of charges assessed against such benefited property for a period of twenty (20) years from the date of recording of the subdivision plat. An administrative fee in an amount to be set by the city council by resolution shall be collected, one-half ($\frac{1}{2}$) of which will be withheld from the amount reimbursed to the subdivider and one-half ($\frac{1}{2}$) of which will be assessed against the benefited property. Any reimbursement owed shall be collected from the benefited property owner prior to recording the final plat for any subdivision approved on said benefited property.

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- B. The amount of reimbursement charge to be paid by a benefited property shall be equal to the Utah County property tax valuation, at the time of improvement, for the underlying ground for a peripheral street dedication which exceeds one-half ($\frac{1}{2}$) of the street width requirement as shown on the transportation and circulation element of the general plan. The amount shall include one-half ($\frac{1}{2}$) the installation cost of sewer, water, and pressurized irrigation lines in peripheral streets, as well as the installation cost of peripheral street improvements which are installed on ground which is in excess of one-half ($\frac{1}{2}$) of the street width requirement as shown on the transportation and circulation element of the general plan. (Ord. 2006-01, 1-4-2006)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

Chapter 17.32 DEFINITIONS

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

17.32.010: LIST OF DEFINITIONS:

For the purposes of this title there are certain terms and phrases which require specific definitions of meaning. These are as follow:

BUILDABLE AREA: A portion of a building site which conforms to all minimum criteria required for the placement of a structure in accordance with section 18.08.055 of this code.

BUILDING ENVELOPE: Area prescribed on the plat where the building(s) will be located.

OFF SITE: Of or pertaining to land, area or facilities not located within the boundaries of a

subdivision.

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RETAINER STRIP: A parcel of land less than the minimum depth required for a building lot bordering the boundary of a subdivision and a street within the subdivision for the purpose of controlling the access of the property owners abutting the subdivision to the street.

SUBDIVISION: A. Any land that is divided, resubdivided or proposed to be divided into two (2) or more lots, parcels, sites, units, plots or other division of land for the purpose, whether immediate or future, for offer, sale, lease or development either on the installment plan or upon any and all other plans, terms and conditions of sale or of building development;

B. The division or development of land whether by deed, metes and bounds description, devise and testacy, lease map, plat or other recorded instrument; and

C. Divisions of land for all residential and nonresidential uses, including land used or to be used for commercial, agricultural and industrial purposes. (Ord. 2002-04, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

Chapter 17.36 ADMINISTRATION AND ENFORCEMENT

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

17.36.010: VIOLATION AND PENALTY:

Any person, firm or corporation who transfers or sells land in a subdivision without first preparing and having approved a final plat thereof in accordance with the provisions of this title shall be deemed guilty of a violation for each lot transferred or sold and the description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt such transaction from such violation.

Further, any person, firm or corporation, whether as principle, agent, employee or otherwise who, in the process of creating a subdivision, performs any action in violation of the provision of this title or the standards adopted pursuant to this title, shall be guilty of a violation for each such offense.

Violation of this title shall be punishable as a class C misdemeanor, as defined by [chapter](#)

1.16 of this code. Each person, firm or corporation found guilty of violation shall be deemed guilty of a separate offense for every day during which such violation is committed, continued or permitted. (Ord. 2002-04, 3-20-2002)

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This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

17.36.020: OTHER REMEDIES FOR VIOLATION:

The city council, city attorney, planning and zoning director or any owner of real estate within the city may, in addition to other remedies provided by law, institute injunction, mandamus, abatement or any other appropriate action or proceeding to prevent, enjoin, abate or remove any violation of this title. (Ord. 2002-04, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

Chapter 17.37 CONSTITUTIONAL TAKINGS APPEAL PROCEDURE

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

17.37.010: POLICY CONSIDERATIONS:

There is an underlying policy in Mapleton City, strongly favoring the careful consideration of matters involving constitutional taking claims, in fairness to the owner of private property bringing the claim and in view of the uncertainty and expense involved in defending law suits alleging such issues. At the same time, the legitimate role of government in lawfully regulating real property must be preserved and the public's right to require the dedication or exaction of property consistent with the constitution. Consistent with this policy, it is desired that a procedure be established for the review of actions that may involve the issue of a constitutional taking. These provisions are to assist governments in considering decisions that may involve constitutional takings. It is intended that a procedure for such a review be provided, as well as guidelines for such considerations. This chapter is further intended and shall be construed to objectively and fairly review claims by citizens that a specific government action should require payment of just compensation, yet preserve the ability of

the city to lawfully regulate real property and fulfill its other duties and functions. (Ord. 2002-04, 3-20-2002)

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This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

17.37.020: DEFINITIONS:

A. "Constitutional taking" means actions by the city involving the physical taking or exaction of private real property that might require compensation to a private real property owner because of:

1. The fifth or fourteenth amendment to the constitution of the United States;
2. Article I, section 22, of the Utah constitution;
3. Any court ruling governing the physical taking or exaction of private real property by a government entity. (Ord. 2002-04, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

17.37.030: GUIDELINES ADVISORY:

The guidelines adopted and decisions rendered pursuant to the provisions of this chapter are advisory, and shall not be construed to expand or limit the scope of the city's liability for a constitutional taking. The reviewing body or person, shall not be required to make any determination under this chapter except pursuant to section 17.37.040 of this chapter. (Ord. 2002-04, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

17.37.040: REVIEW OF DECISION:

Any owner of private real property who claims there has been a constitutional taking of their private real property shall request a review of a final decision of any officer, employee,

board, commission, or council. The following are specific procedures established for such a review: ENT 56319:2011 PG 264 of 662

- A. The person requesting a review must have obtained a final written determination, from an authorized representative of the city, relative to the decision from which they are requesting review.
- B. Within thirty (30) days from the date of the final decision that gave rise to the concern that a constitutional taking has occurred, the person requesting the review shall file in writing, in the office of the city recorder, a request for review of that decision. A copy shall also be filed with the city attorney.
- C. After a request for review has been filed with the city recorder the city council shall set a time to review the decision that gave rise to the constitutional takings claim at their next regularly scheduled council meeting or within fourteen (14) days, whichever is sooner.
- D. In addition to the written request for review, the applicant must submit, prior to the date of the review, the following:
 - 1. Name of the applicant requesting review;
 - 2. Name and business address of current owner of the property, form of ownership, whether sole proprietorship, for profit or not for profit corporation, partnership, joint venture or other, and if owned by a corporation, partnership or joint venture, name and address of all principal shareholders or partners;
 - 3. A detailed description of the grounds for the claim that there has been a constitutional taking;
 - 4. A detailed description of the property taken;
 - 5. Evidence and documentation as to the value of the property taken, including the date and cost at the date the property was acquired. This should include any evidence of the value of that same property before and after the alleged constitutional taking, the name of the party from whom purchased, including the relationship, if any, between the person requesting a review and the party from whom the property was acquired;
 - 6. Nature of the protectable interest claimed to be affected, such as, but not limited to, fee simple ownership, leasehold interest;
 - 7. Terms (including sale price) of any previous purchase or sale of a full or partial interest in the property in the three (3) years prior to the date of application;

8. All appraisals of the property prepared for any purpose, including financing, offering for sale, or ad valorem taxation, within the three (3) years prior to the date of application;
 9. The assessed value of the ad valorem taxes on the property for the previous three (3) years;
 10. All information concerning current mortgages or other loans secured by the property, including name of the mortgage or lender, current interest rate, remaining loan balance and term of the loan and other significant provisions, including, but not limited to, right of purchasers to assume the loan;
 11. All listings of the property for sale or rent, price asked and offers received, if any, within the previous three (3) years;
 12. All studies commissioned by the petitioner or agents of the petitioner within the previous three (3) years concerning feasibility of development or utilization of the property;
 13. For income producing property, itemized income and expense statements from the property for the previous three (3) years;
 14. Information from a title policy or other source showing all recorded liens or encumbrances affecting the property; and
 15. The city council may request additional information reasonably necessary, in their opinion, to arrive at a conclusion concerning whether there has been a constitutional taking.
- E. An application shall not be deemed to be "complete" or "submitted" until the reviewing body certifies to the applicant, that all the materials and information required above, have been received by the city. The reviewing body shall notify the applicant of any incomplete application within five (5) business days of receipt of the application.
- F. The city council shall hear all the evidence related to and submitted by the applicant, city, or any other interested party.
- G. A final decision on the review shall be rendered within twenty eight (28) days from the date of the complete application for review has been received by the city recorder. The decision of the city council regarding the results of the review shall be given in writing to the applicant and the officer, employee, board, commission or council that rendered the final decision that gave rise to the constitutional taking claim.

H. If the city council fails to hear and decide the review within twenty eight (28) days of receipt of a completed application, the decision of the authorized representative of the city shall be deemed to be approved by the city council. (Ord. 2002-04, 3-20-2002)

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This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

17.37.050: REVIEWING GUIDELINES:

The city council shall review the facts and information presented by the applicant to determine whether or not the action by the city, constitutes a "constitutional taking" as defined in this chapter. In doing so, they shall consider:

- A. Whether the physical taking or exaction of the private real property bears an essential nexus to a legitimate governmental interest.

- B. Whether a legitimate governmental interest exists for the action taken by the city.

- C. Is the property and exaction taken, roughly proportionate and reasonably related, on an individual property basis, both in nature and extent, to the impact caused by the activities that are the subject of the decision being reviewed. (Ord. 2002-04, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

17.37.060: RESULTS OF REVIEW:

After completing the review, the reviewing body shall make a determination regarding the above issued and where determined to be necessary and appropriate, shall make a recommendation to the officer, employee, board, commission or council that made the decision that gave rise to the constitutional takings claim. (Ord. 2002-04, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

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Chapter 17.42 CLEANUP, PUBLIC RIGHTS OF WAY

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

17.42.010: REQUIREMENTS:

- A. This chapter shall apply to all construction activities or any other debris or obstruction in the public right of way. The provisions of this chapter shall be enforced by the building official for those holding building permits, and by the public works director for those holding excavation permits.
- B. Each holder of a building or excavation permit shall be responsible to see that vehicles used in the process of carrying out the work authorized by the permit shall not track any mud, dirt, or debris of any kind upon any streets or sidewalks within the corporate limits of Mapleton City. The permit holder shall be responsible to see that the wheels of the equipment are clean prior to its leaving the job site and entering the streets of Mapleton City.
- C. All trucks and equipment leaving the site with earthen materials or loose debris shall be loaded and covered in such a manner as to prevent dropping of materials on city streets or sidewalks or adjoining property. An on site gravel cleanup and parking area shall be required for all sites that have no paved areas. Neither city streets nor adjoining property shall be used as the required cleanup area.
- D. Ramps constructed over curbs and gutters shall not interfere with or block passage of water along the gutter and shall be constructed of a material that will not erode or deteriorate under adverse weather conditions. Dirt shall not be used for ramping material.
- E. The permit holder shall install erosion and water runoff controls sufficient to ensure that no storm water, surface water, sediments or debris from the construction site shall drain or wash or be tracked into any public right of way or other adjacent properties, including

curb and gutter. For construction pursuant to a building permit the building official may require an erosion control plan to be submitted for approval. For construction in the public rights of way or easements, an erosion control plan shall be submitted for approval. Every erosion control plan submitted shall be sufficient to cover any contingency, including, but not limited to, seasonal storms, unseasonable storms, or methods of construction. Such plans may be required anytime during construction and must be submitted within five (5) days of the request. The building official and/or the public works director may suspend all work until the plan requested is approved. The permit holder will maintain all erosion control plan facilities throughout the life of the construction project. The building official and/or the public works director or designated city official will monitor their effectiveness after storms and enforce the necessary adjustments to ensure they function correctly.

- F. The curb, gutter, street and sidewalk shall not be used for storage of debris, dirt or excavated materials. In addition, the sidewalks shall not be removed, blocked or otherwise rendered unusable by either the storage of construction equipment or materials or the construction procedures used, unless a safe, usable alternate walkway along the same side of the street is provided. All alternate walkways shall be ramped in accordance with ADA handicap ramp requirements and so constructed as to provide an all weather walking surface four feet (4') wide that is as sound and smooth as the normal concrete sidewalk.
- G. The permit holder, contractor, or individual shall be responsible for the immediate removal of mud, dirt or debris deposited on city streets, curb, gutter and sidewalks by equipment leaving the site or by the permit holder's construction procedures. Any curb, gutter or sidewalk, or other utility such as a secondary water line, that is broken shall be replaced immediately. If no work has been done to replace or repair broken or damaged utilities, no occupancy permit or final inspection will be granted.
- H. A one thousand dollar (\$1,000.00) bond shall be required for a building permit for all undeveloped sites. The purpose of the bond is to ensure that the site is kept in accordance with this code. If it becomes necessary for the city street crews to remove any mud, dirt, or debris which has been deposited upon a street or sidewalk of Mapleton City, the total cost to the city of such removal will be charged to the permit holder, contractor, or individual including legal fees, if any, from the bond. Any cost associated with the cleanup or administrative costs above and beyond the bond amount, may be subtracted from any additional bonds (if applicable). The city may also pursue other legal remedies to recoup additional costs and legal fees. Payment of such charges will be made to the city upon billing or prior to certification of final inspections, and/or issuance of a certificate of occupancy.

I. The building official and/or public works director or designated city official is empowered to suspend a building or excavation permit until the permit holder installs necessary cleaning equipment or erosion control facilities approved by the building official and/or public works director to ensure that no dust/dirt or debris is deposited upon the streets and sidewalks of Mapleton City.

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J. Each permit holder, contractor, or individual shall be responsible to see that all construction sites are kept free of construction waste that would be subject to being blown onto adjoining properties, and shall remove or place construction waste in a garbage dumpster daily.

K. All construction materials and waste shall be removed from the property and legally disposed before an occupancy permit shall be issued. (Ord. 2003-06, 3-5-2003, eff. 3-12-2003)

Title 18 DEVELOPMENT CODE, PART III; ZONING

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

Chapter 18.04 GENERAL PROVISIONS

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3

PLANNED DEVELOPMENT. Go to new ordinance.

18.04.010: TITLE:

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This title shall be known as, and shall be entitled *THE ZONING ORDINANCE OF MAPLETON CITY, UTAH*, and may be so cited and pleaded. (Ord. 2002-05, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

18.04.020: PURPOSE:

The purposes of this title shall be to promote the health, safety, morals, convenience, order, prosperity and general welfare of the present and future inhabitants of the city:

- A. To encourage and facilitate the orderly growth and development of the area;
- B. To protect the tax base;
- C. To promote safety from fires, floods, traffic and natural hazards, and other dangers;
- D. To minimize congestion in the streets and prevent the overcrowding of land;
- E. To secure economy in governmental expenditures and to facilitate adequate provisions for transportation, water, sewage, schools, parks and other public requirements;
- F. To stabilize and improve property values and promote a more attractive and wholesome environment;

G. To encourage the most appropriate use of land; and

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H. To provide adequate light and air quality. (Ord. 2002-05, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

18.04.030: DECLARATION:

In establishing the zones, the boundaries thereof, and regulations and restrictions applying within each of the zones, due and careful consideration was given, among other things, to the suitability of the land for particular uses, and to the character of the zone, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the area. (Ord. 2002-05, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

18.04.040: INTENT:

It is the intent of the city council that the regulations and restrictions as set forth in this title shall be so interpreted and construed as to further objectives and purposes of this title. (Ord. 2002-05, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

18.04.050: INTERPRETATION:

In interpreting and applying the provisions of this title, the requirements contained herein are declared to be the minimum requirements for the purposes set forth. (Ord. 2002-05, 3-20-2002)

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This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

18.04.060: FRACTIONAL NUMBERS:

In determining the requirements of this title, measurements which result in fractions shall not be rounded in order to meet minimum requirements. (Ord. 2002-05, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

Chapter 18.08 DEFINITIONS

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

18.08.005: ACCESSORY APARTMENT:

An "accessory apartment" is a subordinate portion of a single-family dwelling, and is a "dwelling unit" as defined in the international residential code (IRC), under section [18.08.135](#) of this chapter, and under section [18.84.410](#) of this title, which includes provisions for sleeping, eating, cooking and sanitation. (Ord. 2008-21, 11-19-2008, eff. 2-4-2009)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

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18.08.010: ACCESSORY BUILDING/STRUCTURE:

A detached subordinate building or structure, the appropriate use of which is subordinate and customarily incidental to that of the main building or to the main use of the land and which is located on the same lot or parcel of land with the main building or use. An accessory building/structure does not include a dwelling unit, guesthouse or separate apartment unit if located in a residential zone. (Ord. 2008-21, 11-19-2008, eff. 2-4-2009)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

18.08.015: ACCESSORY USE:

"Accessory use" means a related use which is incidental to the prescribed and permissible use. (Ord. 2002-24, 12-4-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

18.08.020: AGRIBUSINESS:

"Agribusiness" means the businesses associated with agriculture, such as the processing and marketing of agricultural products, manufacturing of farming equipment, and the production and sale of products used in agriculture. (Ord. 2002-24, 12-4-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

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18.08.025: AGRICULTURE:

"Agriculture" means the science and art of farming; work of cultivating the soil, producing crops, and raising livestock. (Ord. 2002-24, 12-4-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

18.08.030: ALLEY:

"Alley" means a public way primarily for utility use and for servicing the property adjacent thereto. (Ord. 2002-24, 12-4-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

18.08.035: ANIMAL UNIT:

An "animal unit" shall be one or a proportionate combination of the following:

A. Two (2) cows, or two (2) horses, or two (2) pigs, or two (2) llamas, or two (2) other similar large animals.

B. Eight (8) adult sheep or feeder lambs, or four (4) alpacas (similar to llama).

C. Four (4) goats.

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D. Thirty six (36) chickens, or thirty six (36) pigeons, or thirty six (36) similar small fowl.

E. Thirty six (36) rabbits, or thirty six (36) similar small animals.

F. Four (4) large birds such as ostriches, or emus, or peacocks.

G. Sixteen (16) turkeys.

H. One deer, or one elk, or one moose, or one bison, or one other such wild animal.

For the purpose of determining compliance, said definition shall not include the unweaned offspring of any residing animal which is less than six (6) months in age. (Ord. 2002-24, 12-4-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

18.08.040: APARTMENT HOUSE, MULTIPLE DWELLING:

"Apartment house" and "multiple dwelling" mean any building or portion thereof which is designed, built, rented or leased, let or hired out to be occupied or which is occupied as the home or residence of three (3) or more families living independently of each other and doing their own cooking within the premises. (Ord. 2002-24, 12-4-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3

PLANNED DEVELOPMENT. Go to new ordinance.

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18.08.045: BOARDING HOUSE:

"Boarding house" means a building containing not more than one kitchen, where for compensation, meals are provided pursuant to previous arrangements on a daily, weekly or monthly basis as distinguished from a hotel, cafe, lodging or rooming house. (Ord. 2002-24, 12-4-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

18.08.050: BOARDING SCHOOL:

"Boarding school" means a building or facility used for the housing, accommodation, boarding, lodging, instruction and supervision of persons or patrons on a day and night basis. (Ord. 2002-24, 12-4-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

18.08.055: BUILDABLE AREA:

"Buildable area" means a lot or portion thereof possessing all of the following physical characteristics:

- A. The area contains no territory having a slope of thirty percent (30%) or greater.
- B. The area contains no territory which is located in any identified floodplain or within any recognized inundation zone, mudflow zone or zone of deformation, or lands subject to earth slippage, landslide or rockfall.

- C. The engineering properties of the soil provide adequate structural support for the intended use.

- D. The area does not possess any other recognized natural condition which renders it unsafe for building purposes.

- E. Engineered to mitigate the hazards. (Ord. 2002-24, 12-4-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

18.08.060: BUILDING:

"Building" means any structure built for the support, shelter or enclosure of persons, animals, chattels or property of any kind. (Ord. 2002-24, 12-4-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

18.08.065: BUILDING ENVELOPE:

"Building envelope" means a designated area shown on the preliminary and final subdivision plat, or building permit site plan that shows the required area a structure must be built within to comply with setback requirements. (Ord. 2002-24, 12-4-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

18.08.070: BUILDING, MAIN:

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"Main building" means the principal buildings upon a lot. Garages, carports and other buildings which are attached to a dwelling or other main building or which are situated closer to the main building than the minimum distance specified in the zone requirements shall be considered as a part of the main building. (Ord. 2002-24, 12-4-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

18.08.075: CAMPER:

"Camper" means a mobile living unit primarily designed for recreational use. (Ord. 2002-24, 12-4-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

18.08.080: CARETAKER DWELLING:

"Caretaker dwelling" means a dwelling which is occupied by a person whose function is to watch or take care of a business, industry, or public school which is located on the same premises as the dwelling. (Ord. 2002-24, 12-4-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

18.08.085: CLINIC:

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"Clinic" means a building used for the diagnosis and treatment of ill, infirm and injured persons, but which building does not provide board, room, or regular hospital care and services. (Ord. 2002-24, 12-4-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

18.08.090: CLINIC, ANIMAL:

"Animal clinic" means a building used for the diagnosis and treatment of ill, infirm and injured animals, but which building does not provide board, room, or regular veterinarian care and services. (Ord. 2002-24, 12-4-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

18.08.095: CLUB:

"Club" means a building used, occupied and operated by an organized association of persons for social, fraternal, religious or patriotic purposes, whose activities are confined to the members and their guests, but shall not include any organization, group or association, the principal activity of which is to render a service usually and ordinarily carried on as a business. (Ord. 2002-24, 12-4-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

18.08.100: CONDITIONAL USE:

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"Conditional use" means a use which requires approval of the city council, planning commission or board of adjustment before the planning and zoning director may issue a permit therefor; generally, those uses which require individual consideration of surrounding conditions and circumstances to carry out the intent and purpose of the zoning plan; a use for which a conditional permit is required by this title. (Ord. 2002-24, 12-4-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

18.08.105: CONDITIONAL USE AGRICULTURE:

"Conditional use agriculture" means commercial types of agriculture that due to their nature may create a public nuisance without adequate measures being taken. These types of agriculture can only be engaged in under the conditional use provisions of this title. This shall include, but not be limited to, the following types of agriculture:

- A. Breeding and raising of fur animals.
- B. Commercial aviaries.
- C. Breeding and raising of fowl, squab, rabbits and other small animals to be utilized as food or sold as pets.
- D. Breeding and raising of deer, elk, moose, bison, and other such naturally wild animals.
- E. Breeding and raising of exotic animals.
- F. Greenhouses and other crops grown within structures. (Ord. 2002-24, 12-4-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

18.08.110: CONVALESCENT HOME, REST HOME, NURSING HOME:

"Convalescent home", "rest home" and "nursing home" mean any building or structure designed for the licensed care of persons recovering from illness or requiring nursing or similar care. (Ord. 2002-24, 12-4-2002)

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This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

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 mechanical code, national electrical code, and state plumbing code as adopted by the city. (Ord. 2002-24, 12-4-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

18.08.120: CURB CUT:

"Curb cut" means a cut in the curb line for the passage of vehicles. (Ord. 2002-24, 12-4-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3
PLANNED DEVELOPMENT. Go to new ordinance.

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18.08.125: DESIGNATED CITY STREET:

"Designated city street" means an existing designated federal or state highway or an existing, or proposed city street which is shown on the transportation and circulation element of the general plan of the city. (Ord. 2002-24, 12-4-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM
BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3
PLANNED DEVELOPMENT. Go to new ordinance.

18.08.130: DWELLING:

"Dwelling" means any building which is used for residential purposes, except a hotel, tourist court, boarding or rooming house, rest home, childcare home or trailer house and the like. (Ord. 2002-24, 12-4-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM
BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3
PLANNED DEVELOPMENT. Go to new ordinance.

18.08.135: DWELLING UNIT:

"Dwelling unit" means one or more rooms in a residential building or residential portion of a building that are arranged, designed, used, separated, or intended for use as a complete, independent living facility for a single family and that includes permanent provisions for living, sleeping, eating, cooking, and sanitation. (Ord. 2008-21, 11-19-2008, eff. 2-4-2009)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM
BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3

PLANNED DEVELOPMENT. Go to new ordinance.

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18.08.140: EXOTIC ANIMALS:

"Exotic animals" means any animal, including fowl, reptiles, etc., that is not native to this area. This does not include animals that are not native to this area but by tradition and time are now common to this area. (Ord. 2002-24, 12-4-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

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 three (3) 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.
- B. 1. Family includes up to two (2) guests if the guests live and cook together with the family in a single dwelling unit and do not pay rent or give other consideration for the privilege of staying with the family.
2. A "guest" under this section is defined as a person who stays with a family for a period of less than thirty (30) days within any rolling one year period and does not utilize the dwelling as a legal address for any purpose. (Ord. 2008-21, 11-19-2008, eff. 2-4-2009)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

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18.08.149: FLAG:

A fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol. (Ord. 2008-21, 11-19-2008, eff. 2-4-2009)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

18.08.150: FLOOR AREA:

The "floor area" of a building is the sum of the areas of the several floors of the building, including basements, mezzanines and penthouses, of headroom height, measured from the exterior walls or from the centerline of walls separating buildings. The floor area does not include unoccupied features such as pipe trenches, decks, steps, chimneys, roof overhangs, etc. Garage area is considered separately. (Ord. 2002-05, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

18.08.155: GARAGE, PRIVATE:

"Private garage" means a detached accessory building or portion of a main building designed for the parking or temporary storage of automobiles of the occupants of the premises. (Ord. 2002-05, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

18.08.160: GRADE:

"Grade" means the average of the finished ground level at the center of exterior walls of a building. (Ord. 2002-05, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

18.08.165: GUEST:

"Guest" means a person paying for staying or receiving services at a hotel, motel, boarding house, rooming house or rest home, or similar facility. (Ord. 2002-05, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

18.08.170: HEIGHT OF BUILDING:

"Height of building" means the vertical distance from the grade to the peak of the roof. (Ord. 2002-05, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

18.08.175: HOME OCCUPATION:

"Home occupation" means any gainful occupation, service, profession, manufacturing or similar activity conducted in a consistent and ongoing manner within a dwelling. (Ord. 2002-05, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

18.08.180: HOSPITAL:

"Hospital" means an institution where one or more ill or injured human beings are offered board and room and medical treatment of a type recognized by state law. (Ord. 2002-05, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

18.08.185: HOTEL:

"Hotel" means any building used, rented or hired out to be occupied primarily on a daily or weekly basis for sleeping purposes by guests. (Ord. 2002-05, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

18.08.190: KENNEL:

"Kennel" means any lot or premises on which three (3) or more dogs over four (4) months old are kept. (Ord. 2002-05, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

18.08.192: LAND USE APPLICATION:

"Land use application" means an application required by the development code. (Ord. 2006-20, 7-19-2006)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

18.08.193: LAND USE AUTHORITY:

"Land use authority" means the person, board, commission, agency or other body designated by the Mapleton City council to act upon a land use application. (Ord. 2007-11, 5-15-2007)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

18.08.194: LAND USE DECISION:

"Land use decision" means any final decision of the city council, board of adjustment, or final administrative decision of the community development director or other official responsible for the enforcement of development code regulations. (Ord. 2007-11, 5-15-2007)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3
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18.08.195: LAND USE PLAN:

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"Land use plan" means a comprehensive plan adopted and maintained by the city which shows the most appropriate use of land within the city; an element of the general plan. (Ord. 2002-05, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3
PLANNED DEVELOPMENT. Go to new ordinance.

18.08.200: LANDSCAPING:

"Landscaping" means some combination of planted trees, shrubs, vines, ground cover, flowers or lawns. In addition, the combination or design may include rock and such structural features as fountains, pools, artworks, screens, walls, fences, or benches but such objects alone shall not meet the requirements of this title. (Ord. 2002-05, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3
PLANNED DEVELOPMENT. Go to new ordinance.

18.08.205: LODGING HOUSE, ROOMING HOUSE:

"Lodging house" or "rooming house" means a building where sleeping accommodations are provided for compensation pursuant to previous arrangement on a daily, weekly or monthly basis as distinguished from a hotel, tourist home, motel, or boarding house. (Ord. 2002-05, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3

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18.08.210: LOT:

"Lot" means a tract of land, which may or may not be for sale or intended to be; land occupied by a building together with such open spaces as required under this title and having its principal frontage on a street; also a tract of land which is contained in a planned unit development under separate ownership. (Ord. 2002-05, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

18.08.215: LOT, CORNER:

"Corner lot" means a lot situated at a junction of two (2) streets, or situated on a curved street or way whose radius is thirty five feet (35') or less, and where the angle formed by the intersection of the tangents is one hundred five degrees (105°) or less. (Ord. 2002-05, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

18.08.220: LOT, INTERIOR:

"Interior lot" means a lot other than a corner lot. (Ord. 2002-05, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

18.08.225: LOT LINE:

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- A. Front Lot Line: The front boundary line of a lot bordering on the street.
- B. Rear Lot Line: A lot line which is opposite and most distant from the front lot line. In the case of an irregular shaped lot, the rear lot line shall be that lot line which is generally parallel to and at the maximum distance from the front lot line, having a length of at least ten feet (10').
- C. Side Lot Line: Any lot boundary line not a front lot line or a rear lot line. (Ord. 2002-05, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

18.08.230: LOT, THROUGH:

"Through lot" means a lot having frontage on two (2) streets which are parallel or nearly so. (Ord. 2002-05, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

18.08.235: MANUFACTURED HOME:

"Manufactured home" means a dwelling unit, constructed in accordance with the federal manufactured home construction and safety standards (HUD code); fabricated in one or more sections at a location other than the placement site; designed to be transported, after fabrication, and designed and intended for permanent occupancy as an independent dwelling unit upon connection to required utility systems. The term "manufactured home" shall also include any structure meeting the above description which is used for office,

classroom, laboratory, processing, manufacturing, retail sales, or other such use. (Ord. 2002-05, 3-20-2002)

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This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

18.08.240: MODULAR HOME:

"Modular home" means a dwelling unit constructed in compliance with the provisions of the international residential and commercial code, uniform mechanical code, national electrical code, and state plumbing code as adopted by the city; fabricated at a location other than the intended placement site; designed to be transported after fabrication; and designed and intended for permanent occupancy as an independent dwelling unit following placement upon a permanent foundation and connection to required utility systems. (Ord. 2002-05, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

18.08.245: MOBILE HOME:

"Mobile home" means a dwelling unit designed to be transported, after fabrication, on its own wheels designed and intended for permanent occupancy as an independent dwelling unit, upon connection to required utility systems; but which is not constructed in compliance with the city's adopted building, mechanical, electrical, and plumbing codes or the federal manufactured home construction and safety standards (HUD code). The term "mobile home" shall also include any structure meeting the above description which is used for an office, classroom, laboratory, processing, manufacturing, retail sales, or other such uses. (Ord. 2002-05, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3

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18.08.250: MOBILE HOME PARK:

"Mobile home park" means an area or tract of land used to accommodate two (2) or more mobile homes intended to be occupied as residences connected to required utility systems. (Ord. 2002-05, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

18.08.255: NATURAL CONDITIONS ANALYSIS MAP:

"Natural conditions analysis map" means a contour map showing all territory within the proposed project and identifying: a) the location and extent of all areas having an undisturbed slope of more than thirty percent (30%), b) the location of other natural feature or conditions including, but not limited to, intermittent and perennial stream channels and ponds, spring areas, significant drainage channels, wetlands, floodplain or inundation zones, mudflow areas, major fault segments, zones of deformation, etc., including, but not limited to, all hazards shown on the Utah County hazard and FEMA maps, and c) the location of all territory meeting the qualification for buildable area. (Ord. 2002-05, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

18.08.260: NONCOMMERCIAL AGRICULTURE:

"Noncommercial agriculture" means agriculture on residential lots generated solely for the benefit and use of the residents of the lot. (Ord. 2002-05, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3
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18.08.265: NONCONFORMING STRUCTURE:

"Nonconforming structure" means a building, structure, or portion thereof, which does not conform to the regulations of this title applicable to the zone or district in which such structure is situated, but which existed prior to the effective date of the ordinance codified in this title. (Ord. 2002-05, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM
BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3
PLANNED DEVELOPMENT. [Go to new ordinance.](#)

18.08.270: NONCONFORMING USE:

"Nonconforming use" means a use of premises which does not conform to the regulations of this title, but which was in existence at the effective date of the ordinance codified in this title. (Ord. 2002-05, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM
BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3
PLANNED DEVELOPMENT. [Go to new ordinance.](#)

18.08.275: NURSERY, DAYCARE:

"Daycare nursery" means a home or building in which children are tended or kept for compensation. It does not include overnight accommodations for such children as does a foster home or an orphanage. (Ord. 2002-05, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM
BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3

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18.08.280: NURSING HOME:

"Nursing home" means a commercial business providing long or short term skilled nursing services. (Ord. 2002-05, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

18.08.285: OCCUPANCY, CHANGE OF:

"Change of occupancy" means any change in the character or use of a building or premises, not including change of tenants, proprietors or occupants. (Ord. 2002-05, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

18.08.290: OFFICIAL ZONE MAP:

"Official zone map" means an up to date map on display in the planning and zoning office, which shows the territory covered by the various zones as officially adopted by the city council. (Ord. 2002-05, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

18.08.295: OFF STREET PARKING SPACE:

"Off street parking space" means an area approved for the parking of automobiles which does not include a public street, but has convenient access to it. (Ord. 2002-05, 3-20-2002)

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This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

18.08.300: PARK AND PLAYGROUND:

"Park and playground" means an open space which has been dedicated, designed for, or used for outdoor recreation activities, not including outdoor theaters and similar commercial recreational activities. (Ord. 2002-05, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

18.08.305: PARKING SPACE:

"Parking space" means space within a building or parking area, exclusive of driveways, ramps, columns, office and working areas, for the parking of a motor vehicle, not less than twenty feet (20') in length and not less than nine feet (9') in width. (Ord. 2002-05, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

18.08.310: PLANNED UNIT DEVELOPMENT:

"Planned unit development" means a lot or tract of land which is planned and developed as a single entity within the zone wherein the requirements applying to individual buildings are modified in accordance with the approved plan. (Ord. 2002-05, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

18.08.315: PUBLIC PARKS:

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"Public parks" means parks which are maintained by a public agency. (Ord. 2002-05, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

18.08.320: PUBLIC SCHOOL:

"Public school" means a school established under the laws of the state and administered by local authorities which is maintained at the public expense by taxation and is open to the children of all residents of the community. (Ord. 2002-05, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

18.08.325: QUADRANT:

"Quadrant" means a quarter area of the city bounded and separated by Main Street and Maple Street dividing the area of the city into four (4) sections namely the northeast, northwest, southeast and southwest sections. (Ord. 2002-05, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3
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18.08.330: RECREATION, COMMERCIAL:

"Recreation, commercial" means a recreation facility operated as a business on private or public property and open to the public for a fee, such as a golf course, ski lift, tennis court, equestrian center, skating rink, or substantially similar use, and support facilities customarily associated with the development. (Ord. 2002-05, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM
BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3
PLANNED DEVELOPMENT. Go to new ordinance.

18.08.335: RECREATION, PRIVATE:

"Recreation, private" means a recreation facility operated on private property and not open to the public, including recreation facilities owned by a homeowners' or property owners' association for private use. (Ord. 2002-05, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM
BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3
PLANNED DEVELOPMENT. Go to new ordinance.

18.08.340: RECREATION, PUBLIC:

"Recreation, public" means a recreation facility operated by a public agency and open to the public with or without a fee. (Ord. 2002-05, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM
BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3
PLANNED DEVELOPMENT. Go to new ordinance.

18.08.345: RESIDENTIAL PET OR HOUSEHOLD PET: ^{ENT 56319:2011 PG 298 of 662}

"Residential pet" or "household pet" means animals or fowl customarily permitted in the house and kept for company or pleasure, including dogs, cats, canaries and similar pets. (Ord. 2002-05, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

18.08.350: REST HOME:

"Rest home" means a building for the commercial business of providing long or short term nursing skill services. (Ord. 2002-05, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

18.08.355: SALVAGE YARD:

"Salvage yard" means a place where scrap, waste, discarded or salvaged materials is brought, sold, exchanged, baled, packed, disassembled or handled or stored, including auto wrecking yards, house wrecking yards, used lumberyards and places or yards for storage of salvage, house wrecking and structural steel materials and equipment; but not including such places where such uses are conducted entirely within a completely enclosed building or yard, and not including pawnshops and establishments for the sale, purchase or storage of used furniture and household equipment, used cars in operable condition, or salvaged materials incidental to manufacturing operations conducted on the premises. (Ord. 2002-05, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3

PLANNED DEVELOPMENT. Go to new ordinance.

18.08.360: SCHOOL:

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"School" means a building, structure or facility used and employed primarily for the instruction, training or tutoring of persons, students or patrons without providing board, room or living accommodations. (Ord. 2002-05, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

18.08.365: SETBACK:

"Setback" means the shortest distance between the property line and any portion of a building or structure. (Ord. 2002-05, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

18.08.370: SIGN, ACCESSORY OR BUSINESS:

"Accessory or business sign" means a sign which directs attention to a business or profession conducted on the premises. (Ord. 2002-05, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

18.08.375: SIGN, NONACCESSORY OR ADVERTISING:

"Nonaccessory or advertising sign" means a sign which directs attention to a business, commodity, service or entertainment, conducted, sold, or offered elsewhere than on the premises, and only incidentally on the premises, if at all. (Ord. 2002-05, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

18.08.380: SINGLE ADULT LIVING UNIT:

"Single adult living unit" means a dwelling unit having one or more rooms in a building for living or sleeping purposes and having one kitchen or set of cooking facilities. (Ord. 2002-05, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

18.08.385: SINGLE-FAMILY DWELLING:

"Single-family dwelling" means one dwelling unit contained within a single structure intended to be occupied by a "family", as defined in section 18.08.145 of this chapter. (Ord. 2002-05, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

18.08.390: STORY:

"Story" means that portion of a building included between the surface of a floor and the ceiling next above it. (Ord. 2002-05, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

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18.08.395: STREET:

"Street" means a public thoroughfare other than an alley or a trail. (Ord. 2002-05, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

18.08.400: STREET, LOCAL CLASS:

"Local class street" means one of the principal streets in the city, as shown and designated on the transportation and circulation element of the general plan of the city as a local street. (Ord. 2002-05, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

18.08.405: STREET, MAJOR COLLECTOR CLASS:

"Major collector class street" means one of the principal streets in the city, as shown and designated on the transportation and circulation element of the general plan of the city as a major street. (Ord. 2002-05, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3

PLANNED DEVELOPMENT. Go to new ordinance.

18.08.410: STREET, ARTERIAL CLASS:

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"Arterial class street" means one of the principal streets in the city, as shown and designated on the transportation and circulation element of the general plan of the city as an arterial class street. (Ord. 2002-05, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

18.08.415: STREET, RURAL LOCAL CLASS:

"Rural local class street" means any dedicated street serving as the principal means of access to property, which street is not shown on the general street plan of the city as a major street. (Ord. 2002-05, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

18.08.420: TRAILER HOUSE:

"Trailer house" means a nonmotorized vehicle used or maintained for human habitation. (Ord. 2002-05, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

18.08.425: TRAILER SPACE:

"Trailer space" means a lot or parcel of land used for the parking of mobile homes in a mobile home park or travel trailer court for the accommodation of a mobile home or a trailer house camper. (Ord. 2002-05, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

18.08.430: TRAVEL TRAILER, MOTOR HOME OR CAMPER:

"Travel trailer", "motor home" or "camper" means any trailer, camper or tent used or maintained primarily as a temporary dwelling for travel, vacation or recreation purposes. (Ord. 2002-05, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

18.08.435: TRAVEL TRAILER COURT:

"Travel trailer court" means an area or tract of land used to accommodate two (2) or more travel trailers or camper units for a short period of time (less than 30 days). (Ord. 2002-05, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

18.08.440: VARIANCE:

"Variance" means a waiver of specific regulations of this title granted by the city in accordance with the provisions set forth in this title for the purpose of assuring that no

property because of special circumstances applicable to it shall be deprived of privileges commonly enjoyed by other properties in the same zone. (Ord. 2002-05, 3-20-2002)

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This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

18.08.445: YARD:

"Yard" means an open space on the same lot with a building unoccupied or unobstructed from the ground upward, except as otherwise provided in this chapter. (Ord. 2002-05, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

18.08.450: YARD, FRONT:

"Front yard" means the minimum horizontal distance between the street line and the front line of the building or any projection thereof, excluding steps. On a corner lot, "front yard" may be applied to either street. (Ord. 2002-05, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

18.08.455: YARD, REAR:

"Rear yard" means an open, unoccupied space on the same lot as a building measured from the rear line of the building (exclusive of steps) and the rear lot line, and extending for the entire width of the lot. In case of a corner lot where the building facade faces on the side

street, the rear yard may be established from the side of the house to the side property line.
(Ord. 2002-05, 3-20-2002)

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This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

18.08.460: YARD, REQUIRED:

"Required yard" means the open space around buildings which is required by the terms of this title. (Ord. 2002-05, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

18.08.465: YARD, SIDE:

"Side yard" means a yard between the building and the side line of the lot and extending from the street line to the rear of the lot. (Ord. 2002-05, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

18.08.470: ZONE OF DEFORMATION:

"Zone of deformation" means any area where the stratification has been folded, faulted or tilted by tectonic activity or down slope movement. (Ord. 2002-05, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

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18.08.475: ZONING LOT:

"Zoning lot" means a lot or parcel of land which:

- A. Meets all area, width, access, buildable area, utility, setback, and other requirements applicable within the zone in which it is located; or is a nonconforming lot of record which met the requirements of the underlying zone upon its creation¹; and

- B. Is served by the minimum level of improvements required for issuance of a building permit²; and

- C. Is shown as a separate lot in a recorded subdivision or planned development, or was legally exempted from compliance with the subdivision ordinance prior to July of 1992. A parcel which is part of an unrecorded or illegal subdivision shall not qualify as a zoning lot. (Ord. 2002-19, 10-2-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

Chapter 18.12 ADMINISTRATION AND ENFORCEMENT

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

18.12.010: AMENDMENTS:

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A. This planning and zoning title, including the map, may be amended by the Mapleton City council after said amendments shall have first been submitted for recommendation to the planning commission. For the purpose of establishing and maintaining sound, stable, and desirable development within the city, it is declared to be the public policy that amendments shall not be made to the planning and zoning title and map except to promote more fully the intent of this title and the Mapleton City general plan or to correct manifest errors. Any person seeking an amendment to the planning and zoning title or map shall submit to the planning commission a written petition containing all of the following information:

1. Designation of the specific zone change or title amendment desired.
2. The reason and justification for such zone change or title amendment, and a statement setting forth the manner in which a proposed amendment or zone would further promote the intent of this title and the Mapleton City general plan.
3. A complete and accurate legal description of the area proposed to be rezoned, or a draft of the proposed title amendment.
4. The filing fee as established by city resolution.
5. If a map amendment is proposed, the following shall also be submitted:
 - a. An accurate plan, drawn to scale, showing all areas to be included within the proposed rezoning, designating the present zoning of the property subject of the petition, and properties immediately adjacent thereto.
 - b. A concept plan that meets the requirements of section 17.04.020 of this code, unless provided otherwise in this title.
 - c. The signature of the property owner or authorized agent or, in the case of a multiple property rezoning request, the signature of a simple majority of the persons who own property within the area proposed for the zoning map amendment. (Ord. 2006-37, 11-21-2006)

B. Upon receipt of a petition by the planning commission, the commission shall hold a public hearing in accordance with the provisions of this title and may approve, conditionally approve, or deny the preliminary project plan. Before recommending an amendment to this title, the planning commission shall determine whether such 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:

1. Public purpose for the amendment in question.

2. Confirmation that the public purpose is best served by the amendment in question.
 3. Compatibility of the proposed amendment with general plan policies, goals, and objectives.
 4. Potential adverse effects to the city by creating "leapfrog" development or areas away from the existing "core" or center of the city.
 5. Potential of the proposed amendment to hinder or obstruct attainment of the general plan's articulated policies.
 6. Adverse impacts on adjacent landowners.
 7. Verification of correctness in the original zoning or general plan for the area in question.
 8. In cases where a conflict arises between the general plan map and general plan policies, precedence shall be given to the plan policies.
- C. The fee provided herein shall not be refundable and shall be applied to the general fund to offset the cost of legal publications, notification of property owners, and the staff time involved in researching the appropriateness of said request and its effect upon the general welfare of the community.
- D. If a building permit is not issued within one year after rezoning and approval of a final project plan, the final project plan shall expire and be of no further force or effect. Upon written notice from the zoning and planning director, in such cases, the planning commission shall initiate proceedings to revert the subject property to the previous zone designation unless an applicant requests and is granted an extension of time by the planning commission for good cause shown. In the case that the rezone will result in a final subdivision application, if the final plat is not recorded within one year of the approval of the preliminary subdivision plan, the preliminary approval for the subdivision shall expire, and the planning commission shall initiate the same procedure to rezone the property as described above. (Ord. 2002-22, 11-6-2002)

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This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

18.12.020: PUBLIC HEARING REQUIRED BEFORE AMENDING; NOTICE:

Amendments to this title may be adopted only after a public hearing held in accordance with Utah code. (Ord. 2006-37, 11-21-2006)

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This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

18.12.030: ANNEXATIONS:

In every case where territory becomes a part of the city by annexation, the city council may assign a zoning designation to the territory being annexed. If the city council does not assign a zone at the time the territory is annexed to Mapleton City, the territory annexed to the city shall be zoned to the same zone with which the annexed territory has the longest common boundary in accordance with section 20.04.030 of this code. (Ord. 2002-05, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

18.12.040: PLANNING AND ZONING DIRECTOR TO ENFORCE TITLE:

The planning and zoning director shall be charged with the administration and enforcement of this title. The city council may also appoint other officers and inspectors to assist in the administration and enforcement of this title. (Ord. 2002-05, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

18.12.050: BUILDING PERMITS:

- A. **Permits Required:** It shall be unlawful to do any construction or excavation work on any street, curb, gutter or sidewalk within the city, or to cause any building or structure to be constructed, reconstructed, altered or moved without a permit from the city to do so, unless exempted by the international residential and commercial code.
- B. **Permit Application:** The application for a permit required by the above subsection shall be signed by the contractor desiring to do the work or his duly authorized agent, and shall provide that the contractor agrees to complete the work in accordance with city construction standards and specification without any cost to the city.
- C. **Permit Fees:** A permit fee and an inspection fee shall be paid to the city prior to the issuance of a permit. All fees shall be established by resolution of the city council.
- D. **Contractors To Be Approved:** All contractors shall be approved by the city prior to the issuance of any permits upon the submission of the following:
1. A current Utah state contractor's license. All work be restricted to that covered by the license.
 2. Proof of comprehensive general liability insurance. The amount of insurance required shall be the amount required by the bid documents. If no bid documents are involved, the amount of insurance required shall be the amount established by resolution of the city council.
 3. Proof of workers' compensation insurance.
 4. A statement that the contractor shall hold harmless, indemnify and defend the city and its officers and employees from any and all liability claims, losses or damages arising or alleged to arise from the work covered by any permit, but not including the sole negligence of the city or its officers or employees.
- E. **Grounds For Denying Permit:** The city shall have complete discretion to grant or deny a permit. Consistent problems with a contractor with compliance with this section or with work performance or quality may result in denial of a permit by the city.
- F. **Compliance With The Permit:** The contractor shall perform in accordance with the terms of the permit and the specifications in effect at the date of the permit. Time limits may be a condition of the permit.

- G. Bonding For Damage To Improvements: Prior to issuance of a building permit, the city may, depending on the nature and extent of the construction to occur, and in every case in which is expected that heavy equipment may be used, require a guarantee to be submitted in an amount to be established by the city council to guarantee the repair of any damage caused by the contractor to streets, curb, gutter, sidewalks or other improvements. The nature of the guarantee may be by escrow account, bond or letter of credit from a financial institution acceptable to the city. The duration, and disposition and release of the guarantee, shall be treated in the same fashion as prescribed for the performance bonds, in chapter 17.20 of this code. (Ord. 2002-05, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

18.12.055: HOLD HARMLESS AGREEMENT FOR VARIOUS GEOLOGICAL HAZARDS AND HIGH WATER TABLES:

- A. Purposes: The main purpose of the hold harmless agreement for various geological hazards and high water tables is to inform building permit applicants of potential geological hazards and flooding or ground water problems within Mapleton City. The agreement also releases the city from liability for any damage to homes resulting from high water tables, flooding, debris flow, mudslides, earth shifting, sinking, ground movement, or other similar problems associated with high water tables or unforeseen geological hazards. The second purpose is for the builder, developer or homeowner to take preventive measures rather than remedial measures in dealing with basement or house/dwelling unit designs in known or unknown high water table areas or areas with known or unknown geological hazards.

B. Definitions:

GEOLOGICAL HAZARDS: Anything relating to expansive or collapsible soils, proximity to potential landslide area, proximity to a primary or secondary fault, proximity to an alluvial fan, proximity to an inactive or active landslide area, or any steep slopes.

HIGH WATER TABLE: Any area that has a water table of a height sufficient to impair construction of a home with a basement or a crawl space or that would place a home in a high probability that it would continually or occasionally have water within it.

HOLD HARMLESS AGREEMENT: An agreement whereby the building permit applicant

acknowledges potential geological hazards and high water tables, mitigates the hazards insofar as is feasible, accepts any risk which remains and releases and agrees to hold the city harmless from any risk associated with building in an area of a high water table and other geological hazards.

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C. Hold Harmless Agreement: The applicant shall complete a hold harmless agreement which is attached as exhibit A to ordinance 2003-11.

D. High Water Table Standards For Basements:

1. Prior to the issuance of the building permit with a basement, the applicant(s) shall execute the statement referred to in subsection C of this section, and cause the same to be recorded properly in the office of the Utah County recorder stating that the city will be released and held harmless from all damages or injury resulting from flooding in a high water table area.
2. If it is known that a high water table exists prior to the issuance of any building permit with a basement, the applicant shall submit to Mapleton's building official a certificate from a registered professional engineer indicating the method or design to floodproof the basement. Said design shall be considered acceptable by the professional engineer hired to certify the method used to mitigate flooding of basements.

For the purpose of application a "basement" and/or lowest floor will be presumed to be any floor that has a surface lower than twelve inches (12") above the lowest flow line in the adjacent curb or in the absence of a curb, the crown of the street.

All plans submitted for a high water table area must state the elevation of the lowest floor in relation to the lowest flow line of the curb or the crown of the street whichever is appropriate.

E. Geological Standards For New Home Construction: If it is known by the city of Mapleton, the home builder, the property owner, or the applicant that there are geological hazards on the property, building permit applicant must provide Mapleton City with a geotechnical report prepared in accordance with subsection 18.30.090A of this title. The geotechnical report must be received prior to the issuance of any building permit on the property. (Ord. 2003-11, 3-19-2003, eff. 4-2-2003)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3

PLANNED DEVELOPMENT. Go to new ordinance.

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18.12.060: PERMITS TO COMPLY WITH TITLE:

Permits shall not be granted for the construction or alteration of any building or structure or for the moving of a building or structure onto a lot or for the change in use of any land, building, or structure, if such construction, alteration, moving or change in use would be a violation of any of the provisions of this title. No utilities shall be installed to serve such premises if such use would be in violation of this title. (Ord. 2002-05, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

18.12.065: FINDINGS WHICH ARE A PREREQUISITE FOR PERMITS TO CONSTRUCT, RECONSTRUCT, ALTER, OR MOVE IN A DWELLING:

Before a building permit can be issued to construct, reconstruct, alter, or move in a dwelling, the planning and zoning director must have the following findings:

- A. The lot or parcel of land is a zoning lot¹; and

- B. Dwellings are a permitted use within the zone in which the zoning lot is located; or a conditional use for a dwelling has been granted for this zoning lot by the planning commission; and

- C. All zoning requirements for the zone are being complied with; or variance to the zoning requirements have been granted for this lot by the board of adjustment. (Ord. 2002-05, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3

PLANNED DEVELOPMENT. Go to new ordinance.

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18.12.070: SPECIAL PERMITS AND BONDING:

It shall be unlawful to do any construction, excavation work on any street, curb, gutter, sidewalk, sewer line, water line or other infrastructure addition or improvement in Mapleton City without an excavation permit from the city to do so. No work shall be started until a permit is secured. In order to obtain an excavation permit, the contractor must comply with the current city construction standards and specifications.

All permits issued for construction, excavation work on any street, curb, gutter, sidewalk, sewer line, water line or other infrastructure addition or improvement in Mapleton City, for which an excavation permit is required, shall be issued only after approval by the city, and upon posting of a bond in an amount equivalent to an estimated cost of the additions or improvements contemplated in the permit, which amount shall be approved by the city engineer. Said bond may be posted in cash, letter of credit or escrow account. (Ord. 2002-05, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

18.12.080: SITE PLAN REQUIRED FOR BUILDING PERMITS:

All applications for building permits shall be accompanied by a site plan drawn to scale not smaller than one inch equals twenty feet (1" = 20') showing the actual dimensions of the lot to be built upon, the size and location of existing buildings, buildings to be erected and existing buildings on adjacent property and such other information as may be deemed necessary to provide for the enforcement of this title. A careful record of such application and site plans shall be kept in the office of the planning and zoning director. An electronic copy (such as a 3.5 inch floppy disk, a zip disk, or a CD-ROM) of each site plan shall be included with the application. (Ord. 2002-05, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

18.12.090: NO CONFLICTING LICENSES OR PERMITS SHALL BE ISSUED:

No license or permit for uses, buildings or purposes where the same would be in conflict with this title shall be issued. All departments, officials, and public employees vested with the duty and authority to issue licenses or permits shall not issue the licenses or permits which would not be in conformance with the provisions of this title. Any license or permit so issued shall be null and void. (Ord. 2002-05, 3-20-2002)

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This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

18.12.100: CERTIFICATE OF ZONING COMPLIANCE REQUIRED:

- A. It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or to change the occupancy of any building or premises until a certificate of zoning compliance shall have been issued therefor by the planning and zoning director, stating that the proposed use of the building or land conforms to the requirements of this zoning title.

- B. No nonconforming structure or use shall be changed or extended until a certificate of zoning compliance shall have been issued by the planning and zoning director. The certificate of zoning compliance shall state specifically wherein the nonconforming use differs with the provisions of this title.

- C. The planning and zoning director shall maintain a record of all certificates of zoning compliance and a copy shall be furnished upon request to any applicant.

- D. Failure to obtain a certificate of zoning compliance shall be a violation of this title. (Ord. 2002-05, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

18.12.110: CONSTRUCTION AND USES TO COMPLY WITH APPLICATION:

Building permits or certificates of zoning compliance issued on the basis of plans and specifications approved by the planning and zoning director authorizes only the use, arrangement and construction set forth in such approved plans and applications, and no other use, arrangement or construction. Use, arrangement or construction at variance with that authorized shall be deemed a violation of this title. (Ord. 2002-05, 3-20-2002)

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This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

18.12.120: RESPONSIBILITY FOR VIOLATIONS:

It shall be the duty of all architects, contractors and subcontractors, builders and other persons having to do with the establishment of any use of land or the erection, altering, changing or remodeling of any building or structure, to see that a proper permit has been granted before such work is begun. Any such architect, builder, contractor or other person doing or performing any such work without a permit having been issued is in conflict with the requirements of this title and shall be deemed guilty of violation of this title in the same manner and to the same extent that the owner of the premises or the persons for whom such buildings are erected, or altered, and shall be subject to the penalties prescribed in this title for violation. (Ord. 2002-05, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

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Chapter 18.20 NONCONFORMING USES, STRUCTURES, AND LOTS

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

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18.20.010: PURPOSE:

The purpose of this chapter is to establish regulations governing legally established lots, structures, uses and other nonconformities that do not conform to applicable requirements of this title. They may continue to exist and be put to productive use, but their nonconforming aspects shall be regulated as provided in this chapter. The intent of this chapter is to recognize the interests of property owners while controlling expansion of nonconforming conditions. (Ord. 2003-23, 11-5-2003, eff. 12-11-2003)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

18.20.020: SCOPE:

The provisions of this chapter shall apply to all lots, structures, uses and other nonconformities within the city regardless of when the nonconformity was established. Any lot, structure, use or other circumstance governed by this title which does not conform to the provisions of this title may be continued to the extent that it was legally established and complies with applicable provisions of this chapter. (Ord. 2003-23, 11-5-2003, eff. 12-11-2003)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

18.20.025: DEFINITIONS:

ILLEGAL LOT: Any lot that does not meet the definition of a "zoning lot" as defined in section 18.08.475 of this title.

ILLEGAL NONCONFORMING: Any use, or structure that was created or erected, either contrary to the requirements of the underlying zone, and/or without the required permission from Mapleton City and in conformance with this code.

NONCONFORMING LOT: A lot or a parcel of real property that:

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- A. Legally existed before its current zoning designation;
- B. Has been shown continuously on the records of the Utah County recorder as an independently existing piece of property; and
- C. As a result of subsequent zoning changes does not conform with the minimum size, width, frontage, depth or other applicable dimensional requirement of the zone where the lot is located.

NONCONFORMING STRUCTURE: A structure, or portion thereof, that:

- A. Legally existed before its current zoning designation; and
- B. As a result of subsequent zoning changes does not conform with the setback, height restrictions, or other applicable requirements of this title that govern the structure.

NONCONFORMING USE: A use of land that:

- A. Legally existed before its current zoning designation;
- B. Has been maintained continuously since the time the zoning regulation governing the land changed; and
- C. As a result of subsequent zoning changes does not conform with applicable requirements of this title that govern use of the land.

OTHER NONCONFORMITY: A circumstance governed by this title other than a nonconforming lot, structure, or use that:

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- A. Legally existed before the current zoning designation of the lot where the nonconformity is located; and

- B. As a result of subsequent zoning changes does not conform with applicable requirements of this title. (Ord. 2003-23, 11-5-2003, eff. 12-11-2003)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

18.20.030: COMPLIANCE AND ENFORCEMENT:

- A. No building permit may be lawfully issued nor shall a certificate of occupancy be granted until the planning director or his/her designee has given authorization indicating all requirements of this chapter, all conditions and stipulations of approval, and any other specific project related requirements have been met.

- B. A person, firm, or corporation violating any of the stipulations, conditions of approval, or any other provision of this chapter shall be guilty of a class C misdemeanor, punishable by a fine or imprisonment, or by both. Any such person, firm, or corporation shall be deemed guilty of a separate offense for each and every day during which any violation occurs.

- C. In addition to, or independent of the criminal penalties provided above, the city may bring a civil proceeding in a court of competent jurisdiction to enforce compliance with the terms of this chapter, or to prevent, restrain, or abate any violation of the terms of this chapter.

- D. Any violation of this chapter is declared to be a public nuisance, and instead of, or in addition to, any criminal or civil enforcement measure authorized by this chapter, may be

enjoined or restrained by the city as other nuisances are abated under authority of Mapleton City. (Ord. 2003-23, 11-5-2003, eff. 12-11-2003)

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18.20.035: CHANGE IN NONCONFORMING STATUS:

A nonconforming lot, structure, use or other nonconformity may not be changed except in conformance with the provisions of this title. Whenever any nonconforming use is changed to a less intensive nonconforming use, such use shall not be changed back to a more intensive nonconforming use. Whenever any nonconforming use is changed to a conforming use, such use shall not later be changed to a nonconforming use. (Ord. 2003-23, 11-5-2003, eff. 12-11-2003)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

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18.20.040: NONCONFORMING USES:

- A. Continuation: A nonconforming use which was legally existing when such use became prohibited may be continued as provided in this section and by any other applicable provision of this chapter, so long as it remains otherwise lawful, subject to applicable standards and limitations in this chapter.

- B. Expansion Within Conforming Building: A nonconforming use existing within a portion of a conforming building may not be expanded to include the entire floor area of such building.

C. **Nonconforming Use Of Open Land:** A nonconforming use of open land may be continued provided such nonconforming use shall not be expanded or extended into any building or open land, except as may be required by law.

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D. **Expansion Of Outdoor Nonconforming Uses:** A nonconforming use of a lot where the principal use is not enclosed within a building, shall not be expanded unless the strict provisions of this chapter are met.

E. **Restoration:** A nonconforming use in a conforming structure damaged by fire, wind, earthquake, or other natural disaster or calamity may be restored as it existed previously and its use may be continued so long as restoration is complete within one year. A building permit necessary for the restoration shall be applied for no later than six (6) months after the damage occurred. An extension may be granted by the planning and zoning director for up to an additional six (6) months if the applicant has shown a diligent effort to complete the restoration. Said restoration must be completed to the extent that no less than fifty percent (50%) of the necessary work has been completed within the one year period as determined by the Mapleton City building official. (Ord. 2003-23, 11-5-2003, eff. 12-11-2003)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

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18.20.050: NONCONFORMING STRUCTURES:

A. **Continuation:** A nonconforming structure in any zone may be continued as provided in this section and any other applicable provision of this chapter so long as no additions or enlargements are made thereto and no structural alterations are made therein, except as provided in this section or as may be required by law. If any nonconforming structure is removed from the lot where it was located each future structure thereon shall conform to applicable provisions of this title.

B. **Maintenance And Repair:** A nonconforming structure may be maintained. Repairs and structural alterations may be made to a nonconforming structure within the existing footprint thereof provided that the degree of nonconformity is not increased.

- C. Expansion And Enlargement: No nonconforming structure may be enlarged, altered or expanded unless such alterations make the structure conforming to the requirements in the underlying zone. Buildings or structures that are nonconforming due to the fact that they do not meet the setback requirements in the zone, may be expanded so long as the expansion does not further violate the setback requirements. Any additions to a building or structure that will increase the height of a structure may be permitted only if the addition can meet the requirements in the underlying zone, including setback. Therefore, if an existing home had a side yard less than what was required in the zone, and the homeowner wished to add a second story to the building, the second story would be required to meet the setback requirement.
- D. Relocation: If a nonconforming structure is relocated within the city, it must be made to become conforming to the zone wherein the structure is placed. A conditional use permit obtained from the planning commission shall also be required.
- E. Restoration: A nonconforming structure in a conforming structure damaged by fire, wind, earthquake, or other natural disaster or calamity may be restored as it existed previously and its use may be continued so long as restoration is complete within one year. A building permit necessary for the restoration shall be applied for no later than six (6) months after the damage occurred. An extension may be granted by the planning and zoning director for up to an additional six (6) months if the applicant has shown a diligent effort to complete the restoration. Said restoration must be completed to the extent that no less than fifty percent (50%) of the necessary work has been completed within the one year period as determined by the Mapleton City building official. (Ord. 2003-23, 11-5-2003, eff. 12-11-2003)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

18.20.060: NONCONFORMING LOTS:

- A. Continuation: A nonconforming lot may continue to be occupied and used although it may not conform in every respect with the dimensional requirements of this title, subject to the provisions of this section and any other applicable provision of this chapter.

B. Residential Zones: A new dwelling may be constructed on a legally established lot which is nonconforming as to area and frontage provided the dwelling conforms to all other requirements of this title and other applicable codes.

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C. Nonresidential Zones: A new building may be constructed on a legally established lot which is nonconforming as to area, frontage and/or width provided the building conforms to all other requirements of this title and other applicable codes.

D. Lot With Existing Building Or Structure: If a nonconforming lot contains a legally established structure the owner may continue the legal use of such structure and may expand the structure so long as the expansion conforms to applicable requirements of this title. Residential structures located on a nonconforming lot may be enlarged or rebuilt provided that it meets the requirements of the underlying zone.

E. Illegal Lots: Any lot that does not meet the strict definition of a "zoning lot" as described in section 18.08.475 of this title, and has been created illegally, shall not be issued a building permit. Any home located on a lot that was created illegally, shall not be issued a building permit to expand, enlarge, or rebuild the home, or a building permit to construct an accessory building or structure. Any home or structure located on a lot that was illegally created prior to July 1992, may be granted the status of "nonconforming" by the planning commission with the following criteria and conditions of approval:

1. Ownership: The home must not be owned by the person(s) who created the illegal lot nor by anyone related to said person(s) either by blood or adoption to the fourth degree of consanguinity.
2. Setbacks: The creation of the illegal lot did not cause nonconformance to the setbacks of any structure located on the lot or adjacent lots.
3. Conditions: The planning commission may require that the property owner enter into a signed and recorded agreement stating that if the property that was split away from the parcel containing the existing home is developed, that the lot with the home must become a part of the development either by means of a subdivision lot or as allowed in title 17 of this code. If the lot is adjacent to property that has been improved to meet Mapleton City standards, including the installation of curb, gutter and sidewalk, the planning commission may also require the installation of those improvements, which may have been required when the property was divided or altered. Other conditions may include additional landscaping and/or any other items necessary to bring the property to current standards as directed by this code.

F. Accessory Buildings: Accessory buildings customarily incidental to a main building or structure may be constructed on a nonconforming lot provided the accessory building

and its location on the lot meets all other applicable building and zoning requirements.
(Ord. 2003-23, 11-5-2003, eff. 12-11-2003)

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This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

18.20.070: OTHER NONCONFORMITIES:

- A. Application And Intent: This section shall apply to any other circumstance which does not conform to the requirements of this title including, but not limited to, fence height or location; lack of buffers or screening; lack of or inadequate landscaping; lack of or inadequate off street parking; and any other nonconformity not covered by sections 18.20.040, 18.20.050, and 18.20.060 of this chapter. Because the nonconformities regulated by this section involve less investment and are more easily corrected than those regulated by sections 18.20.040, 18.20.050, and 18.20.060 of this chapter, the intent of the city is to eliminate such nonconformities as quickly as practicable. The degree of such nonconformities shall not be increased.
- B. Nonconforming Development With Approved Site Plan: Any nonconforming development which is governed by an approved site plan shall be deemed to be in conformance with this title to the extent such development conforms to the plan.
- C. Compliance Required: A nonconformity other than one enumerated in sections 18.20.040, 18.20.050, and 18.20.060 of this chapter shall be brought into conformance upon the occurrence of any one of the following:
1. Any action which increases the floor area of the premises by more than twenty five percent (25%). (Ord. 2003-23, 11-5-2003, eff. 12-11-2003)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

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18.20.080: NONCONFORMITIES RESULTING FROM PUBLIC ACTION:

When area or yard setbacks of a legally established lot are reduced as the result of conveying land to a federal, state or local government for a public purpose, such as a city street for use by the general public, such lot and yards shall be deemed to be in compliance with the minimum lot size and yard setback standards of this title without any need for a variance. (Ord. 2003-23, 11-5-2003, eff. 12-11-2003)

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This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

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18.20.090: ABANDONMENT OF NONCONFORMING STRUCTURE OR USE:

- A. **Presumption Of Abandonment By Passage Of Time:** Any nonconforming structure or use which is not occupied or used for a continuous period of six (6) months shall be presumed abandoned and shall not thereafter be reoccupied or used except in a manner that conforms to the requirements of this title unless the presumption of abandonment is overcome as provided in subsection C of this section.
- B. **Presumption Of Abandonment By Event:** Independent of the six (6) month requirement set forth in subsection A of this section, a nonconforming structure or use shall be presumed abandoned when any of the following events occur:
1. The owner has in writing or by public statement indicated intent to abandon the structure, use or other nonconformity;
 2. A less intensive use has replaced the original nonconforming use;
 3. The owner has physically changed the structure or its permanent equipment in a way that reduces or eliminates the nonconformity; or
 4. The structure has been removed through applicable procedures for the abatement or condemnation of unsafe structures.
- C. **Overcoming Presumption Of Abandonment:** A presumption of abandonment may be rebutted upon evidence presented by the owner showing no intent to abandon the structure or use. Such evidence may include proof that during the alleged period of abandonment the owner has done either of the following:

1. Maintained the structure or use, if any, in accordance with the applicable codes; or
2. Has actively and continuously attempted to sell or lease the property where the structure or use is located. (Ord. 2003-23, 11-5-2003, eff. 12-11-2003)

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This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

18.20.100: DETERMINATION OF NONCONFORMING STATUS; EFFECT OF DETERMINATION:

- A. Procedure: The planning director, or his/her designee, shall determine the existence, expansion, or modification of a nonconforming lot, structure, use or other nonconformity as provided in the following procedure:
1. If a determination of the nonconforming status of a property is desired, the owner or his designee shall make application for a zone verification with the department of planning. The planning director shall then investigate the factual and legal history of the subject property and shall thereafter make a preliminary determination of nonconforming status of the property.
 2. Notice of the preliminary determination of nonconforming status shall be mailed to the owners of the subject property and immediately abutting properties, and to the chairman of the neighborhood where the property is located.
 3. If within fourteen (14) days after notice is mailed, information is received by the planning director which may affect the validity of the preliminary determination, the director shall make an amended preliminary determination. Notice of the amended preliminary determination shall be given.
 4. If no new information is received by the planning director within fourteen (14) days after notice of a preliminary determination is mailed, the preliminary determination shall become final. The notice shall include a statement that the final determination may be appealed to the board of adjustment as provided in chapter 16.04 of this code, and shall state the date by which the appeal must be filed.
- B. Burden Of Proof: In all cases, the property owner shall have the burden of proving by a preponderance of evidence that a lot, structure, use or other circumstance which does

not conform to the provisions of this title complied with applicable ordinance requirements in effect when the nonconforming circumstance was established.

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C. Abatement Or Compliance: If a property owner is unable to demonstrate that a lot, structure, use or other nonconforming circumstance was legally established, it shall be deemed illegal and shall be abated or brought into conformance with applicable provisions of this title. Abatement or compliance shall be achieved within thirty (30) days, unless the work which must be undertaken to achieve compliance cannot be accomplished in that time period. In such case the owner of the property shall enter into a legally binding agreement wherein the owner agrees to a schedule to achieve conformity as soon as reasonably practicable, so long as compliance is achieved within six (6) months. (Ord. 2003-23, 11-5-2003, eff. 12-11-2003)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

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18.20.110: APPEALS:

Any person aggrieved by a decision of the planning director or other official enforcing the provisions of this chapter may appeal for relief therefrom to the board of adjustment as provided in this code. Any person aggrieved by a decision of the board of adjustment enforcing the provisions of this chapter may appeal to the district court as provided in [chapter 16.04](#) of this code. (Ord. 2003-23, 11-5-2003, eff. 12-11-2003)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

Chapter 18.22 TEMPORARY USES

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

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18.22.010: PURPOSE AND OBJECTIVES:

The following regulations are provided to accommodate those uses of land or buildings which are temporary in nature and are not, therefore, listed as regular permitted or conditional uses in any zone of the city. The character of these uses is such that proper conditions are required to protect adjacent properties and the general health, safety, and welfare of the citizens of Mapleton City. Any building or structure which does not meet the requirements of this chapter shall be treated as a permanent land use and shall conform to all required standards of the building, health, fire, zoning, and other similar codes. (Ord. 2003-27, 11-5-2003, eff. 12-11-2003)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

18.22.020: USES ALLOWED:

- A. Uses allowed on a temporary basis in accordance with the provisions of this chapter may include, but are not limited to, the following: Christmas tree lots, retail/wholesale nursery supplies, shaved ice stands, promotional displays, fruit and vegetable stands, tents for religious services, and political rallies. Uses shall be allowed for not more than thirty (30) days' duration except: 1) shaved ice stands which may be permitted from June 1 to September 30, and shall be restricted to the following zones: GC-1, CC-1, NC-1, I&M-1 and OS-P and 2) retail/wholesale nursery supplies which may be permitted up to one year by the same business owner or owners in the same or any locations, and shall be restricted to the GC-1 zone. Christmas tree lots shall be limited to the GC-1, CC-1, NC-1, I&M-1 zones only. Christmas tree farms (live trees planted in the ground) and pumpkin patches shall be permitted a temporary use permit for sales in the A-2, RA-1, and RA-2 zones during the months associated with those types of sales. (Ord. 2008-06, 3-19-2008, eff. 7-30-2008)
- B. A temporary use permit shall not be required for a garage sale, provided that the garage sale shall not operate for more than a total of five (5) days in any calendar year, and shall be conducted by bona fide residents of the premises. Goods for sale shall consist of

personal belongings of the residents. Goods offered for sale shall not be placed over a public sidewalk or in a public right of way.

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- C. Fruit and vegetable sales shall be permitted from June 1 through the month of October. (Ord. 2003-27, 11-5-2003, eff. 12-11-2003)
- D. Concrete batch plants may be granted by the planning commission on a temporary basis up to two (2) years from the date of planning commission approval and shall be restricted by the following conditions:
1. The use shall only be allowed on property where preliminary plat approval has been granted for a subdivision by both the planning commission and city council; and
 2. The overall preliminary plat must include a minimum lot size of one hundred (100) acres; and
 3. The use shall cover not more than three (3) acres of the preliminary plat area; and
 4. A site specific temporary use permit and a site plan shall be reviewed and approved by the planning commission; and
 5. The use shall not be located closer than one-fourth ($\frac{1}{4}$) mile to any existing or proposed residential dwelling in which a certificate of occupancy has been issued; and
 6. Permanent buildings are prohibited; and
 7. Mining operations shall be prohibited; and
 8. Access to the proposed use shall be allowed off of Highway 6 and must be reviewed and approved by UDOT (Utah department of transportation), Mapleton City engineer, and any other affected local governments; and
 9. A lease agreement shall be required between the property owner and business owner; and
 10. The use shall not generate noise above eighty five (85) decibels as measured from one-fourth ($\frac{1}{4}$) mile away from the perimeter of the site; and
 11. Access roads shall remain dust free; and
 12. The property owner or business owner shall provide a cash bond for the restoration of the site of said use to its original condition, including cleanup, replacement of facilities, and removal of any structures. Said bond shall be determined by the city engineer; and
 13. As a means of mitigating potential safety hazards or significant adverse visual impacts, the planning commission may require additional conditions; and

14. Business owner shall obtain a Mapleton City business license. (Ord. 2008-18, 11-19-2008, eff. 12-28-2008)

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This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

18.22.030: PRIOR APPROVAL REQUIRED:

Prior to the establishment of any of the above uses, or any qualifying temporary use, a temporary use permit must be obtained from the planning department. Any application for such permit shall meet the requirements of section 18.22.040 of this chapter and shall be made by the property owner or his/her authorized agent. The granting of said permit shall require the following findings:

- A. The conduct of the requested use will not have any detrimental effects on adjacent properties and will be in general harmony with surrounding uses.
- B. The requested use will not create excessive traffic hazards on adjacent streets and that traffic control, if necessary, shall be provided at the expense of the applicant.
- C. The applicant shall have sufficient liability insurance for the requested use or event. (Ord. 2003-27, 11-5-2003, eff. 12-11-2003)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

18.22.040: STANDARDS AND REQUIREMENTS:

A temporary use established under the provisions of this chapter shall conform to the following standards and requirements:

- A. Any structure requiring sanitary facilities by building, fire, health, or other similar codes shall be located on the same lot as a host structure unless independent water and sewer service is provided to the temporary structure. Where such codes require sanitary facilities, they may be provided by a host structure provided that there is:
1. No preparation of any food on the premises;
 2. No indoor seating of patrons;
 3. Written evidence that a host structure will provide sanitary facilities for any employees and that such facilities are conveniently located not more than three hundred feet (300') from the structure and will be accessible during all periods of operation of the use;
 4. Written evidence from the city/county health department that all food will be prepared and delivered from an approved commissary and that all waste resulting from the operation of the use will be properly disposed.
- B. The minimum required parking shall be two (2) spaces except that a reasonable number of additional parking places may be required. Such parking shall not have the effect of decreasing any existing parking that is required for any other use existing on the site. All parking shall meet the standards for off street parking as specified in section 18.84.270 of this title except that required parking may be provided on a gravel rather than a concrete or asphaltic cement surface.
- C. The layout of the proposed use shall be compatible with the access, parking, circulation, and other significant elements of any other uses or structures existing on the site.
- D. All structures shall be securely anchored to the ground at not less than four (4) points as directed by the chief building official.
- E. The right to occupy the site shall be secured by a written agreement with the owner of the parcel and the owner of any host structures. Said agreement shall address the question of use of restroom facilities by employees, responsibility for maintenance, and restoration of the site upon termination of the use. A copy of the proposed agreement shall be part of the application. (Ord. 2003-27, 11-5-2003, eff. 12-11-2003)

F. Approval for each temporary use permit shall bear an expiration date based upon the nature of the use. Garage sales need not obtain a temporary use permit, but shall not operate the sale for a period exceeding five (5) days in any calendar year, and shall be conducted by bona fide residents of the premises. Goods for sale shall consist of household items used by residents of the premises. If any temporary structure becomes vacant prior to the expiration of the permit, it shall be removed within ten (10) days.

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G. The landowner of the parcel shall provide a cash bond for the restoration of the site of said use to its original condition, including cleanup, replacement of facilities, and removal of any structures. Said bond shall be one hundred dollars (\$100.00) for temporary uses without a structure, or a structure less than forty (40) square feet in size, or one thousand dollars (\$1,000.00) for all structures larger than forty (40) square feet in size, or two thousand dollars (\$2,000.00) for all structures larger than two hundred (200) square feet in size. (Ord. 2008-06, 3-19-2008, eff. 7-30-2008)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

18.22.050: ACTION ON APPLICATION:

A use that meets the requirements stated above shall be approved and a use not meeting the requirements stated above shall be denied, or may be approved with appropriate conditions to assure that the use will be compatible with and will not pose any detriment to persons or property. Said conditions may include a limitation upon hours of operation and/or a time limitation which is less than the maximum established by this chapter. (Ord. 2003-27, 11-5-2003, eff. 12-11-2003)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

18.22.060: REVOCATION OF PERMIT:

A permit may be revoked in the event of a violation of any of the provisions of this chapter or

the conditions set forth in the temporary use permit. (Ord. 2003-27, 11-5-2003, eff. 12-11-2003)

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This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

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18.22.070: BUSINESS LICENSE REQUIRED:

A temporary use permit is not a business license and the granting of said permit shall not relieve the permittee of any other license requirement of the city or any other public agency. (Ord. 2003-27, 11-5-2003, eff. 12-11-2003)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

18.22.080: FEES:

In order to offset a portion of the costs incurred by the city in processing temporary use permits, a fifty dollar (\$50.00) fee shall be charged for administrative approvals, and a one hundred dollar (\$100.00) fee shall be charged for approvals requiring planning commission approval. (Ord. 2003-27, 11-5-2003, eff. 12-11-2003)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

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18.22.090: CHRISTMAS TREE SALES; PERMIT:

- A. It shall be unlawful for any person to sell or offer for sale in the city, any cut fir, evergreen, or Christmas tree, without a permit, except when the permit requirement is waived as provided in subsection B of this section.

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- B. A permit to sell cut fir, evergreen, or Christmas trees shall be obtained as otherwise described in this chapter. The permit required by this section shall allow tree sales for a period of thirty (30) days from November 25 to December 25 of the year in which the permit is issued. The fee charged for the permit described in this section shall be in lieu of a business license fee. Provided, however, that no fee shall be charged for the permit required by this section if:

1. The applicant possesses a business license for which the applicable fee, if any, has been paid, and
2. The applicant complies with the provisions of this chapter, except for the payment of a permit fee, and
3. The applicant provides documentation showing that the trees to be sold have been lawfully cut, and are owned by the applicant, and
4. The selling of trees is secondary to a principal commercial use. (Ord. 2003-27, 11-5-2003, eff. 12-11-2003)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

Chapter 18.24 ESTABLISHMENT OF ZONES; ZONE MAP

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

18.24.010: ZONES ESTABLISHED:

In order to carry out the purposes of this title the city is divided into the following zones:

A-2		Agricultural-residential zone, one dwelling unit per two acres
CE-1		Critical environment zone
RA-1		Residential agricultural zone, one dwelling unit per acre
RA-2		Residential-minor agricultural zone
R-1-B		Residential zone
R-2		Residential zone
R-3		Residential zone
PO-1		Professional office zone
SDP		Specific development plan zone
SDP-1		Mapleton-west specific development plan zone
NC-1		Neighborhood commercial zone
CC-1		Central commercial zone
GC-1		General commercial zone
I&M-1		Industrial and manufacturing zone
M&HM-1		Mining and heavy manufacturing zone
TDR		Transferable development rights overlay zone
PRD-1		Planned residential development-1 Whisper Rock development
PD		Planned development zones
PD-1		Planned development-1 Mapleton Village district
PD-2		Planned development-2 zone
OS-P		Open space and parks zone
PRC		Planned residential community zone
PRC-1		Hillcrest subdivision, planned residential community (PRC-1) zone
PRC-3		Pheasant View subdivision, planned residential community (PRC-3) zone
PRC-4		

	Preserve at Mapleton subdivision, planned residential community (PRC-4) zone
PRC-5	Whisper Rock subdivision, planned residential community (PRC-5) zone

(Ord. 2002-05, 3-20-2002; amd. Ord. 2003-01, 1-15-2003, eff. 1-29-2003; Ord. 2003-16, 6-4-2003, eff. 6-11-2003; Ord. 2003-21, 10-15-2003, eff. 11-13-2003; Ord. 2003-32, 11-19-2003, eff. 12-11-2003; Ord. 2004-10, 6-16-2004, eff. 7-13-2004; Ord. 2004-11, 6-16-2004, eff. 7-13-2004; Ord. 2004-12, 6-16-2004, eff. 7-13-2004; Ord. 2004-25, 8-11-2004, eff. 9-9-2004; Ord. 2006-29, 11-7-2006; Ord. 2006-31, 11-7-2006; Ord. 2007-13, 6-13-2007, eff. 7-5-2007; Ord. 2007-18, 8-7-2007, eff. 12-11-2007; Ord. 2007-17, 8-21-2007, eff. 9-2-2007; Ord. 2007-24, 11-7-2007; Ord. 2008-24, 12-17-2008, eff. 2-4-2009; Ord. 2009-06, 6-17-2009, eff. 8-19-2009)

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This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

18.24.020: OFFICIAL ZONE MAP ADOPTED:

- A. The location and boundaries of each of the zones shall be as set forth on the official zone map, city of Mapleton City, Utah. The official zone map and all notations, references and other information shown thereon shall be as much a part of this title as if the boundary lines and other references and information set forth thereon were fully described in this chapter.

Hereafter the boundaries of the several zones within the city shall be as set forth on said map as such boundaries may be amended in accordance with sections 18.12.010 and 18.12.020 of this title.

- B. If in accordance with the provisions of this title, changes are made in zone boundaries or other matters portrayed on the official zone map, such changes shall be made on the official zone map.
- C. No changes of any nature shall be made in the official zone map or matter shown thereon except in conformity with the procedure set forth in this title. Any unauthorized change of

whatever kind by any person or persons shall be considered a violation of this title and punishable as provided in this title.

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- D. Regardless of the existence of purported copies of the official zone map which may be made or published, the official zone map which shall be located in the office of the planning and zoning director shall be the final authority. (Ord. 2002-05, 3-20-2002)

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This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

18.24.030: BOUNDARIES OF ZONES:

Where uncertainty exists with respect to the boundaries of various zones, the following rules shall apply:

- A. Where the intended boundaries on the zone map are approximately street or alley lines, the streets or alleys shall be construed to be the zone boundaries.
- B. Where the individual boundaries are approximately lot lines, the lot lines shall be construed to be the zone boundaries, unless otherwise indicated.
- C. Where land has not been subdivided into lots, the zone boundary shall be determined by the use of the scale shown on the map.
- D. Where other uncertainty exists, the board of adjustment shall interpret the map. (Ord. 2002-05, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

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Chapter 18.26

LOTS, YARDS, AND OPEN SPACES; BUILDING HEIGHT AND SIZE

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

18.26.010: REQUIREMENTS DESIGNATED:

Requirements and regulations pertaining to area on width of lots, size of yards, and open spaces, percentage of lot that may be occupied, and the height and size of buildings shall be as set forth in the applicable chapter for that particular zone. Table 18.26.010 summarizing these regulations shall be on file in the city. (Ord. 2004-13, 6-16-2004, eff. 7-13-2004)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

18.26.020: EXCEPTION TO SIDE AND REAR SETBACK REQUIREMENTS FOR ACCESSORY STRUCTURES IN RESIDENTIAL ZONES:

Except as otherwise specified in the individual zone district, accessory buildings on residential lots shall comply with the setback and height requirements for main buildings. Provided however, the minimum setback distance from an adjacent side and/or rear property line may be reduced to not less than three feet (3') when all of the following conditions are met:

- A. The entire accessory structure shall be located not less than ten feet (10') to the rear of the rearmost portion of the main building.

- B. The accessory building contains no openings on the side or sides adjacent to the rear and/or side lot line.

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- C. No drainage from the roof will be discharged onto the adjacent lot.
- D. The building will not be placed over any territory designated as a utility easement upon which any underground utility line or system shall have been constructed.
- E. The building height is less than fifteen feet (15').

For purposes of determining the setback requirements, an accessory structure located closer than ten feet (10') to the main building shall be considered as part of the main building.

Any accessory building located on a lot not containing a main building shall be set back not less than seventy five feet (75') from the front lot line. (Ord. 2004-13, 6-16-2004, eff. 7-13-2004)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

18.26.030: CRITERIA FOR DETERMINING COMPLIANCE WITH MINIMUM LOT WIDTH REQUIREMENTS; LOTS TO ABUT UPON CITY STREET:

- A. For purposes of determining compliance with the lot width (frontage) requirements, measurement of the lot width shall be measured at a distance of thirty feet (30') from the property line or street right of way line on a line perpendicular to a line drawn from the center of a cul-de-sac, knuckle, or curvilinear street to the midpoint of the arc, which length is determined by the lot lines.
- B. In addition to compliance with the minimum lot width requirement as set forth in the above subsection, each lot shall abut directly upon a designated city street. The distance of said abutting side shall be:

1. Not less than the minimum width requirement of the zone, except that the length of said abutting side may be reduced to not less than fifty feet (50') where: a) the lot fronts upon a cul-de-sac, knuckle or curve in the street, and b) the side lot lines radiate in such a manner that the minimum lot width requirements are met at the front setback line¹.
2. Such other length as is specifically required under the terms of this chapter, whichever is greater (i.e., CE-1 zone; see subsection 18.30.040C of this title). (Ord. 2004-13, 6-16-2004, eff. 7-13-2004)

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This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

18.26.040: CONFLICTING PROVISIONS:

Where specific requirements are made, or exemptions allowed under individual sections of the code, those requirements or exemptions shall prevail over the requirements of this section. However, any stricter code requirement (not exemption) shall also apply. (Ord. 2004-13, 6-16-2004, eff. 7-13-2004)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

Chapter 18.28

A-2 AGRICULTURAL-RESIDENTIAL ZONE, ONE DWELLING UNIT PER TWO ACRES

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

18.28.010: PURPOSE AND OBJECTIVES:

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The A-2 zone is established to provide areas in which agricultural pursuits can be encouraged and supported within the municipality. The A-2 zone is designed and intended to protect agricultural uses from encroachment of typical urban development. Uses permitted in the A-2 zone, in addition to agricultural and residential uses, must be incidental thereto and should not change the basic agricultural character of the zone. Development within the A-2 zone should be accomplished in an orderly and progressive manner, and to discourage "leapfrog" encroachments of such uses or developments into the agricultural area. (Ord. 2004-10, 6-16-2004, eff. 7-13-2004)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

18.28.020: GENERAL OBJECTIVES AND CHARACTERISTICS:

- A. The A-2 agricultural-residential zone has been established as a zone in which the primary use of the land is for agricultural and livestock raising purposes. Land within this zone is characterized by residential estates, open fields, ranches, and farms devoted to the production of food, fiber, animals, and general agricultural uses.
- B. Representative of the use within this zone are large residential estates, barns, corrals, row crops, and the raising of livestock.
- C. The objectives in establishing the A-2 agricultural-residential zone are:
1. To protect and encourage the continued use of agricultural land within the zone for agricultural purposes and to discourage the preemption of agricultural land for nonagricultural purposes;
 2. To discourage commercial and industrial uses, and any other use which tends to thwart or mitigate the use of the land for agricultural purposes;
 3. To prevent the soil from becoming polluted. (Ord. 2004-10, 6-16-2004, eff. 7-13-2004)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

18.28.030: PERMITTED USES:

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The following uses shall be permitted in the A-2 zone:

Agricultural buildings for the storage of farm equipment, animals, grains, hay and other agricultural products. Buildings for the storage of other equipment, such as construction related materials, not related to the production of agriculture, shall be prohibited except as allowed as an accessory use in section 18.28.035 of this chapter.

Agriculture (the science and art of farming; work of cultivating the soil, production of crops, and the raising of livestock).

Animal rights.

A. Acreage 5.25 Acres And Over: The raising, care and keeping of livestock, fowl, feed and produce, barns, corrals, pens, coops and other structures, including educational animal laboratories, for the care and keeping of domestic livestock and fowl. Provided, however, that no structure or corral for the housing of the livestock and fowl or no corral for the close confinement of livestock shall be located closer than one hundred feet (100') to an existing dwelling on an adjacent lot or fifty feet (50') from an existing dwelling on the same lot.

B. Acreage Under 5.25 Acres: 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.

Beehives (must comply with the minimum distances specified for barns, corrals, etc., as stated in this section).

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

Fences, walls subject to section 18.84.130 of this title, and subject to the approval by the planning and zoning director.

Home occupations, subject to the provisions of section 18.84.380 of this title.

Noncommercial plant nurseries and private greenhouses.

One single-family dwelling unit per legally created lot.

Public utility buildings and facilities and other public buildings.

Temporary and seasonal fruit and vegetable stands for the sale of produce raised on the premises, that do not exceed two hundred (200) square feet, and are maintained in an orderly manner.

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 subject to subsection 18.84.200B of this title (temporary building construction).

Water reservoirs and water facilities. (Ord. 2004-10, 6-16-2004, eff. 7-13-2004)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

18.28.035: PERMITTED ACCESSORY USES:

Accessory uses and structures are permitted in the A-2 zone, provided they are incidental to the main residential dwelling unit, and do not alter the character of the permitted principal use or structure. Such permitted accessory uses and structures include, but are not limited to, the following:

Accessory buildings such as barns, garages, carports, greenhouses, gardening sheds, recreation rooms, and similar structures which are customarily used in conjunction with and are incidental to a principal use or structure.

Swimming pools and incidental cabanas subject to any and all requirements of the international residential code (IRC). (Ord. 2004-10, 6-16-2004, eff. 7-13-2004)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

18.28.040: CONDITIONAL USES:

The uses listed below may be approved by issuance of a conditional use permit from the planning commission. Uses not specified herein as "permitted" or "conditional" shall be considered prohibited. The following is a list of possible conditional uses within the A-2 zone:

Agribusiness including commercial fruit and vegetable packing plants located on parcels of land with ten (10) acres or more, and agriculture/commercial structures that comply with city regulations and are in harmony with the objective and characteristics of the zone only located on parcels of ten (10) acres or greater.

Conditional use agriculture such as commercial greenhouses.

Exotic pets. Sufficient evidence shall be provided that such pets will be prevented from causing damage to property of others; endangering the health, safety and welfare of other persons; or otherwise creating a public nuisance.

Places of worship, public schools, public parks and playgrounds, subject to section 18.84.320, "Site Plan Review Process And Bonding", of this title.

Residential healthcare facilities (nursing homes, including skilled nursing and intermediate healthcare facilities, and residential care housing facilities as defined in section 18.84.370 of this title), subject to compliance with the standards for such uses as set forth in this code and the approval of site plan. (Ord. 2004-10, 6-16-2004, eff. 7-13-2004)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

18.28.050: LOTS, BUILDINGS, YARDS, AND OPEN SPACES:

Each lot or parcel of property in the A-2 zone shall meet all of the following requirements:

- A. Lot Size And Area Per Dwelling: The minimum lot size in the A-2 zone shall be not less than two (2) acres or eighty seven thousand one hundred twenty (87,120) square feet. Not more than one single-family dwelling may be placed upon a legally created lot or parcel of land in the A-2 zone.
- B. Lot Width: Each lot or parcel of land in the A-2 zone shall have a minimum width of at least two hundred feet (200').

C. Front Yard Requirements: No home shall have a front yard setback of less than thirty feet (30') measured from the front property line or the right of way edge to the foundation of the home.

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D. Side Yard: Each lot or parcel of land in the A-2 zone shall have a side yard of not less than ten feet (10').

E. Side Yard; Corner Lots: Lots having frontage contiguous to a street shall not be less than thirty feet (30') as measured for the front yard setback.

F. Accessory Buildings: Accessory buildings may be located no closer than within three feet (3') of a property line. Buildings with fire rated walls, built to the standards outlined in the international building code (IBC) may be placed up to the property line. However, in no case shall an accessory building exceed twelve feet (12') in height within ten feet (10') of the required setback area. All roof drainage shall be directed away from any adjacent property lines and shall be drained to the property wherein the building is located. Accessory buildings shall not exceed thirty five feet (35') in height.

G. 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.

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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') 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.

I. 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. (Ord. 2004-10, 6-16-2004, eff. 7-13-2004)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

18.28.060: PARKING AND DRIVEWAY REQUIREMENTS:

- A. Each home located on a lot or parcel in the A-2 zone 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 constructed with a hard surface material. (Ord. 2004-10, 6-16-2004, eff. 7-13-2004)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

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Chapter 18.30

CE-1 CRITICAL ENVIRONMENT ZONE

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

18.30.010: LEGISLATIVE INTENT:

The CE-1 zone includes those areas of the city which, as the result of the presence of steep slopes, soil characteristics, flood hazards, erosion, mudflow or earthquake potential, wildfire hazards or similar natural conditions or environmental hazards are considered environmentally sensitive and fragile.

The following is the intent and purpose of the city council in establishing the CE-1 zone:

- A. To reflect the Utah County natural hazards overlay zone, to delineate environmentally sensitive and fragile areas within the city and to establish standards and guidelines for the uses and development activities occurring thereon which recognize and appropriately balance: 1) the need for the preservation of the natural environmental conditions, 2) the need for mitigation of potentially adverse or unsafe conditions arising from development activities, 3) the protection of the interests of subsequent purchasers and occupants, and 4) the rights of current owners to the reasonable use of their property.

- B. To avoid or mitigate the effects of natural hazards from earthquakes, rockfall, debris flow, landslides, floods, fires and similar calamities and to reduce the potential for subsequent public involvement or expenditure in mitigation of such adverse or unsafe conditions occurring as a result of disruption of natural conditions from development activity.

- C. To protect and conserve the watershed for the culinary water supply, sensitive vegetation, soil, wildlife habitat, viewsheds and other natural resources within the area.

- D. To facilitate and encourage the location, design, and construction of uses, development projects and building sites in the zone area which provide maximum safety and human enjoyment consistent with the efficient and economical use of public services and facilities, the natural limitations and the need for protection of the environment.
- E. To preserve the aesthetic appearance of the landscape. Because of the fragile nature of the land in this zone, special conditions and requirements are attached to developments occurring therein to promote the implementation of the purposes stated above and to mitigate the potential adverse aspects of developments in the area. The requirements set forth in this chapter are considered the minimum required in order to accomplish the purpose and intent for which this zone was established.
- F. To protect the health, safety and welfare of the residents of Mapleton City.
- G. To place the liability and expense of evaluating the condition of potentially unstable land, and liability and expense for determining restrictions which should be placed on its development, upon geologists or engineers employed by the landowner.
- H. To restrict the development of land to those uses which do not present unreasonable risks to persons or property because of geologic hazards.
- I. To prevent fraud in land sales relating to the geologic conditions of real property.
- J. To restrict development in areas difficult to provide city services, such as water, fire protection, garbage collection and snow removal.

With the enactment of this chapter, it is the intent of the city council to authorize a governmental function of regulation within the meaning of sections 63-30-3 and 63-30-10 (1), (3) and (4) of the Utah code, as amended. (Ord. 2007-29, 12-4-2007, eff. 1-4-2008)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3

PLANNED DEVELOPMENT. Go to new ordinance.

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18.30.020: USE REQUIREMENTS:

- A. Permitted Uses: The following uses of land shall be permitted upon compliance with the applicable standards and conditions set forth in this chapter:

Agricultural uses that are conducted in a manner that does not destroy or alter the natural habitat of the land, including the removal of existing vegetation, or the grazing of animals in such a way that would cause erosion, or the plowing or turning of soil other than digging holes for the purpose of planting trees or building a fence.

Municipal reservoir.

One-family dwellings - conventional construction and modular homes, subject to compliance with the subdivision ordinance, the conditions of the zone and approval of a site plan in accordance with the provisions of section 18.84.320 of this title.

Public parks.

The keeping of customary household pets.

- B. Conditionally Permitted Uses: The following buildings, structures and uses of land may be permitted upon compliance with the standards and conditions set forth in this chapter and after approval has been given by the designated review body:

Buildings and other structures for the storage and keeping of agricultural products and machinery.

Customary residential accessory structures which are an integral part of and incidental to an approved dwelling.

Earth shelter home projects subject to the provisions of chapter 18.84 of this title.

Golf courses or private parks.

Home occupations, subject to the provisions of section 18.84.380 of this title.

Keeping of livestock and associated structures in a manner that is not harmful to the environment due to overgrazing or ground water contamination. Animal units shall be based on the amount of building lots allowed using the criteria set forth in this chapter. There shall be one animal unit allowed for every possible building lot.

Motor vehicle roads and rights of way subject to compliance with city standards for design and construction for such uses and upon approval of a site plan in accordance

with the provisions of section 18.84.320 of this title.

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Residential subdivisions, subject to compliance with the applicable requirements for such developments. PUDs are specifically excluded from the CE-1 zone.

Retention or detention basin.

Water, sewer and utility transmission lines and facilities required as an incidental part of development within the zone, and subject to the approval of a site plan in accordance with the provisions of section 18.84.320 of this title. (Ord. 2008-05, 3-19-2008, eff. 4-17-2008)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

18.30.030: ACTIONS PROHIBITED:

It shall be unlawful to grade, plow, excavate, cut or fill with soil or other materials in any portion of property located in the CE-1 zone without first obtaining a permit to do so.

Notwithstanding any other provision of this code it shall also be unlawful to grade, fill, or excavate any land in any manner which presents an unreasonable risk, as shown on the Utah County natural hazards map such as erosion, flooding, landslide, or any other unsafe condition, and it shall be unlawful to erect any structure which will not be reasonably safe for use as a human habitation because of:

A. A high water table (water close to the surface);

B. Surface water;

C. Expansive soils;

D. Collapsible soils;

E. Proximity to a potential landslide area;

F. Proximity to a secondary fault;

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G. Proximity to an alluvial fan;

H. Proximity to a landslide;

I. Proximity to a primary Wasatch fault zone;

J. Steep slopes; or

K. Any other unsafe conditions. (Ord. 2007-29, 12-4-2007, eff. 1-4-2008)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

18.30.040: LOT REQUIREMENTS:

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

1. When the lot is contained within an approved subdivision project:

a. Use: One-family dwellings.

b. Maximum project density: One lot for every three (3) acres of buildable area in project plus one lot for every twenty (20) acres of nonbuildable area in the project.

c. Minimum lot area: Three (3) acres.

d. Minimum lot width: Two hundred fifty feet (250'), except as otherwise noted in this code.

2. When the lot is not included as part of an approved subdivision project and is legally exempt therefrom:

a. Use: One-family dwellings.

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b. Minimum lot area: Three (3) acres.

c. Minimum lot frontage: Two hundred fifty feet (250'), all of which shall front a dedicated public right of way (city street).

B. Access Requirements: Each lot shall abut upon and have direct access to a city maintained dedicated public street that meets all of the requirements as outlined in title 17 of this code. Each street shall be formally accepted by action of the city council. The distance of said abutting side shall not be less than the minimum lot width requirement of the zone except that the length of said abutting side may be reduced to not less than eighty feet (80') when the lot fronts upon a cul-de-sac or sharp curve in a designated city street and the side lot lines radiate in such a manner that the width of the lot, measured between the side lot lines at points one hundred sixty feet (160') from the front lot line, will meet or exceed the minimum width requirements of the zone.

C. Location Requirements:

1. Main Buildings: All dwellings and other main buildings and structures shall be set back in accordance with the following:

a. Front Setback: All dwellings and other structures shall be set back not less than fifty feet (50') from the front lot line, provided that on lots qualifying under the provisions of subsection B of this section, the front setback shall be the distance from the front lot line at which the minimum width requirements are met, but not less than fifty feet (50').

b. Side And Rear Setback: All dwellings and other structures shall be set back not less than fifty feet (50') from the side or rear lot line.

c. Bonneville Bench: All new buildings that are situated along a Bonneville bench ridgeline shall be set back two hundred fifty feet (250') from the crest of the Bonneville bench. The Bonneville bench line is at the approximate elevation of five thousand one hundred thirty five feet (5,135') above sea level as quoted by the United States geologic survey (USGS). However, where a snow avalanche hazard analysis, performed by an avalanche consultant, concludes that it would be in the interest of the health, safety, and welfare of the inhabitants of proposed lots in the CE-1 zone, the city council may permit a waiver of the two hundred fifty foot (250') setback to permit the proposed lots to be located outside the area of hazard as determined by the snow avalanche hazard analysis. The city council may place additional height limitations upon the lots that receive such a waiver in order to ensure that the visual integrity of the bench is preserved.

D. Utility Requirements:

1. **Culinary Water:** All structures to be used for human occupancy shall be served by the city's water system and shall be capable of providing water to the structure in volumes and under pressure sufficient for both culinary and firefighting purposes as determined by the city engineer.
2. **City Sewage Disposal:** All structures intended for human occupancy shall be served by the city sewer system. Septic systems or other means of sewage disposal shall not be permitted.

E. Buildable Area Required; All Buildings To Be Located On A Buildable Area: Each lot shall contain at least one area of not less than fourteen thousand five hundred (14,500) square feet which qualifies as a "buildable area" as defined in this title and which is accessible over a driveway having a width of not less than twelve feet (12') and which conforms to the minimum standards of subdivision streets with respect to slope, grading, drainage and design features¹. The site plan required pursuant to subsection 18.84.320B of this title shall delineate the location of the territory qualifying as buildable area and also the alignment of the proposed driveway access. All dwellings and other habitable structures and accessory buildings shall be located within the designated buildable area. All other areas within the designated buildable area shall be protected and preserved as open space. For purposes of determining compliance herewith, the toe of any slope greater than thirty percent (30%) shall not be cut to provide a building site.

F. Structural Requirements:

1. **Location On Fault Traces Prohibited; Minimum Setbacks To Be Determined:** No portion of any structure intended for human occupancy shall be located over any fault trace or zone of deformation identified in the geotechnical and geology report submitted as provided in this chapter. The minimum setback distance from any fault trace or zone of deformation, or from the base or crest or any potentially unstable slope shall be as established by the city engineer following the receipt of a recommendation on the subject from the geotechnical engineer as part of the technical reports.
2. **Site Specific Geotechnical Study And Structural Calculations Required Before Building Permit Issuance:** Prior to the issuance of a building permit, the city must receive a site specific geotechnical study conducted by an engineer licensed by the state of Utah, along with blueprints, which blueprints must be prepared by a registered structural engineer. The blueprints must take into consideration concerns stated in the geotechnical study.

3. Construction Standards: All structures intended for human occupancy shall be designed and constructed to the recommendation of the structural engineer, after his review of the site specific geotechnical study.
4. Architectural Design Standards:

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 - a. Exterior Building Colors: The exterior of any building or structure shall blend with the natural materials and predominant colors and hues of the surrounding foothills. Colors permitted include grays, browns, greens, tans and other earth tones. White or bright colors shall be limited to window casings, doors, eaves and other trim areas.
 - b. Exterior Building Glass: Windows and other glass surfaces shall have an outdoor visible light reflective value no more than eighteen percent (18%) as defined and measured by ASTM E308-90 or its successor.
 - c. Roof Materials And Colors: Roof colors shall be earth tones. White, bright and reflective materials are prohibited from roofs. Tile, slate, architectural asphalt shingles and fire retardant wood are permitted as roofing materials.
 - d. Mechanical Equipment: Mechanical equipment including, without limitation, swamp coolers, air conditioning equipment, heat pumps, vents, blowers and fans shall be screened from view or painted to match the building color adjacent to the equipment. Roof mounted mechanical equipment shall not extend above the highest roof ridgeline. Roof mounted solar collection panels need not be screened or painted so long as they are mounted parallel to and flush with the roof slope and do not project above the ridgeline of the roof segment upon which they are mounted. Except as provided in the foregoing sentence, solar collection panels shall not be mounted upon any roof. Satellite antennas shall be painted nonreflective black or other dark earth tone colors.
 - e. 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 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.
5. Exterior Lighting: Floodlighting of buildings and structures is prohibited. Exterior lighting shall be architecturally integrated decorative lighting. Yard areas may be lit only with "directional" lighting and no direct light beam may impact any other property, except for security lights intended to be activated only at limited times as necessary for immediate security.
6. Fence Restrictions: Fences and walls shall only be constructed after first obtaining a building permit subject to the standards of this section.

- a. Site Plan Submittal: As part of the site plan review process, a fencing plan shall be submitted which shall show:
- (1) Any specific subdivision approval conditions regarding fencing.
 - (2) Material specifications and illustrations necessary to determine compliance with specific approval limitations and the standards of this section.
- b. Field Fencing Of Designated Undevelopable Areas: Fencing on areas identified as undevelopable areas or transitional areas on any subdivision granted preliminary approval by the planning commission after December 6, 1994, or any lot previously platted which identifies undevelopable areas or transitional areas shall be limited to the following standards:
- (1) Low visibility see through fencing shall consist of flat black colored steel "T" posts and not more than four (4) strands of nonbarbed steel wire, strung at even vertical spacing between such "T" post, and erected to a height of not more than forty two inches (42") above the natural ground surface.
 - (2) When fencing lot boundary lines, vegetation or native brush shall not be cleared so as to create a visible demarcation from off site.
 - (3) The existing surface of the ground shall not be changed by grading activities when erecting boundary fences.
 - (4) Fence materials and designs must not create a hazard for big game wildlife species.
 - (5) No field fencing shall be erected in conflict with pedestrian easements dedicated to Mapleton City.
- c. Buildable Area Fencing: Fencing on any portion of a lot identified as buildable area or required side yard on any subdivision granted preliminary approval by the planning commission after December 6, 1994, or any lot previously platted which identifies undevelopable area or transitional areas shall be limited to the following standards:
- (1) Open, see through fencing constructed of tubular steel, wrought iron or similar materials, finished with a flat black, nonreflective finish constructed to a height of six feet (6') or less; or
 - (2) Sight obscuring or privacy type fencing shall be of earth tone colors, or similar materials to the primary dwelling, and located in a way which screens private outdoor living spaces from off site view. (Ord. 2007-29, 12-4-2007, eff. 1-4-2008)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

18.30.050: PRELIMINARY DETERMINATION BY CITY ENGINEER:

All proposals to grade, fill, or excavate land or to erect a structure for human habitation shall be referred to the city engineer who shall make a preliminary determination by reference to the maps and materials maintained in his office, in order to coordinate data with the geotechnical engineering, if any of the unsafe physical conditions described in section 18.30.030 of this chapter appear to exist in relation to the real property which is included in the proposal. (Ord. 2007-29, 12-4-2007, eff. 1-4-2008)

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18.30.060: PRESUMPTION:

Conditions described on Utah County geologic hazard maps and aerial topographical maps maintained by the city engineer, together with explanatory material appurtenant thereto, shall be presumed to exist. (Ord. 2007-29, 12-4-2007, eff. 1-4-2008)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

18.30.070: APPROVAL PROCEDURE AND REQUIREMENTS:

- A. Site Plan: Wherever the terms of this zone require submission and approval of a site plan, said plan shall conform with and be approved in accordance with the provisions of this chapter and section 18.84.320 of this title.

- B. Technical Reports: In addition to other materials required for submission, the site plan shall be accompanied by copies of the following technical reports and plans. The

following technical reports and plans shall be completed by an engineer licensed by the state of Utah:

1. **Geotechnical And Geology Report:** The report shall include, but is not necessarily limited to, identification and mapping of the location of major geographic and geologic features such as fault traces, surface ruptures, zones of deformation, potential slide and other high hazard areas such as mine shafts and avalanche paths, conclusions and recommendations regarding the effect of geologic conditions on the proposed development, recommendations covering the adequacy of sites proposed for development, and any potential adverse impact on the natural environment.
2. **Soils Report:** The report shall include, but is not necessarily limited to, information with respect to slope analysis, general soils classification, suitability for development, erosion potential, any recommendations for proposed methods of mitigating any constraints determined to be present as part of the development plan, and any adverse impact on the natural environment.
3. **Grading And Drainage Plan:** The plan shall include, but is not necessarily limited to, information on ground water levels, identification and mapping of drainage channels and systems, floodplains, existing details and contours where modification of terrain is proposed, the direction of proposed drainage flow, proposed plans and the location of all surface and subsurface drainage devices to be constructed as part of the proposed development, erosion control measures during the course of construction, identification of any grading and drainage problems such as the alteration of natural drainage patterns and any other problems of the proposed development, and a plan to mitigate or eliminate such problems, and any adverse impact to the natural environment.
4. **Natural Conditions And Vegetation Analysis And Preservation Plan:** This report and plan shall include a survey of existing trees, large shrubs and ground covers, a plan for the proposed revegetation of the site, detailing existing vegetation to be preserved, new vegetation to be planted and any modifications to existing vegetation, and the identification of any vegetation problems and recommendations as how to mitigate or eliminate such problems and avoid potential adverse impact on the natural environment.
5. **Fire Protection Report:** The report shall include, but not be limited to, identification of potential fire hazards, mitigation measures, access for fire protection equipment and proposed fire flow capability.

The scope and content of these required technical reports and plans shall be in accordance with city standards. The planning commission, subject to the prior recommendation of the city engineer, may waive the necessity for submitting one or more of the technical reports or any elements of a report where, in its opinion, conditions associated with the proposed development do not require consideration of the subject matter covered. Also, where the lot is contained within an approved subdivision and the technical reports previously submitted as part of the subdivision approval process are sufficient in scope and detail to adequately address the issues required under this chapter, this requirement may be waived.

- C. **City Engineer To Review Technical Reports:** The plans and technical reports required herein shall be reviewed by the city engineer for the purpose of making a determination as to the adequacy of the reports and recommendations relating to the proposed project. Prior to the time of action by the planning commission, the city engineer shall provide to the planning commission a written or oral report of the results and conclusions of the review together with any recommendation or amendment of the technical reports.
- D. **City Engineer Or Planning Director Requires Further Review By Qualified Professionals:** If the city engineer concludes that the determinations required by this chapter require further review by professionals having qualifications not possessed by the city staff, he may designate a qualified person to make the required determination. The city engineer or planning director, at his/her discretion, may ask the state geologist office of Utah to review all plans and technical reports required herein.
- E. **Project Evaluation Guidelines:** The planning commission shall review the site plan, technical reports and recommendations of the city engineer and shall approve the application upon a finding that:
1. All the plan submissions and technical reports required for review and consideration have been submitted and in a form suitable for evaluation by the city, and the evaluation of conditions and the recommendations for mitigation provided by the technical reports are reasonably adequate to accomplish the purpose and intent of the CE-1 zone.
 2. The plan conforms, in all respects, to applicable city requirements, standards and criteria.
 3. The location and arrangement of the buildings, roadways, open areas and other elements of the development duly recognize and accommodate the natural conditions present, and construction of such elements will not result in the creation of an adverse or unsafe condition or visual impact.
 4. The applicant provides sufficient information to establish that adequate public services and facilities in the area affected by the proposed development will have sufficient capacity available at the adopted level of service standards to accommodate the proposed development within a reasonable period of time following the issuance of final approval of a site plan and/or subdivision plat for the proposed development.
 5. The development will accomplish and preserve the intent of the zone.
- F. **City May Require Changes To Plans:** The city may require changes in the plan in order to more fully accomplish the intent of the zone. Such changes may include, but are not limited to, adjustments in the boundaries of the buildable area and changes in the location of roadways, structures, drain field and similar elements.

- G. Full Disclosure Required: No subdivision in the CE-1 zone shall be approved without a note on the final plat, which shall read: "This subdivision lies within a critical environment zone with some potential hazards. Any building lot in this zone, must comply with chapter 18.30 of the Mapleton City Code." disclosing that the subdivision is in a geologically sensitive area with potential hazards present. (Ord. 2007-29, 12-4-2007, eff. 1-4-2008)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

18.30.080: SPECIAL PROVISIONS:

- A. Grading: No grading, filling, plowing, or excavation of any kind shall be commenced on land within the zone without first having obtained a grading permit from the city planning director, signed by the superintendent of public works, who shall not issue such permit until a grading plan, endorsed by a licensed civil engineer, following review and approval by the city engineer, shall have been approved in accordance with the provisions of section 18.30.070 of this chapter. Such a permit shall only be issued in relation with an approved development proposal for the property. Cutting roads, clearing vegetation, or otherwise disturbing the earth shall not be approved unless the applicant can show good cause to do so, as determined by the planning commission.
- B. Slope Protection: All land surface having a slope of thirty percent (30%) or greater shall remain in its natural state and shall not be graded or otherwise disturbed except for the planting of additional vegetation, the addition of sprinkler irrigation systems, the establishment of required firebreaks or required access easements, or when such disturbance is specifically provided for under an approved site plan. No disturbance shall be permitted on any slide area as depicted in the Utah County natural hazards overlay landslide zones map until recommended by the city engineer based on adequate documentation to show that sliding is not a potential hazard and then only after approval is gained through the city council.
- C. Roads, Streets And Driveways: All roads, streets and driveways in this zone shall be set back at least fifty feet (50') from the edge of the Bonneville bench, except where the road must cross the Bonneville bench to access the top of the bench, and shall be approved by the city council, which approval shall be based on the recommendations of the city

engineer, consistent with the purpose of this zone that such streets, roads and driveways will not have significant adverse visual, environmental or safety impacts. However, where a snow avalanche hazard analysis, performed by an avalanche consultant, concludes that it would be in the interest of the health, safety, and welfare of the inhabitants of proposed development in the CE-1 zone, the city council may permit a waiver of the fifty foot (50') setback to permit the proposed roads to be located outside the area of hazard as determined by the snow avalanche hazard analysis.

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- D. Cuts And Fills: Cutting and filling shall be held to a minimum and retaining walls employed to help provide planting areas conducive to revegetation. Revegetation plans will be required for all areas disturbed during road, street or driveway construction. All cuts and fills shall be approved by the city council, which approval shall be based on the recommendations of the city engineer, consistent with the purpose of this zone that such cuts and fills not have significant adverse visual, environmental or safety impacts.
- E. Driveways: The design, construction and alignment of driveways shall not exceed twelve percent (12%) grade. Driveways shall include all private single-family dwelling accesses from a public right of way.
- F. Vegetation, Preservation And Landscaping: Site plans and reports shall preserve existing vegetation to the extent possible and shall provide for prompt revegetation and erosion control measures where appropriate. Natural vegetative material shall not be removed except for those portions of the site to be committed to the dwelling and attendant yard area, required roadways, driveways and for firebreaks. All areas proposed for removal of vegetative materials shall be shown on the site plan. Every effort shall be made to conserve topsoil which is removed during construction for later use on areas requiring revegetation or landscaping (i.e., cut and fill slopes). Vegetation sufficient to stabilize the soil shall be established on all disturbed areas and shall be equivalent to or exceed the amount and erosion control characteristics of the original vegetation cover. The types and sizes of vegetation suitable for revegetation and soil stabilization shall be approved by the planning commission at the time of final plan approval.
- G. Fire Protection: In order to minimize the potential for destruction due to fire, the following fire prevention and protection measures are required for all dwellings in this zone:
1. The installation of NFPA 13-D residential fire sprinkler systems in all new single-family structures;
 2. The addition of exterior fire sprinklers in all new structures where eaves, siding and projections are constructed of combustible materials. This requirement may be waived should noncombustible building materials be used;

3. All new structures shall be constructed with nonreflective, noncombustible roofing materials as approved by the Mapleton City fire marshal;
4. There shall be at least a thirty foot (30') clear area around all structures located in the CE-1 zone. This area shall be sprinkled and planted with fire resistant vegetation. This clear area shall be measured from each exterior wall. However, this requirement may be modified, subject to the current edition of the international wildland-urban interface code. Building permits for the CE-1 zone shall include a site plan showing existing and proposed vegetation, and shall be reviewed by the Mapleton City fire chief prior to approval.

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H. **Ridgeline Protection:** All ridgeline areas, as seen along the entire length of Main Street from 2000 North to the southern city limits, in this zone shall be retained in a natural state, and development shall be sited in such a manner so that all structures are located away from areas that are visible against the sky or mountains along a ridgeline. No building, roof or other appurtenant device shall encroach or visually intrude upon a ridgeline area. However, this requirement may be waived by the city council for clustered CE-1 developments if it is determined that it would be in the best interest of the city to do so, based on other site considerations, such as slope and/or natural hazards.

I. **Open Space Preservation:** All developments in this zone shall be sited so as to maximize the protection and preservation of open space. Such open space, including, but not limited to, nonbuildable areas as defined in this title, shall be identified in the site plan and maintained as open space and may not be separately sold, subdivided or developed and shall not include roads, streets, rights of way, lots or buildings for dwelling purposes. Such open space areas shall be maintained so that their use and enjoyment as open space are not diminished or destroyed. Open space areas may be owned, preserved and maintained as approved as part of the site plan.

J. **Wildlife Habitat Preservation:** Any development shall take all reasonable efforts to maintain and preserve critical wildlife areas and floodplain corridor and shall take all reasonable steps to minimize impact upon these areas.

K. **Clustering Of Single-Family Detached Dwellings:** Based upon receipt of a recommendation from the planning commission and approval by the city council, a developer may be allowed to reduce the dimension requirements as set forth in subsection 18.30.040A1 of this chapter in accordance with the provisions of this title, provided the following conditions are met:

1. The maximum project density shall be one lot for every three (3) acres of area with less than thirty percent (30%) slope, regardless of geologic hazards.

2. The minimum lot size shall be one-half ($1/2$) acre with the remaining acreage of the required three (3) acres used as follows:
 - a. Dedicated as open space and being owned, preserved and maintained as outlined in subsection K7 of this section;
 - b. The generation of transferable development rights (TDRs) is not permitted; and
 - c. Public streets may run through the dedicated open space to access the clustered lots.
3. Dedicated open space areas do not have to be contiguous with the clustered lots.
4. A clustered lot may not contain any geologic hazards within the designated building envelopes, in accordance with engineering studies and designs.
5. Areas including the clustered lots and the dedicated open spaces shall be noted on the zoning map.
6. The city council, based on the recommendation of the planning commission, makes the following findings:
 - a. That clustering enables structures to be placed on the land in such a manner that ridgeline protection is enhanced.
 - b. That the city's costs for operation and maintenance of the subdivision infrastructure improvements will not increase or will be reduced because of the clustering of the dwellings.
 - c. That the potential exposure of any proposed dwellings to hazards as identified in reports required in subsection 18.30.070B of this chapter will not be increased or will be reduced.
7. In accordance with subsection I of this section, the city council may require that all areas designated as open space on an approved site plan be owned, preserved and maintained by the city, another appropriate public or nonprofit entity approved by the city or a homeowners' association which assumes full responsibility for its maintenance.
8. The minimum frontage requirements may be reduced to a width of not less than one hundred feet (100') at the front setback line.
9. The front, rear, and side yard setbacks shall be no less than fifteen feet (15') from the lot lines. Notwithstanding a lesser setback for the main building, garages, whether attached or not, shall be set back at least twenty feet (20'), measured from the back of sidewalk.
10. Each clustered lot shall contain at least one area of not less than four thousand five hundred (4,500) square feet which qualifies as a "buildable area" as defined in this title and which is accessible over a driveway having a width of not less than twelve feet (12') and which conforms to the minimum standards of subdivision streets with respect

to slope, grading, drainage and design features². The site plan required pursuant to subsection 18.84.320B of this title shall delineate the location of the territory qualifying as buildable area and also the alignment of the proposed driveway access. All dwellings and other habitable structures and accessory building shall be located within the designated buildable area. All other areas within the designated buildable area shall be protected and preserved as open space.

- L. Grading, Filling, Or Excavation Compliance With Entire Code: In addition to the provisions of this chapter, all grading, filling, or excavation of land or erection of any structure shall comply with all other applicable provisions of this code.
- M. Improvements Intended For Public Ownership Subject To City Council Approval: Those parts of any proposal to construct improvements such as roads, sewer lines, or water lines, or other improvements which are intended to be placed in public ownership shall be subject to the approval of the city council after recommendation by the city engineer. (Ord. 2007-29, 12-4-2007, eff. 1-4-2008)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

18.30.090: ENGINEER GEOLOGIST QUALIFICATIONS AND CERTIFICATE:

- A. A geologic report shall be approved and signed by one of the following:
1. A geotechnical engineer who shall be a registered professional engineer in the state of Utah, qualified by training and experience in the application of the principles of soil mechanics to foundation investigation, slope stability, and site development; or
 2. An engineering geologist who shall be a graduate in geology or engineering geology from an accredited university with at least five (5) years of professional geologic experience of which at least three (3) full years shall be in the field of engineering geology.
- B. A geologic report shall contain the following certificate:

CERTIFICATE

I hereby certify that I am a geotechnical engineer or an engineering geologist. I have examined the geologic report to which this certificate is attached and the information and conclusions contained therein are, without any reasonable reservation not stated therein, accurate and complete. All procedures and tests used in said geologic report meet minimum applicable professional standards.

Signature

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- C. In addition to any applicable private civil remedies, it shall be unlawful to knowingly make a false, untrue, or incomplete statement in a geologic report or to sign the certificate described above knowing the same to be materially false or not true. (Ord. 2007-29, 12-4-2007, eff. 1-4-2008)

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18.30.100: POSTCONSTRUCTION INSPECTION AND CERTIFICATION:

For any real property with respect to which development has proceeded on the basis of a geologic report which has been acknowledged by the city engineer, no final inspection shall be completed or certificate of occupancy issued or performance bond released until the engineer or geologist who signed and approved that geologic report shall further certify that the completed improvements and structures conform to the descriptions and requirements contained in said report. Provided, however, that improvements and structures may, with the consent of the city engineer, deviate from the descriptions and requirements contained in the geologic report because of conditions which are discovered after acknowledgment by the city engineer of the geologic report. (Ord. 2007-29, 12-4-2007, eff. 1-4-2008)

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18.30.110: APPEAL FROM DECISION OF CITY ENGINEER:

Any person dissatisfied with a decision of the city engineer may appeal the same within thirty (30) days thereof to the planning commission, which shall affirm or reverse, either in whole or in part. Any person dissatisfied with a decision of the planning commission may appeal that decision within thirty (30) days thereof to the city council. Appeals to the city council decision can be appealed within thirty (30) days to any court of competent jurisdiction for administrative and not a de novo review. (Ord. 2007-29, 12-4-2007, eff. 1-4-2008)

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This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

18.30.120: SCOPE OF APPLICATION:

No subdivision or other development plat or plan shall be approved without compliance with the provisions of this chapter. Every proposal to grade, fill, or excavate land, and every proposal to erect a structure for human habitation shall be subject to this chapter, including proposals related to land in subdivisions or any other development plans which may have been approved prior to the adoption of this chapter. (Ord. 2007-29, 12-4-2007, eff. 1-4-2008)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

18.30.130: RESTRICTIVE COVENANT REQUIRED:

Once a geologic report has been submitted to the city engineer, no subdivision or other development plat or plan shall be approved and no building permit shall be issued for construction of a structure until the owner(s) of the subject real property has signed and delivered to Mapleton City a restrictive covenant in a form suitable for recording containing not less than the following:

- A. A complete description of the geologic condition of the subject real property, including references to relevant reports and studies;

- B. A description of the grading, filling, or excavating or erection of a structure for human habitation approved in the geologic report which has been acknowledged by the city engineer, together with the requirements and restrictions imposed thereon. (Ord. 2007-29, 12-4-2007, eff. 1-4-2008)

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This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

18.30.140: ECONOMIC HARDSHIP RELIEF PROVISIONS:

- A. Hardship Relief Petition: Any applicant for development in this zone, after a final decision on its development application is made, may file a hardship relief petition with the city recorder seeking relief from all or part of the regulations of this chapter on the basis that the denial of the application has created a substantial economic hardship to the extent of depriving the applicant of all reasonable use of their property.
- B. Affected Property Interest: The hardship relief petition must provide information sufficient for the planning commission and the city council to determine that the petitioner possesses a protectable interest in property under article I, section 22 of the constitution of Utah and/or the fifth amendment to the United States constitution.
- C. Economic Hardship Standard: For purposes of this section, a "substantial economic hardship" shall be defined as a denial of all reasonable use of the property. Upon a finding that the denial of the application has resulted in a denial of all reasonable use of the property, the Mapleton City council may provide the petitioner with relief from part of the CE-1 critical environment zone regulations.
- D. Time For Filing Notice Of Petition: No later than fifteen (15) calendar days from final action by the city council on any development application, the applicant shall file a notice of petition in writing with the city recorder. Within thirty (30) calendar days of filing of a notice of petition, the applicant shall file a hardship relief petition with the city recorder. Upon planning commission approval, the time in which the hardship relief petition must be submitted may be extended up to an additional thirty (30) days.

E. Information To Be Submitted With Hardship Relief Petition:

1. The hardship relief petition must be submitted on a form acceptable to the city, shall be signed by the applicant and verified, and must be accompanied at a minimum by the following information:

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- a. Name of the petitioner;
- b. Name and business address of the current owner of the property, form of ownership, whether sole proprietorship, for profit or not for profit corporation, partnership, joint venture, limited liability company, or other, and if owned by a corporation, partnership, joint venture, or limited liability company the name and address of all principal shareholders, members, or partners;
- c. Price paid and other terms of purchase of the property, the date of purchase, and the name of the party from whom purchased, including the relationship, if any, between the petitioner and the party from whom the property was acquired;
- d. Nature of the protectable interest claimed to be affected, such as, but not limited to, fee simple ownership, leasehold interest;
- e. Terms (including sale price) of any previous purchase or sale of a full or partial interest in the property in the five (5) years prior to the date of application;
- f. All appraisals of the property prepared for any purpose, including financing, offering for sale, or ad valorem taxation, within the five (5) years prior to the date of application;
- g. The assessed value of and ad valorem taxes on the property for the previous five (5) years;
- h. All information concerning current mortgages or other loans secured by the property, including name of the mortgagee or lender, current interest rate, remaining loan balance and term of the loan and other significant provisions, including, but not limited to, right of purchaser to assume the loan;
- i. All listings of the property for sale or rent, price asked and offers received, if any, within the previous five (5) years;
- j. All studies commissioned by the petitioner or agents of the petitioner within the previous five (5) years concerning feasibility of development or utilization of the property;
- k. For income producing property, itemized income and expense statements from the property for the previous five (5) years;
- l. Information from a title report or other source showing all recorded liens or encumbrances affecting the property as of the date of the petition;
- m. A specific description of the exact CE-1 critical environment zone regulations the application of which petitioner asserts to create a substantial economic hardship to

the extent of depriving the petitioner of all reasonable uses of its property, together with the factual basis for said assertion; and

n. A specific description of the modifications from the CE-1 critical environment zone regulations which petitioner asserts are necessary, to the minimal extent necessary, to prevent the petitioner from sustaining a substantial economic hardship to the extent of depriving the petitioner of all reasonable use of its property, together with the factual basis for said assertion.

2. The planning commission or the city council may request additional information reasonably necessary, in their opinion, to arrive at a conclusion concerning whether there has been a denial of all reasonable use constituting a substantial economic hardship.

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F. Failure To Submit Information: In the event that any of the information required to be submitted by the petitioner is not reasonably available, the petitioner shall file with the petition a statement of the information that cannot be obtained and shall describe the reasons why such information is unavailable.

G. Hearing By The Planning Commission: Within thirty (30) calendar days of the filing of a completed hardship relief petition, together with all required and requested supporting information and documentation required by the city council or the planning commission, the planning commission shall schedule a public hearing with adequate notice consistent with the provisions of this code. The public hearing shall be held on or before thirty (30) days from the date of notice, unless a reasonable extension of time is agreed to by both the planning commission and the petitioner. At the public hearing, the petitioner shall be entitled to testify and to call witnesses and present facts and evidence.

H. Application Of The Economic Hardship Standard: In applying the economic hardship standard, the planning commission shall consider among other items the following information:

1. Any estimates from contractors, architects, real estate analysts, qualified developers, or other competent and qualified real estate professionals concerning the feasibility, or lack of feasibility, of construction or development on the property as of the date of the petition; and in the reasonably near future;
2. Any evidence or testimony of the market value of the property both considering and disregarding all or portions of the CE-1 critical environment zone requirements; and
3. Any evidence or testimony deemed relevant by the planning commission.

- I. Burden Of Proof: The petitioner shall have the burden of proving that the denial of the application creates a "substantial economic hardship" as defined herein.

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- J. Findings Of The Planning Commission: The planning commission shall, on the basis of the evidence and testimony presented, make specific findings as part of its report and recommendations to the city council, which may include the following:

1. Whether the petitioner has complied with the requirements for presenting the information to be submitted with a hardship relief petition;
2. Whether the petitioner has a protectable interest in the property;
3. The market value of the property considering the CE-1 critical environment zone requirements;
4. The market value of the property disregarding all or specific provisions of the CE-1 critical environment zone requirements;
5. Whether it is feasible to undertake construction on or development of the property as of the date of the application, or in the reasonably near future thereafter;
6. Whether, in the opinion of the planning commission, the denial of the application would create a "substantial economic hardship" as defined herein.

- K. Report And Recommendation Of The Planning Commission:

1. The planning commission, based upon the evidence and findings, shall make a report and recommendation to the city council concerning the hardship relief petition.
2. If the planning commission recommends that the city council approve the hardship relief petition, then the report of the planning commission shall discuss the type and extent of incentives necessary, in the opinion of the planning commission, to provide an appropriate increase in market value or other benefit or return to the petitioner sufficient to offset the substantial economic hardship. The types of incentives that the planning commission may consider include, but are not limited to, the following:
 - a. Modification or waiver of specific requirements of the CE-1 critical environment zone requirements to the minimal extent necessary to offset the substantial economic hardship;
 - b. A waiver of permit fees;
 - c. Approval of development on some portion of the property within the CE-1 critical environment zone; and
 - d. Acquisition of all or a portion of the property at market value.

3. The report and recommendation shall be submitted to the city council and mailed to the petitioner within thirty (30) calendar days following conclusion of the public hearing.

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- L. City Council Review And Consideration: Within sixty (60) calendar days following receipt of the planning commission's report, the city council shall hold a public hearing and provide adequate notice as provided by this code to review the report and recommendation of the planning commission. At the public hearing, the petitioner shall be entitled to testify and to call witnesses and present facts and evidence. At the public hearing, the city council may limit the testimony and evidence to new testimony and evidence not presented to the planning commission. The city council shall approve, in whole or in part, or disapprove, the hardship relief petition. The city council may modify or waive the requirements of the CE-1 critical environment zone, or may adopt any incentive, to the extent reasonably necessary to offset any "substantial economic hardship" as defined herein, and may condition such incentives upon approval of specific development plans. The city council may take such action without the necessity of resubmission of the petition to the planning commission.
- M. Findings Of The City Council: The city council shall, on the basis of the report and recommendation of the planning commission and the evidence and testimony presented, make specific findings as part of its decision. The findings may adopt, change, or modify the findings of the planning commission.
- N. Decision Of The City Council: The decision of the city council shall be mailed to the petitioner within thirty (30) calendar days following conclusion of the public hearing.
- O. Time Limits/Transfer Of Incentives: Any modifications, waivers, or incentives adopted by the city council pursuant to this section may be transferred and utilized by successive owners of the property or parties in interest, but in no case shall the incentives be valid after one calendar year of the development approval.
- P. Decision Final: The decision of the city council shall be final. (Ord. 2007-29, 12-4-2007, eff. 1-4-2008)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3

PLANNED DEVELOPMENT. Go to new ordinance.

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18.30.145: TRANSFERABLE DEVELOPMENT RIGHTS:

Property owners or developers who wish to forgo the development of property in the CE-1 zone, or find that the development process in the CE-1 zone is cost prohibitive, shall have the right to transfer the development rights as per chapter 18.76 of this title. (Ord. 2007-29, 12-4-2007, eff. 1-4-2008)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

18.30.150: COSTS AND CHARGES:

All costs for processing the application and for conducting all regular and special reviews including, but not limited to, review of all plans and technical reports by the city engineer as required herein, shall be borne by the applicant. The city council may, by resolution, establish fees for the administration of this chapter and provide for the assessment and collection thereof. (Ord. 2007-29, 12-4-2007, eff. 1-4-2008)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

18.30.160: CIVIL AND CRIMINAL FRAUD:

It shall be unlawful for any person, including the seller or his representative, directly or indirectly in connection with the sale or offering for sale of real property located in Mapleton City, to make any untrue statement or withhold a material fact related to the geologic condition of the subject property. This section shall be construed to create private and public civil causes of action in addition to creating criminal liability. (Ord. 2007-29, 12-4-2007, eff. 1-4-2008)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

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18.30.170: VIOLATION OF CHAPTER:

It shall be unlawful for any person to violate any of the terms and requirements of this chapter. Any violation of the requirements of this chapter shall constitute a class B misdemeanor. In the event a person changes the natural state of any land surface having a slope of thirty percent (30%) or greater or, on any portion of land situated in the CE-1 zone grades, cuts slopes, begins development, or constructs in violation of the terms of this chapter, the person violating the terms, and the person at whose direction the actions were taken are required to immediately restore and revegetate the area disturbed consistent with a plan approved by the city engineer and shall bear all costs of restoration, including the costs of the city engineer's review of the plan, and the restoration process. No subdivision application shall be processed or approved, and no building or grading permits shall be issued to the person violating these terms, the person at whose direction the actions were taken, nor the owner, or subsequent owners of the property, until the disturbed land is restored and revegetated. A grading permit shall issue after proper application, for work to be performed to restore and revegetate the area disturbed. (Ord. 2007-29, 12-4-2007, eff. 1-4-2008)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

Chapter 18.32 RA-1 RESIDENTIAL AGRICULTURAL ZONE, ONE DWELLING UNIT PER ACRE

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

18.32.010: PURPOSE AND OBJECTIVES:

The RA-1 zone is established to provide areas in which minor agricultural pursuits can be encouraged and supported within the municipality. The RA-1 zone is designed and intended to protect agricultural uses from encroachment of typical smaller lot development. Uses permitted in the RA-1 zone, in addition to residential and agricultural uses, must be incidental thereto and should not change the basic residential and agricultural character of the zone. Development within the RA-1 zone should be accomplished in an orderly and progressive manner, with no "leapfrog" encroachments of such uses or developments into the residential agricultural area. (Ord. 2011-01, 1-18-2011, eff. 2-13-2011)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

18.32.020: PERMITTED USES:

The following uses shall be permitted in the RA-1 zone:

Agriculture (the science and art of farming; work of cultivating the soil, producing crops, and raising livestock).

Customary residential household pets as defined in section [18.08.345](#) of this title.

Home occupations, subject to the provisions of section [18.84.380](#) of this title.

Public utilities, drainage facilities, water wells and facilities; fences, walls, ornamental ponds; fences subject to section [18.84.130](#) of this title.

Single-family dwellings.

Temporary fruit and vegetable stands, for the sale of produce raised on the premises, that shall not exceed one hundred (100) square feet; and are maintained in an orderly manner.

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 subject to subsection [18.84.200B](#) of this title (temporary building construction).

The raising, care and keeping of limited numbers of livestock and fowl, excluding swine, for family food production or recreation. Also barns, corrals, pens and coops and other structures for the care and keeping of domestic livestock and fowl, subject to the following:

- A. The number of animals kept shall not exceed one animal unit for each twenty thousand (20,000) square feet of lot area.
- B. No structure for the housing of livestock or fowl or corrals for the close confinement of livestock shall be located closer than one hundred feet (100') to an existing dwelling on an adjacent lot or fifty feet (50') to such a dwelling on the same lot. (Ord. 2011-01, 1-18-2011, eff. 2-13-2011)

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This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

18.32.030: PERMITTED ACCESSORY USES:

Accessory uses and structures are permitted in the RA-1 zone, provided they are incidental to the main residential dwelling unit, and do not substantially alter the character of the permitted principal use or structure. Such permitted accessory uses and structures include, but are not limited to, the following:

Accessory buildings such as barns, garages, carports, greenhouses, gardening sheds, recreation rooms, and similar structures which are customarily used in conjunction with and are incidental to a principal use or structure.

Swimming pools and incidental cabanas subject to any and all requirements of the international building code (IBC). (Ord. 2011-01, 1-18-2011, eff. 2-13-2011)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

18.32.040: CONDITIONAL USES:

The uses listed below may be approved by issuance of a conditional use permit from the planning commission. Uses not specified herein as "permitted" or "conditional" shall be considered prohibited. The following is a list of possible conditional uses within the RA-1 zone:

Exotic pets. Sufficient evidence shall be provided that such pets will be prevented from

causing damage to property of others; endangering the health, safety and welfare of other persons; or otherwise creating a public nuisance.

Places of worship, public schools, private parks and playgrounds, subject to section 18.84.320 of this title.

Residential healthcare facilities (nursing homes, including skilled nursing and intermediate healthcare facilities), subject to compliance with the standards for such uses as set forth in section 18.84.370 of this title and the approval of site plan in accordance with the provisions of section 18.84.320 of this title. (Ord. 2011-01, 1-18-2011, eff. 2-13-2011)

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This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

18.32.050: LOTS, BUILDINGS, YARDS, AND OPEN SPACES:

Each lot or parcel of property in the RA-1 zone shall meet all of the following requirements:

- A. Lot Size And Area Per Dwelling: The minimum lot size in the RA-1 zone shall be not less than one acre or forty three thousand five hundred sixty (43,560) square feet. Not more than one single-family dwelling may be placed upon a legally created lot or parcel of land in the RA-1 zone.
- B. Lot Width: Each lot or parcel of land in the RA-1 zone shall have a width of at least one hundred twenty five feet (125').
- C. Front Yard Requirements: No home shall have a front yard of less than thirty feet (30') measured from the front property line or the right of way to the foundation of the home.
- D. 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.
- E. Side Yard: Each lot or parcel of land in the RA-1 zone shall have a side yard of not less than ten feet (10').

F. Side Yard; Corner Lots: Lots having frontage contiguous to a street shall not be less than thirty feet (30') as measured for the front yard setback.

G. Accessory Buildings: Accessory buildings may be located no closer than three feet (3') of a property line. Buildings with fire rated walls, built to the standards outlined in the international residential building code (IRC) may be placed up to the property line. However, in no case shall an accessory building exceed twelve feet (12') in height within ten feet (10') of the required setback area. All roof drainage shall be directed away from any adjacent property lines, and shall be drained to the property wherein the building is located. Accessory buildings shall not exceed thirty five feet (35') in height.

H. Standard Setbacks Based On Geotechnical Information:

1. Notwithstanding the setback requirements set forth in this section, the city council, upon the recommendation of the city engineer or the planning commission, may require a greater setback on a lot or group of lots or proposed lot or group of lots based on geotechnical information and engineering plans.
2. In lieu of title 16, chapter 16.04, "Board Of Adjustment", of this code, any person adversely affected by the city council's decision administering or establishing the setbacks based on geotechnical information, may within thirty (30) days of the city council's decision, appeal that decision to the appeal authority as outlined in Utah code section 10-9a-703.

I. 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 ordinance 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.

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- 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') 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.
- K. Permissible Lot Coverage: All buildings, including accessory buildings and structures, shall cover not more than thirty five percent (35%) of the area of the lot or parcel of land. (Ord. 2011-01, 1-18-2011, eff. 2-13-2011)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

18.32.055: CLUSTERING OF SINGLE-FAMILY DETACHED DWELLINGS:

- A. Purpose: The purpose of clustering within the RA-1 zone is to protect and preserve open space, encourage imaginative and efficient utilization of land, develop a sense of community, and to ensure compatibility with the surrounding neighborhoods and environment. Clustering also offers the developer some flexibility in addressing land development issues. These provisions are intended to create more attractive and desirable environments within the residential areas of Mapleton City.
- B. Overall Size Requirement: The minimum overall size requirement for any development utilizing clustering within the RA-1 zone is no less than fifty (50) acres. If the development

utilizing clustering contains more than one zone a minimum of fifty (50) acres shall be located in the RA-1 zone portion of the development.

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- C. Project Density: The maximum project density allowed for any development utilizing clustering is one single-family dwelling unit per acre within the RA-1 zone, excluding street rights of way.
- D. Lot Size Requirement: The minimum lot size requirement for any development utilizing clustering shall be no less than twenty one thousand (21,000) square feet. If the lot contains more than one zone a minimum of twenty one thousand (21,000) square feet shall be located in the RA-1 zone portion of the lot. Not more than one single-family dwelling may be placed on a lot or parcel of land in the RA-1 zone.
- E. Setbacks: Any development utilizing clustering shall meet any setbacks, as provided under section 18.32.050 of this chapter.
- F. Open Space: Within a development utilizing clustering any open space lots may be owned and maintained either privately or by a homeowners' association.
- G. TDR: A development in the RA-1 zone utilizing clustering under this section is not a TDR receiving site. (Ord. 2011-01, 1-18-2011, eff. 2-13-2011)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

18.32.060: PARKING AND DRIVEWAY REQUIREMENTS:

- A. Each home located on a lot or parcel in the RA-1 zone 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. (Ord. 2011-01, 1-18-2011, eff. 2-13-2011)

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This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

Chapter 18.36

RA-2 RESIDENTIAL-MINOR AGRICULTURAL ZONE

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

18.36.010: PURPOSE AND OBJECTIVES:

The residential-minor agricultural (RA-2) zone is established for the primary purpose of allowing single-family residential homes on medium sized lots. Incidental and minor agricultural uses are allowed on larger lots with twenty thousand (20,000) square feet or greater of land. New developments within the RA-2 zone with a mixture of lots both greater and less than twenty thousand (20,000) square feet would not allow for animal rights within the subdivision. (Ord. 2004-12, 6-16-2004, eff. 7-13-2004)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

18.36.020: APPLICABLE REGULATIONS:

Within the RA-2 zone, the height and number of stories, the size of buildings and other structures, the percentage of a lot that may be occupied, the size of yards, courts and other

open spaces, the density of population, the location and use of buildings, structures and land are regulated and restricted as set forth in this chapter. (Ord. 2004-12, 6-16-2004, eff. 7-13-2004)

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This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

18.36.030: PERMITTED USES:

The following uses shall be permitted in the RA-2 residential-minor agricultural zone:

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

Home occupations, subject to the provisions of section 18.84.380 of this title.

Public facilities.

Single-family residential dwelling unit.

Temporary fruit and vegetable stands, for the sale of produce raised on the premises, that shall not exceed one hundred (100) square feet; are maintained in an orderly manner.

The following standards only apply to lots greater than twenty thousand (20,000) square feet: The raising, care and keeping of limited numbers of livestock and fowl excluding swine for family food production or recreation. Also barns, corrals, pens and coops and other structures for the care and keeping of domestic livestock and fowl, subject to the following:

- A. The number of animals kept shall not exceed one animal unit for each twenty thousand (20,000) square feet of a lot. No livestock or fowl shall be kept on any lot containing less than twenty thousand (20,000) square feet.
- B. No structure for the housing of livestock or fowl or corrals for the close confinement of livestock shall be located closer than one hundred feet (100') to an existing dwelling on an adjacent lot or fifty feet (50') to such a dwelling on the same lot. (Ord. 2006-40, 11-21-2006)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3

PLANNED DEVELOPMENT. Go to new ordinance.

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18.36.040: PERMITTED ACCESSORY USES:

Accessory uses and structures are permitted in the RA-2 zone, provided they are incidental to the main residential dwelling unit, and do not substantially alter the character of the permitted principal use or structure. Such permitted accessory uses and structures include, but are not limited to, the following:

Accessory buildings such as barns, garages, carports, greenhouses, gardening sheds, recreation rooms, and similar structures which are customarily used in conjunction with and are incidental to a principal use or structure.

- A. Accessory structures on lots with less than twenty thousand (20,000) square feet shall be limited to a footprint size that is no greater than the main structure, with a height no taller than the main structure.
- B. For lots greater than twenty thousand (20,000) square feet, the maximum size on any accessory building, barn, garage or otherwise, shall be limited to no more than one hundred twenty five percent (125%) of the footprint of the main dwelling.

Swimming pools and incidental cabanas subject to any and all requirements of the international building code (IBC). (Ord. 2004-12, 6-16-2004, eff. 7-13-2004)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

18.36.050: CONDITIONAL USES:

The following is a list of conditional uses. Such uses may be approved by issuance of a conditional use permit from the planning commission. Uses not specified herein as "permitted" or "conditional" shall be considered prohibited.

Places of worship, public schools, private parks and playgrounds, subject to section 18.84.320 of this title. (Ord. 2004-12, 6-16-2004, eff. 7-13-2004)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

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18.36.060: LOTS, BUILDINGS, YARDS, AND OPEN SPACES:

Each lot or parcel of property in the RA-2 zone shall meet all of the following requirements:

- A. **Lot Size And Area Per Dwelling:** The minimum lot size in the RA-2 zone shall be not less than fourteen thousand five hundred (14,500) square feet. Not more than one single-family dwelling may be placed upon a legally created lot or parcel of land in the RA-2 zone.

- B. **Lot Width:** Each lot or parcel of land in the RA-2 zone shall have an average width of at least one hundred feet (100').

- C. **Front Yard Requirements:** No home shall have a front yard of less than thirty feet (30') measured from the front property line or the right of way to the foundation of the home.

- D. **Side Yard:** Each lot or parcel of land in the RA-2 zone shall have a side yard of not less than ten feet (10').

- E. **Side Yard; Corner Lots:** Lots having frontage contiguous to a street shall not be less than thirty feet (30') as measured for the front yard setback.

- F. **Accessory Buildings:** Accessory buildings may be located no closer than three feet (3') to a property line. Buildings with fire rated walls, built to the standards outlined in the international residential building code (IRC) may be placed up to the property line. However, in no case shall an accessory building exceed twelve feet (12') in height within ten feet (10') of the required setback area. All roof drainage shall be directed away from any adjacent property lines, and shall be on the property wherein the building is located. Accessory buildings shall not exceed thirty feet (30') in height.

- G. **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 ordinance also apply.
2. Landscape elements including trees, shrubs, agricultural crops, and other plants.
3. Necessary appurtenances for utility service.

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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.

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') 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. (Ord. 2004-12, 6-16-2004, eff. 7-13-2004)

I. Permissible Lot Coverage: All buildings, including accessory buildings and structures, shall cover not more than thirty five percent (35%) of the area of the lot or parcel of land, however the single-family home, attached garage, and covered patio shall cover not more than thirty percent (30%) of the area of the lot or parcel of land. (Ord. 2010-04, 5-18-2010, eff. 6-26-2010)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

18.36.070: PARKING AND DRIVEWAY REQUIREMENTS:

- A. Each home located on a lot or parcel in the RA-2 zone 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 of a hard surface material. (Ord. 2004-12, 6-16-2004, eff. 7-13-2004)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

18.36.080: SEPARATION OF AGRICULTURAL/NONAGRICULTURAL USES REQUIREMENT:

- A. For the purpose of separating agricultural and nonagricultural uses, new subdivision developments within the RA-2 zone shall not plat lots that would exceed twenty thousand (20,000) square feet or greater if a simple majority of the remaining lots within the subdivision would not qualify for animal rights (be less than 20,000 square feet in size). However, the following exceptions shall apply:
 - 1. With approval by the planning commission, lots that are twenty thousand (20,000) square feet in size or greater, may be permitted contrary to the above requirements so long as the subdivision applicant agrees to provide and have recorded with the subdivision, "codes, covenants and restrictions" (CC&Rs) that specify lots, regardless of their size, have no animals rights.

- B. This section shall not apply to homes or existing development adjacent to established and existing agricultural uses. (Ord. 2004-12, 6-16-2004, eff. 7-13-2004)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

Chapter 18.44

R-1-B RESIDENTIAL ZONE

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

18.44.010: APPLICABLE REGULATIONS:

Within the R-1-B zone, the height and number of stories, the size of buildings and other structures, the percentage of a lot that may be occupied, the size of yards, courts and other open spaces, the density of population, the location and use of buildings, structures and land are regulated and restricted as set forth in this chapter and table [18.26.010](#), section [18.26.010](#) of this title. (Ord. 2002-05, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

18.44.020: GENERAL OBJECTIVE AND CHARACTERISTICS:

- A. The objective in establishing the R-1-B residential zone is to encourage the creation and maintenance of a residential environment within the city which is characterized by large lots surrounded by well kept lawns, trees, and other plantings. A minimum of vehicular and pedestrian traffic and quiet residential conditions favorable to family living and the rearing of children shall also be characteristic of this zone. While much of the land is currently devoted to agricultural and other open land uses, it is intended in the future that the land shall be developed into residential uses, having characteristics as hereinabove set forth.

B. Representative of the uses within the R-1-B zone are one-family dwellings, parks, agriculture, playgrounds, churches and other community facilities designed in harmony with the characteristics of the zone. (Ord. 2002-05, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

18.44.030: REGULATIONS GENERALLY:

In order to promote the objectives of this zone, the following regulations shall apply in the R-1-B residential zone. (Ord. 2002-05, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

18.44.040: PERMITTED USES:

A 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; subject to section 18.84.200 of this title (construction of temporary buildings).

Customary residential pets, except kennels.

Fences, walls and hedges; subject to section 18.84.100 of this title.

Gardening.

Home occupations, subject to the provisions of section 18.84.380 of this title.

Public schools, public libraries, public recreation buildings and similar public buildings and grounds; places of worship but not including temporary revival tents or buildings; public utility buildings and structures, providing that no storage yard shall be maintained on the premises.

All uses under this heading subject to section 18.84.320, "Site Plan Review Process And Bonding", of this title.

Single-family dwellings - conventional construction and modular homes and manufactured homes. Also residential accessory structures appurtenant thereto.

Temporary building or yard storage of construction materials and equipment incidental and necessary to construction of a housing development, utilities, or other community facilities, provided such temporary building or yard is located on the same tract of land on which the houses, utilities or other community facilities are constructed. A permit therefore shall be issued only to the contractor or builder and shall be valid for not more than one year, at the expiration of which time the same building or storage yard shall be removed from the premises and the use discontinued; subject to section 18.84.200 of this title (construction of temporary buildings). (Ord. 2002-05, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

18.44.041: CONDITIONAL USES:

Residential health care facilities (nursing homes, including skilled nursing and intermediate health care facilities), subject to compliance with the standards for such uses as set forth in section 18.84.370 of this title and the approval of site plan in accordance with the provisions of section 18.84.320 of this title. (Ord. 2002-05, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

18.44.050: LOTS, BUILDINGS, YARDS, AND OPEN SPACES:

Requirements and restrictions pertaining to area and width of lot, the location of buildings and structures, the size of yards and open spaces, the height and size of buildings and the percentage of the lot that may be occupied shall be as set forth in table 18.26.010, section 18.26.010 of this title. (Ord. 2002-05, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

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Chapter 18.48

R-2 RESIDENTIAL ZONE

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

18.48.010: APPLICABLE REGULATIONS:

Within the R-2 zone, the height and number of stories, the size of buildings and other structures, the percentage of a lot that may be occupied, the size of yards, courts and other open spaces, the density of population, the location and use of buildings, structures and land are regulated and restricted as set forth in this chapter and table [18.26.010](#), section [18.26.010](#) of this title. (Ord. 2002-05, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

18.48.020: GENERAL OBJECTIVES AND CHARACTERISTICS:

- A. The objective in establishing the R-2 residential zone is to provide a residential environment within the city which is characterized by a more compact and somewhat denser residential development and somewhat higher volume of vehicular and pedestrian traffic than is characteristic of one-family zones. Nevertheless, attractive lawns, shrubs and trees, and other landscape plantings about the houses and on the parking strip within the streets is also characteristic of this zone.

- B. Representative of the uses in this zone are single-family dwellings, duplexes, nursing homes, public parks, playgrounds, schools, places of worship and other compatible uses. (Ord. 2002-05, 3-20-2002)

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This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

18.48.030: REGULATIONS GENERALLY:

In order to accomplish the objectives of this zone, the following regulations shall apply in the R-2 residential zone. (Ord. 2002-05, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

18.48.040: PERMITTED USES:

A 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; subject to section 18.84.200 of this title (construction of temporary buildings).

Customary residential pets, except kennels.

Fences, walls and hedges; subject to section 18.84.100 of this title.

Gardening.

Home occupations, subject to the provisions of section 18.84.380 of this title.

Public schools, public libraries, public recreation buildings and similar public buildings and grounds; places of worship, but not including temporary revival tents or buildings; public utility buildings and structures, providing that no storage yard shall be maintained on the premises. All uses under this heading are subject to section 18.84.320, "Site Plan Review

Process And Bonding", of this title.

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Single-family dwellings, twin homes (if subdivided into 2 lots in accordance with title 17 of this code) and duplexes - conventional construction and modular homes. Also residential accessory structures appurtenant thereto.

Temporary building or yard storage of construction materials and equipment incidental and necessary to construction of a housing development, utilities or other community facilities, provided such temporary building or yard is located on the same tract of land on which the houses, utilities or other community facilities are constructed. A permit therefor shall be issued only to the contractor or builder and shall be valid for not more than one year, at the expiration of which time the same building or storage yard shall be removed from the premises and the use discontinued; subject to section 18.84.200 of this title (construction of temporary buildings). (Ord. 2002-05, 3-20-2002; amd. Ord. 2007-11, 5-15-2007)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

18.48.041: CONDITIONAL USES:

Residential healthcare facilities (nursing homes, including skilled nursing and intermediate healthcare facilities), subject to compliance with the standards for such uses as set forth in section 18.84.370 of this title and the approval of site plan in accordance with the provisions of section 18.84.320 of this title. (Ord. 2002-05, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

18.48.050: LOTS, BUILDINGS, YARDS, AND OPEN SPACES:

Requirements and restrictions pertaining to area and width of lot, the location of buildings and structure, the size of yard and open spaces, the height and size of buildings and the percentage of the lot that may be occupied shall be as set forth in table 18.26.010, section 18.26.010 of this title. (Ord. 2002-05, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

Chapter 18.52

R-3 RESIDENTIAL ZONE

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

18.52.010: APPLICABLE REGULATIONS:

Within the R-3 zone, the height and number of stories, the size of buildings and other structures, the percentage of a lot that may be occupied, the size of yards, courts and other open spaces, the density of population, the location and use of buildings, structures and land are regulated and restricted as set forth in this chapter and table 18.26.010, section 18.26.010 of this title. (Ord. 2002-05, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

18.52.020: GENERAL OBJECTIVES AND CHARACTERISTICS:

- A. The objective in establishing the R-3 residential zone is to provide a location within the city where multi-family dwellings can be located most appropriately. This zone is characterized by a variety of dwelling types having widely varying forms and shapes. Typical also of the R-3 residential zone is somewhat smaller lot widths, a greater movement of vehicular traffic, and a somewhat denser residential environment than is characteristic of the one-family or two-family zone. However, attractive lawns, shrubs, trees and other landscape plantings about the houses and on the parking strip within the streets are also characteristic of this zone.

B. Representative of the uses in this zone are one-, two-, three- and four-family dwellings, churches, public schools, parks and playgrounds. (Ord. 2002-05, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

18.52.030: REGULATIONS GENERALLY:

In order to accomplish the objectives and purposes of this title and to promote the characteristics of this zone, the following regulations shall apply in the R-3 residential zone. (Ord. 2002-05, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

18.52.040: PERMITTED USES:

The following uses shall be permitted in the R-3 residential zone:

A 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; subject to section 18.84.200 of this title (construction of temporary buildings).

Customary residential pets.

Fences, walls, and hedges; subject to section 18.84.100 of this title.

Gardening.

Home occupations, subject to the provisions of section 18.84.380 of this title.

Public schools, public libraries, public recreation buildings, and similar public buildings and

grounds; places of worship, but not including temporary revival tents or buildings; public utility buildings and structures, providing that no storage yard shall be maintained on the premises. All uses under this heading are subject to section 18.84.320, "Site Plan Review Process And Bonding", of this title.

Single-family, two-family and multiple-family dwelling - conventional construction and modular homes. Also residential accessory structures appurtenant thereto. All two-family and multiple-family dwellings subject to section 18.84.320 "Site Plan Review Process And Bonding", of this title.

Temporary building or yard storage of construction materials and equipment incidental and necessary to construction of a housing development, utilities or other community facilities, provided such temporary building or yard is located on the same tract of land on which the houses, utilities, or other community facilities are constructed. A permit therefor shall be issued only to the contractor or builder and shall be valid for not more than one year, at the expiration of which time the same building or storage yard shall be removed from the premises and the use discontinued; subject to section 18.84.200 of this title (construction of temporary buildings). (Ord. 2002-05, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

18.52.041: CONDITIONAL USES:

Clubs, lodges and nonprofit recreational buildings, except those the chief activity of which is customarily carried on as a business.

Daycare facilities.

Mobile home parks after approval of the planning commission and city council.

Residential health care facilities (nursing homes, including skilled nursing and intermediate health care facilities), subject to compliance with the standards for such uses as set forth in section 18.84.370 of this title and the approval of the site plan in accordance with the provisions of section 18.84.320, "Site Plan Review Process And Bonding", of this title. (Ord. 2002-05, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

18.52.050: LOTS, BUILDINGS, YARDS, AND OPEN SPACES:

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Requirements and restrictions pertaining to area and width of lot, the location of buildings and structures, the size of yards and open spaces, the height and size of buildings and the percentage of the lot that may be occupied shall be as set forth in table 18.26.010, section 18.26.010 of this title. (Ord. 2002-05, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

Chapter 18.54 PO-1 PROFESSIONAL OFFICE ZONE

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

18.54.010: LEGISLATIVE INTENT:

The PO-1 professional office zone is established to provide areas within the city which will accommodate a mixture of low and moderate density residential structures and limited scale office facilities under conditions which will not be inimical to the preservation of a residential environment favorable to family living and the rearing of children. Characteristic of the uses within the PO-1 zone are one-family and two-family dwellings on moderate sized lots, together with agricultural areas, public schools, churches, playgrounds, and similar nonresidential uses customarily found in residential neighborhoods. The zone would also permit small scale office structures to accommodate doctors, dentists, accountants, real estate and similar activities which are located in landscaped settings consistent with the surrounding residential areas and which are of such a limited size that they will not generate a volume of traffic sufficient to significantly impact the capacity of the adjacent road system or would otherwise depreciate the residential environment. It is anticipated that each area placed within the PO-1 zone would be relatively small and that the areas so zoned would be

distributed throughout the community and adjacent to collector or arterial class streets. (Ord. 2002-05, 3-20-2002)

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This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

18.54.020: PERMITTED NONCONDITIONAL USES:

The following uses of land shall be permitted upon compliance with the applicable standards and conditions of this code and other ordinances and codes of the city:

Agriculture, not including the raising of livestock.

Customary household pets.

Fences, walls and hedges.

One-family and two-family dwellings - conventional construction and modular homes. Also residential accessory structures appurtenant thereto, subject to compliance with all terms and conditions for such uses as set forth in the R-2 residential zone.

Public schools, libraries, parks and similar public buildings and grounds, churches, public utility structures.

Real estate sale signs not exceeding eight (8) square feet in area advertising the sale of the premises. (Ord. 2002-05, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

18.54.030: PERMITTED CONDITIONAL USES:

The following buildings, structures and uses of land may be permitted upon compliance with the applicable standards and conditions of this code and other ordinances and codes of the city and after approval has been given by the designated review body:

Health care housing projects (small scale), subject to the provisions of section 18.84.370 of this title.

Home occupations, subject to the provisions of section 18.84.380 of this title.

Professional office projects (small scale) subject to compliance with all the following conditions and upon approval by the city council following receipt of a recommendation by the planning commission:

- A. The parcel to be used for the project shall be not less than one-half ($1/2$) acre nor more than 2.5 acres in area.
- B. The office structure shall contain not more than ten thousand (10,000) square feet or ten percent (10%) of the total lot area, whichever is less.
- C. The exterior facade of the structure shall be compatible and consistent with the design of residences in the vicinity.
- D. The lot and structure shall front upon a designated collector or arterial class street as shown on the major street plan and all points of vehicular ingress and egress shall be to the designated major street.
- E. Adequate off street parking shall be required. The number of parking spaces shall be sufficient to accommodate the workers and clients of the proposed use, but shall be not less than one parking space for each four hundred (400) square feet of office space. The location and layout of the access ways and parking area shall act to encourage the use of off street parking; all parking spaces shall be located to be at least as accessible to the main building entrance as the adjacent street. All travel ways and off street parking area shall be hard surfaced.
- F. All buildings shall conform to the setback requirements for the R-2 residential zone.
- G. The project shall be connected to a public sewer or shall provide written evidence from the city-county health department of the adequacy of the septic tank system for the proposed use.
- H. Signs shall be limited to one fascia or low level (less than 4 feet in height) freestanding identification sign having a total area of less than thirty two (32) square feet. If lighted, low intensity indirect lighting shall be used. No advertising signs shall be permitted.

I. All portions of the project area not occupied by structures, off street parking, or access ways shall be landscaped.

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J. No building within the project shall exceed two (2) stories or twenty feet (20') in height, measured to the square of the building.

K. The plan shall provide for the location of solid waste disposal containers. Where bulk containers are to be used, permanent container enclosures shall be provided.

L. A detailed site plan prepared in accordance with the provisions of section 18.84.320 of this title shall be submitted as part of the application.

M. The procedure to be followed in securing approval of the project shall be the same as required for an amendment to the zoning ordinance¹. Upon approval of the project and site plan by the city council and posting of the ordinance approving the project said site plan shall be deemed to constitute the specific zone requirements for the project area. (Ord. 2002-05, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

Chapter 18.56

SDP SPECIFIC DEVELOPMENT PLAN ZONE

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

18.56.010: PURPOSE AND INTENT:

The purpose of the SDP specific development plan zone is:

A. To create unique zone regulations for each allowed geographic area where a specific development plan can be adopted.

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B. To encourage and promote the use of transferable development rights (TDRs) so that the specified areas can be developed to their full potential.

C. To reduce urban sprawl, encouraging development in areas with adequate infrastructure, provide for moderate income housing opportunities, discourage strip commercial development, reduce infrastructure costs and energy consumption.

D. To encourage imaginative and efficient utilization of land, to develop a sense of community, and to ensure compatibility with the surrounding or proposed commercial environments. The SDP zone is to allow residential uses adjacent to Mapleton City's commercial areas that traverse Highway 89 (1600 West). The SDP zone shall only apply to the following areas: all areas west of 1600 West from 1600 South, northward along Highway 89 (1600 West) to approximately Maple Street, and all areas from Highway 89 (1600 West) eastward to 1400 West, and from 1000 North, southwards to 1600 South. Both the regulations of this chapter, as well as the regulations contained in each plan district shall apply to a given specific development plan zone area. (Ord. 2003-21, 10-15-2003, eff. 11-13-2003)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

18.56.020: CREATION OF ZONE:

A. The SDP zone shall be applied to a land area as an independent zone. Property to which an SDP zone has been applied shall be developed only in conformance with an approved specific development plan. The first such zone shall be designated SDP-1, the second SDP-2, the third SDP-3 and so on.

B. The SDP zone may be applied to any of the existing zones within the specified geographic area as defined above. (Ord. 2003-21, 10-15-2003, eff. 11-13-2003)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

18.56.030: SPECIFIC DEVELOPMENT PLAN ZONE MAPS:

A specific development plan zone shall include the following plan maps:

- A. A boundary map shall be prepared for every specific development plan zone. The boundary map, based on parcel boundaries or other surveyed boundaries, shall be used to delineate areas of the zoning district that lie within the city's boundaries on the official zone map. The zone map shall identify such areas as "SDP", and shall include the name of the specific development area plan area.

- B. A conceptual development plan based on an adopted or proposed specific development plan shall accompany each application for rezoning to an SDP zone. (Ord. 2003-21, 10-15-2003, eff. 11-13-2003)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

18.56.040: SPECIFIC DEVELOPMENT PLAN ZONE TEXT:

Each specific development plan zone ordinance shall include the following provisions and standards:

- A. **Name And Purpose Of Zone:** This section shall describe the zone in sufficient detail as to clarify the purpose and intent of the SDP zone regulations.

- B. **Review And Approval Process:** A review and approval process consisting of three (3) elements as follows:

1. Approval of a specific development plan, including maps, text, and conceptual development plan for the site in question;
2. Approval of an SDP zone text and map amendment to implement the plan and the rezone of the property;
3. Approval of a detailed development plan, subdivision, performance development, or condominium plat, if applicable.

C. Applications:

1. Applications for an SDP zone text and map amendments shall be processed following the procedures set forth in title 17 of this code, and this title.
2. An application for a project development plan, subdivision, or condominium shall be processed following the procedures set forth in title 17 of this code, and this title.

D. Land Uses: This section shall identify permitted, conditional, and accessory land uses.

E. Land Use Standards: This section shall specify any required land use conditions (i.e., land use mix, density, open space, buffering, etc.), and the review procedure required to review and approve each land use (design review, project plan review, conditional use, etc.). The criteria set forth in section 17.12.090 of this code, shall be used in creating land use standards.

F. Lot Standards: This section shall specify requirements for new lots such as lot area, dimensions, and density, as applicable.

G. Building Setbacks: This section shall provide setback standards for front, side and rear yards, as applicable.

H. Design Standards: The design standards set forth in section 17.12.090 of this code, shall apply to all specific development plan zones. In addition, each such zone shall include design standards to address building heights, building orientation, common and private open space, natural resource protection, architectural design, and any other provisions unique to the district.

- I. Building Height: This section shall establish building height standards as per section 18.56.100 of this chapter. (Ord. 2003-21, 10-15-2003, eff. 11-13-2003)

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This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

18.56.050: EXCEPTIONS TO DEVELOPMENT AND DESIGN STANDARDS:

When a specific development plan is adopted and the subject property has been placed in an SDP zone, the development plan and development standards associated with the zone shall be strictly construed. No variations shall be made from the development plan and standards adopted in the zone unless expressly approved by the city council with recommendation from the planning commission for the purpose of achieving better design. In taking such action the planning commission and city council shall:

- A. Make a finding that the amendment will result in better design; and
- B. Be bound by the standards set forth in the text of the applicable SDP zone which governs the development plan. (Ord. 2003-21, 10-15-2003, eff. 11-13-2003)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

18.56.060: PERMITTED USES:

Accessory buildings, in conjunction with and incidental to the main use of the property, such as a shed or detached garage no larger than forty percent (40%) of the main building size, and no taller than the main structure.

Attached side by side dwelling unit or town home. (No over/under units except duplexes will be allowed.)

Clubhouse and other recreational amenities for the development.

Condominiums subject to subsection 18.56.170C of this chapter.

Cultural or civic activities.

Duplex.

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Educational institutions.

Park and recreation areas.

Single-family residential dwelling unit.

Swimming pools and related equipment.

Utility facilities. (Ord. 2003-21, 10-15-2003, eff. 11-13-2003)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

18.56.070: CONDITIONAL USES:

Multiple-family dwelling unit for attached (2 or more) dwelling units, not to exceed four (4) unrelated persons per dwelling unit.

Nursing home or assisted living center.

Places of worship. (Ord. 2003-21, 10-15-2003, eff. 11-13-2003)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

18.56.080: DENSITY AND THE USE OF TRANSFERABLE DEVELOPMENT RIGHTS (TDRs):

The allowed residential density shall be the same density as allowed in the original zone

designation. Unless TDRs are used in accordance with subsection A of this section, a concept plan that meets all of the requirements set forth in the zone for a subdivision shall be presented to the planning staff to determine any densities. All lot and road standards shall apply. Transferable development rights (TDRs), as defined in chapter 18.76 of this title, can be used for the purpose of obtaining a higher density for residential dwelling units. The following shall apply to the use of TDRs:

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- A. A density bonus shall be awarded for the use of TDRs. Regardless of the original zone designation, a total of six (6) dwelling units per acre shall be granted for the use of one TDR. If TDRs are not used, the density of the original zone shall apply, and
1. The use of TDRs for the purpose of obtaining the density bonus shall not be used in conjunction with the density established using the original zone designation. Only the six (6) dwelling units obtained by the use of the TDR shall apply. In no case shall the density of a site in the SDP zone exceed six (6) dwelling units per acre. (Ord. 2003-21, 10-15-2003, eff. 11-13-2003)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

18.56.090: MINIMUM FLOOR AREA:

All detached dwelling units located on a lot or parcel shall have a minimum main floor area of not less than one thousand (1,000) square feet. Pad site homes, which are not located on a lot shall have a minimum main floor area of eight hundred (800) square feet. Attached units shall have a minimum floor area of no less than nine hundred (900) square feet. The minimum floor area requirements shall not include garages, porches, sunrooms, or similar. (Ord. 2003-21, 10-15-2003, eff. 11-13-2003)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

18.56.100: BUILDING HEIGHT:

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. (Ord. 2003-21, 10-15-2003, eff. 11-13-2003)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

18.56.110: ACREAGE REQUIREMENT:

The minimum size requirement for any project applying for the SDP zone shall be no less than fifteen (15) acres. Parcels with less than fifteen (15) acres may be combined with other parcels to meet the minimum acreage requirements. (Ord. 2003-21, 10-15-2003, eff. 11-13-2003)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

18.56.120: LOT REQUIREMENTS FOR DWELLING UNITS:

There shall be no lot requirements for dwelling units. Detached dwelling units may be placed on a recorded building pad as part of the development, as long as all surrounding areas are recorded on the plat as "common open space" that is landscaped and maintained by a recorded homeowners' association. (Ord. 2003-21, 10-15-2003, eff. 11-13-2003)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

18.56.130: SETBACK REQUIREMENTS:

For the purpose of promoting "walkable" communities, setback requirements shall be limited.

Each SDP zone text shall outline the setback requirements for the development, however, the SDP text shall not be less restrictive than the following setback standards for the SDP zone:

A. Subdivision Lots:

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1. Front yard: Setbacks shall be no less than twenty feet (20') 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.
3. Rear yard setbacks: Shall be no less than twenty feet (20') measured from the rear property line to the foundation of the home.
4. Side yard setbacks: Shall be no less than eight feet (8') measured from the property line to the foundation of the home.

B. Pad Sites: Pad sites surrounded by open space areas provided for the purpose of a dwelling unit, shall have the following setback requirements:

1. Front yard - public street: Twenty feet (20') measured from the edge of the street right of way to the foundation of the home.
2. Corner lots - public street: Twenty feet (20') measured from the edge of the street right of way to the foundation of the home.
3. Side yard to property line: Five feet (5').
4. Rear yard to property line or zone boundary: Twenty feet (20') measured from the edge of the foundation to the property line or zone boundary line.
5. Distance between dwellings: There shall be a minimum setback between dwellings of twenty feet (20') in the rear yard, and sixteen feet (16') for the side yard. In no case shall any dwelling unit be closer than ten feet (10') to another dwelling. (Ord. 2003-21, 10-15-2003, eff. 11-13-2003)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

18.56.140: PARKING REQUIREMENTS:

All detached single-family residential dwelling units, whether or not on a lot or pad site, shall have an attached or detached two (2) car garage. All residential dwelling units outside the commercial zone other than single-family residential units shall be required to have one covered parking space, either by carport or garage. Each detached dwelling unit shall be required to have a total of four (4) parking spaces. The two (2) car garage shall be considered two (2) parking spaces, and the area directly in front of the garage, which shall be a paved area twenty feet (20') wide by twenty feet (20') long, shall be considered the remaining two (2) parking stalls. All other parking requirements shall be governed by section 18.84.270 of this title. (Ord. 2003-21, 10-15-2003, eff. 11-13-2003)

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This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

18.56.150: OPEN SPACE, STREET TREE AND LANDSCAPING REQUIREMENTS:

All landscaping shall conform to the requirements found in chapter 17.15 of this code. Not less than thirty five percent (35%) of any project in the SDP zone shall be kept and maintained as permanent open space. Said open space areas shall be maintained by a homeowners' association, and fees shall be collected from all related parties, property owners, or residents therein, to assure the maintenance of the open space areas. Open space areas may include the land around the residential areas, landscaped areas within the commercial centers or a separate park area. However, open space areas shall not be included as part of a residential lot. Open space areas shall not include streets (public or private), driveways or parking areas.

- A. **Street Trees:** 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 thirty feet (30'). Tree species shall be the same as required in the adopted Mapleton City tree list attached as exhibit A to resolution 2002-43.

- B. **Landscaping Requirements:** In addition to the street tree requirements, one 2-inch caliper tree shall be required for every dwelling unit within the SDP project. Said tree shall be placed in front of, or in back of each of the proposed dwelling units, unless the dwelling unit is within a mixed use building, in which case the tree(s) shall be placed in the designated landscape area required for the commercial development. All other

landscape requirements shall be governed by section 18.84.290 of this title. (Ord. 2003-21, 10-15-2003, eff. 11-13-2003)

ENT 56319:2011 PG 407 of 662

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

18.56.160: MINIMUM DESIGN STANDARDS:

- A. Architectural Design: Architectural design standards shall be subject to the requirements found in section 17.12.090, "Design Standards For Multi-Family And Specific Development Plan (SDP) Zones", of this code.
- B. Attached Dwelling Units: Dwellings may be attached side by side, but in no case shall any separate dwelling be located above another.
- C. Pedestrian Linkage: Safe pedestrian linkages between residential and nonresidential uses shall be included on every development site. Sites shall also be designed to accommodate pedestrian linkages to adjoining areas if possible. (Ord. 2003-21, 10-15-2003, eff. 11-13-2003)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

18.56.170: GUARANTEES AND COVENANTS:

- A. Adequate guarantees shall be provided for permanent retention and maintenance of all open space areas created within an SDP. No plats will be recorded and no bonds will be released until all required guarantees have been submitted to and approved by the

planning commission and city council. Said open space guarantees may include the following:

1. The city may require the developer to furnish and record protective covenants which will guarantee the retention of the open land area, or the city may require the creation of a corporation granting beneficial rights to the open space to all owners or occupants of land within the development.
2. The developer shall be required to develop and provide for the maintenance of all open space, unless part of or all of it is contiguous to and is made a part of an existing park, and the city accepts dedication and approves the annexation of the property to said park.
3. In the case of private reservation, the open space to be reserved shall be protected against building development by conveying to the city as part of the condition of project approval, an open space easement over such open areas, restricting the area against any future building or use.
4. The care and maintenance of the area within such open space reservation shall be ensured by the developer by establishing a private association or corporation responsible for such maintenance which shall levy the cost thereof as an assessment on the property owners within the SDP development. Ownership and tax liability of private open space reservations shall be established in a manner acceptable to the city and made a part of the conditions of the final plan approval.
5. Maintenance of open space reservations shall be managed by person, partnership, or corporate entity in which there is adequate expertise and experience in property management to assure that said maintenance is accomplished efficiently and at a high standard of quality.
6. Minor changes in the location, siting, and height of buildings and structures may be authorized by the planning commission and city council without additional public hearings if required by engineering or other circumstances not foreseen at the time the final plan was approved. No change authorized by this subsection may cause any of the following:
 - a. A change in the use or character of the development;
 - b. An increase in overall coverage of structures;
 - c. An increase in the intensity of use;
 - d. An increase in the problems of traffic circulation and public utilities;
 - e. A reduction in approved open space;
 - f. A reduction of off street parking and loading space;
 - g. A reduction in required pavement widths.

7. All other changes in use, or rearrangement of lots, blocks, and building tracts, or any changes in the provision of common open spaces and changes other than listed above, must be made by the city council after report of the planning director and recommendation by the planning commission.

B. In order to ensure that the SDP development will be constructed to completion in an acceptable manner, the applicant shall post a performance bond in compliance with city bonding policy.

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C. The applicant of any SDP development which is being developed as a condominium project under the provisions of the condominium ownership act of Utah, or subsequent amendments thereto, shall, prior to the conveyance of any unit, submit to the planning commission and city council, a declaration of covenants, conditions, and restrictions relating to the project, which shall become part of the final development plan and shall be recorded to run with the land. Said covenants, conditions, and restrictions shall include management policies which shall set forth the quality of maintenance that will be performed and who is to be responsible for said maintenance within said condominium development. Said document shall, as a minimum, contain the following:

1. The establishment of a private association or corporation responsible for all maintenance, which shall levy the cost thereof as an assessment to each unit owner within the condominium development.
2. The establishment of a management committee, with provisions setting forth the number of persons constituting the committee, the method of selection, and the powers and duties of said committee; and including the person, partnership, or corporation with property management expertise and experience who shall be designated to manage the maintenance of the common areas and facilities in an efficient and quality manner.
3. The method of calling a meeting of the members of the corporation or association with the members thereof that will constitute a quorum authorized to transact business.
4. The method for maintenance, repair, and replacement of common areas and facilities, and distribution of costs thereof.
5. The method for maintenance of all private driveways, alleys, and private utilities and acknowledgment that such maintenance is the responsibility of the homeowners' corporation or association.
6. The manner of collection from unit owners for their share of common expenses, and the method of assessment.
7. Provisions as to percentage of votes by unit owners which shall be necessary to determine whether to rebuild, repair, restore, or sell property in the event of damage or destruction of all or part of the project.

8. The method and procedure by which the declaration may be amended: The declaration required herein, any amendment, and any instrument affecting the property or any unit therein shall be approved by the planning commission and city council, and recorded with the county recorder. Neither the declaration nor any amendment thereto shall be valid until approved and recorded. Said declaration and amendments thereto shall be maintained as part of the project plan for the performance development.

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- D. In case of failure or neglect to comply with any and all of the conditions and regulations herein established, and as specifically made applicable to a performance development, the planning director shall not issue a certificate of zoning compliance therefor. Such failure or neglect shall be cause for termination of the approval of the project. Such failure or neglect to comply with the requirements and to maintain the buildings and premises in accordance with the conditions or approval thereafter shall also be deemed to be a violation of this chapter. (Ord. 2003-21, 10-15-2003, eff. 11-13-2003)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

18.56.180: DEVELOPMENT AGREEMENT REQUIRED:

Prior to the rezone hearing before the city council for the SDP zone, the applicant shall provide a detailed development agreement that details the entire project, the total amount of units or lots, the amounts of open spaces and landscaped areas, and any other amenities that the applicant is willing to proffer as part of the development. Said development agreement will also incorporate any changes made by the planning commission. Accompanying the final development agreement shall be the correct legal description of the property, a planning commission approved copy of the preliminary plan or plat, as well as any proposed architectural elevations of homes or buildings. At the request of the city council, other language may be required in the development agreement to assure the city that the plans will match the final product built. Said agreement shall be recorded with the Utah County recorder's office, and will be attached to the title of the property to inform future or prospective property buyers of the requirements of developing the property under the SDP zone designation. Any renegotiation of the development agreement may only occur when the applicant or owner of the property petitions the city to amend the SDP plan for the property as per the requirements of this title. (Ord. 2003-21, 10-15-2003, eff. 11-13-2003)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

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18.56.190: FINAL APPROVALS, PHASING AND BONDING:

Once a proposed project has received the zone change and concept plan approval, each phase of the project shall be required to obtain final plat approval. No parcel of property within an approved SDP project shall be developed, and no building permits shall be issued until the final plat is approved for each phase. Plats without recorded lots, but containing pad sites, shall be required to submit a condominium plat as required by this code. Each submittal for final plat shall also include the following submittals for approval by the city council upon recommendation from the planning commission:

- A. Submittals: Submittal of a final plat for each phase in accordance with chapter 17.04 of this code, as well as associated application fees.

- B. Architectural Review: Architectural elevations for all dwellings, homes or buildings associated with each phase to include the following minimum information:
 - 1. Proposed building materials for all exteriors, including roofing materials.
 - 2. Proposed colors and a proposed overall color scheme for the phases.
 - 3. Phases containing ten (10) or less lots or pad site homes shall be required to submit no less than three (3) uniquely different exterior home designs. Phases containing more than ten (10) lots or pad site homes shall be required to submit no less than five (5) uniquely different exterior home designs. In no case shall an alike home be located next to or across the street from another like exterior home. Attached units with three (3) or more dwelling units shall be exempt from this requirement upon approval by the city council.

- C. Phasing: If the project is done in phases, no remnant parcels shall be created. Any land not proposed for development shall be designated and platted as open space. Furthermore, each phase adjacent to any dedicated open space areas, including parks, walking paths or otherwise, as shown on the approved concept plan shall be included with the proposed phase. Upon approval by the city council, a portion of the required open space may be dedicated with each phase. The city council, at their discretion, may require the dedication of open space equal to thirty five percent (35%) of the total land area in each phase to ensure the proper dedication of the required open space in case of default.

1. Each phase of the project shall only proceed by application after the minimum of forty percent (40%) of building permits are issued within the prior phase.

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- D. Bonding: A performance guarantee bond pursuant to the requirements in chapter 17.20 of this code shall also be submitted with each phase. Bonding shall include all required development improvements, street trees, and all landscaping for any required parks and open spaces as shown or required in each phase. (Ord. 2003-21, 10-15-2003, eff. 11-13-2003)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

Chapter 18.56A

SDP-1 MAPLETON-WEST SPECIFIC DEVELOPMENT PLAN ZONE

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

18.56A.010: PURPOSE AND OBJECTIVES:

The SDP-1 Mapleton-west specific plan zone describes a proposed residential mixed use development set in the central-western area of Mapleton City, west of Highway 89. This zone consists of a maximum of four hundred ninety six (496) residential dwelling units on 100.3 acres identified as exhibit A of the development agreement. (Ord. 2003-32, 11-19-2003, eff. 12-11-2003)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3

PLANNED DEVELOPMENT. Go to new ordinance.

18.56A.020: COMPLIANCE WITH CHAPTER 18.56 AND ADEQUATE PUBLIC FACILITIES:

In addition to the specific development standards contained in this chapter, areas zoned to the SDP-1 zone shall comply with the general criteria and enabling provisions contained in chapter 18.56 of this title and section 17.04.130, "Availability Of Adequate Public Facilities", of this code. (Ord. 2003-32, 11-19-2003, eff. 12-11-2003)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

18.56A.030: PERMITTED USES:

Accessory buildings, in conjunction with and incidental to the main use of the property, such as a shed or detached garage no larger than forty percent (40%) of the main building size, and no taller than the main structure.

Cultural or civic activities.

Home occupations (subject to section 18.84.380 of this title) with the following additional restrictions:

A. Notwithstanding the provisions of subsection 18.84.380D7 of this title, parking shall be further limited to the number of available off street parking spaces at the home. Off street parking spaces shall be in the driveway, garage, or other designated parking spaces for the home. Clients and employees must park in the off street parking spaces designated for the home. However, one client at a time may also use a guest parking space for a period not to exceed sixty (60) minutes.

B. Clients of the home occupation shall not park or store vehicles at the premises overnight.

Park and recreation areas.

Single-family residential dwelling unit:

Attached side by side dwelling unit or townhome (no over/under units except duplexes will

be allowed).

Duplex.

Swimming pools and related equipment.

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Utility facilities. (Ord. 2003-32, 11-19-2003, eff. 12-11-2003; amd. Ord. 2009-09, 8-5-2009, eff. 9-18-2009)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

18.56A.040: CONDITIONAL USES:

Clubhouse and other recreational amenities for the development.

Cultural and civic activities.

Educational institutions (public schools).

Places of worship. (Ord. 2003-32, 11-19-2003, eff. 12-11-2003)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

18.56A.050: LOT AREA:

There shall be no minimum lot size requirement, however, the total number of residential dwelling units shall not exceed four hundred ninety six (496). (Ord. 2003-32, 11-19-2003, eff. 12-11-2003)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

18.56A.060: LOT REQUIREMENTS:

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There are no lot requirements other than the general layout of the lots as presented in the Mapleton-west final plan for the entire project. (Ord. 2003-32, 11-19-2003, eff. 12-11-2003)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

18.56A.070: RESIDENTIAL DENSITY:

The overall residential density in the SDP-1 Mapleton-west zone shall not exceed the number of dwelling units as agreed upon for the Mapleton-west development and rezone, or the number which is allowed in chapter 18.56 of this title with the application of TDRs. In no case shall the density of the project be increased once the finalized plans have been recorded with the Utah County recorder's office. The number of dwelling units shall not exceed that which is permitted with the original approval of the SDP-1 Mapleton-west zone. (Ord. 2003-32, 11-19-2003, eff. 12-11-2003)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

18.56A.080: YARD REQUIREMENTS:

All yard requirements shall comply with the project design criteria attached as exhibit D of the Mapleton-west development agreement. (Ord. 2003-32, 11-19-2003, eff. 12-11-2003)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3

PLANNED DEVELOPMENT. Go to new ordinance.

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18.56A.090: BUILDING HEIGHT:

All building height requirements shall comply with the project design criteria attached as exhibit D of the Mapleton-west development agreement. (Ord. 2003-32, 11-19-2003, eff. 12-11-2003)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

18.56A.100: ARCHITECTURAL REVIEW:

(Rep. by Ord. 2007-11, 5-15-2007)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

18.56A.110: PARKING REQUIREMENTS:

All detached single-family residential dwelling units, whether or not on a lot or pad site, shall have an attached or detached two (2) car garage. Each detached dwelling unit shall be required to have a total of four (4) parking spaces. The two (2) car garage shall be considered two (2) parking spaces, and the area directly in front of the garage, which shall be a paved area twenty feet (20') wide by twenty feet (20') long, shall be considered the remaining two (2) parking stalls. All other parking requirements shall be governed by section 18.84.270 of this title, including the design criteria relating to recreation vehicles contained in exhibit D in the Mapleton-west development agreement. (Ord. 2003-32, 11-19-2003, eff. 12-11-2003)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

18.56A.120: OPEN SPACE, STREET TREE AND LANDSCAPING REQUIREMENTS:

All landscaping shall conform to the requirements found in chapter 17.15 of this code. No less than thirty five percent (35%) of any project in the SDP-1 zone shall be kept and maintained as permanent open space. All street tree and landscaping requirements shall comply with the project design criteria attached as exhibit D of the Mapleton-west development agreement. (Ord. 2003-32, 11-19-2003, eff. 12-11-2003)

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This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

18.56A.130: ENFORCEMENT:

If the city deems that open space and parks are not being kept to Mapleton City standards, the city shall have said improvements and maintenance done and any such expenses by the city shall be assessed to any of the homeowners' associations of the SDP-1 zone. (Ord. 2003-32, 11-19-2003, eff. 12-11-2003)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

18.56A.140: EXCEPTIONS TO DEVELOPMENT AND DESIGN STANDARDS:

The Mapleton-west development agreement and development standards associated with this zone shall be strictly construed. No variations shall be made from the development plan and standards adopted in the zone unless expressly approved by the city council with recommendation from the planning commission for the purpose of achieving better design. In taking such action, the planning commission and city council shall:

A. Make a finding that the amendment will result in better design; and

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B. Be bound by the standards set forth in the Mapleton-west development agreement. (Ord. 2003-32, 11-19-2003, eff. 12-11-2003)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

Chapter 18.58

NC-1 NEIGHBORHOOD COMMERCIAL ZONE

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

18.58.010: APPLICABLE REGULATIONS:

Within the NC-1 zone the location and use of buildings, structures and land are regulated and restricted as set forth in this chapter. (Ord. 2002-05, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

18.58.020: GENERAL OBJECTIVES AND CHARACTERISTICS:

The purpose of the NC-1 zone is to create a mixture of light commercial activities and residential uses. All project approvals shall be compatible with adjacent residential uses. The zone is characterized by clean, well lighted streets and pedestrianways, with ample off street parking for the convenience and safety of the public. Generally, all commercial activities

should be confined within approved on site structures. Representative uses in this zone include, but are not limited to, bakeries, beauty and barber shops, small professional offices, single-family dwellings, electrical appliance repair, and the like. (Ord. 2002-05, 3-20-2002)

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This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

18.58.030: PERMITTED USES:

There are no permitted uses for the NC-1 neighborhood commercial zone. (Ord. 2002-05, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

18.58.040: CONDITIONAL USES:

All uses shall be conditional uses and must be compatible with the general characteristics of the NC-1 zone. Examples are as noted, but not limited to, the following:

Bakeries.

Beauty and barber shops.

Bed and breakfast.

Book, stationery, and office supply stores.

Camera and photographic supply stores.

Computer goods and services.

Electrical appliance repair (light).

Florist shops.

Gift stores, craft stores, or antique stores.

Photocopy centers.

Professional offices.

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Restaurants (no drive-through).

Shoe repair.

Uses will be strictly prohibited next to a residential zone that involve open storage of merchandise or equipment, trade or industry that is offensive by reason of the emission of odor, smoke, gas, vibration or noise, obstructive lighting or uses which generate significantly more traffic than adjacent residential uses. The business shall not be open to the public before six o'clock (6:00) A.M or after ten o'clock (10:00) P.M.

The planning commission may impose conditions that may mitigate concerns of adjacent residents. (Ord. 2002-05, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

18.58.050: RESIDENTIAL USES:

- A. The business owner/manager may be allowed to reside in the structure if the structure meets the definition of a dwelling unit and is located on a lot at least one acre in size.

- B. Single-family dwellings (lot size and density shall conform to the nearest residential zone). (Ord. 2002-05, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

18.58.060: LOTS, BUILDINGS, YARDS, AND OPEN SPACE:

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- A. The structures in the NC-1 zone must be placed on approved building lots. Each lot must contain a minimum of one hundred twenty feet (120') of frontage, upon a publicly maintained street, and a minimum of eighteen thousand (18,000) square feet.
- B. The setback requirements are as follows (in feet):
1. Front Yard From Lot Line: Thirty feet (30') or where a lot in the NC-1 zone abuts a lot in any residential zone, there shall be provided a landscaped front yard equal to the residence on the abutting property, whichever is greater.
 2. Side And Rear Yards: Ten feet (10') on any boundary abutting commercially zoned property and thirty feet (30') on any boundary abutting residentially zoned property.
- C. In order to accomplish the intention of the NC-1 zone, structures in the NC-1 zone may not have a footprint which exceeds thirty percent (30%) of the lot size.
- D. All approved projects shall meet any other requirements and restrictions relevant to the NC-1 zone found in chapter 18.26 of this title. (Ord. 2002-05, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

18.58.070: OTHER REQUIREMENTS:

- A. Signs: All signs erected in the NC-1 zone shall be in conformance with the sign provisions of chapter 18.86 of this title.
- B. Uses Within Buildings: All uses established in the NC-1 zone, including storage, shall be conducted entirely within a fully enclosed building.

C. Landscaping: The following landscaping provisions shall apply in the NC-1 zone:

1. Yards: The front and side yard areas adjacent to a public street, shall be maintained with suitable landscaping of plants, shrubs, trees, grass, and similar landscaping materials. The landscaping plan shall be approved by the planning commission as to type, size and amount of landscaping.
2. Parking Areas: Parking areas shall be landscaped around the periphery and at the end of parking rows in accordance with the landscaping plan approved as part of the project plan approval procedure.
3. Sidewalks: A sidewalk at least five feet (5') wide is required on all frontage abutting a public street. The sidewalk will be built to city specifications, will connect to adjacent sidewalks and will be separated from the required curb and gutter by a planter strip at least six feet (6') wide. If an adjacent property has a sidewalk or planter strip the sidewalk and planter strip shall conform with that of the adjacent properties. The planter strip will contain trees at least six feet (6') in height and three inch (3") caliper or conform with the existing planter strips on adjacent properties. It will be the private property owner's responsibility to maintain the planter strip.
4. Plantings: Plantings in front setbacks may not impede the vision of traffic.

D. Trash And Storage: No trash, used materials, or wrecked or abandoned vehicles or equipment shall be stored in an open area. All such materials must be screened from public streets and adjacent properties with an opaque fence or wall, or must be stored in a fully enclosed building. Outside storage of commercial goods or materials is expressly prohibited. Containers for trash storage of a size, type and quantity approved by the city shall be screened by a sight obscuring fence and maintained in a location approved by the planning commission in conjunction with approval of a project plan. The location shall be no closer than twenty five feet (25') from an adjacent property line.

E. Walls, Fences And Screening:

1. No wall, fence or opaque hedge or screening material higher than thirty six inches (36") shall be maintained within a required front yard in an NC-1 zone.
2. A decorative masonry wall at least six feet (6') in height shall be erected along all property lines which lie immediately adjacent to any residential zone, except that alternative screening may be used, if jointly agreed to in writing by surrounding property owners which may include a landscape hedge of six feet (6') at a two (2) year maturity, wood fence or a combination of landscaping with chainlink with or without slats. In the case where there is mutual agreement by adjoining property owners and approved by the planning commission or its designee, this requirement may be waived.

3. All mechanical equipment (i.e., air conditioners, fans, pumps, etc.) shall be located within, or on the side of the building, or on the roof with parapet walls. Any mechanical equipment located on the outside of the building within twenty five feet (25') of the nearest residential use/dwelling must have a visual/noise barrier (masonry wall or landscaping) that completely surrounds the equipment and extends at least one foot (1') above the equipment, with the exception that any equipment located outside of the building must have the aforementioned visual noise barrier regardless of its distance from a residential use.

F. Parking: Each lot or parcel in the NC-1 zone shall have, on the same lot or parcel, automobile parking sufficient to meet the following requirements:

Bakeries 1 space per 250 square feet of gross floor area

Beauty and barber shops 1 space per 200 square feet of gross floor area or 2 spaces per employee at highest employment shift, whichever is greater

Book, stationery and office supply stores 1 space per 200 square feet of gross floor area

Camera and photographic supply stores 1 space per 200 square feet of gross floor area

Computer goods and services 1 space per 200 square feet of gross floor area

Electrical appliance repair (light) 1 space per 250 square feet of gross floor area

Florist shops 1 space per 200 square feet of gross floor area

Photocopy centers 1 space per 200 square feet of gross floor area

Professional offices 1 space per 200 square feet of gross floor area

Restaurants 1 space per 4 seats or 2 spaces per 100 square feet of gross floor area including outside seating, whichever is greater

Additional spaces If a residence is located within the building, 2 additional parking spaces will be required

Parking requirements for uses not specified will be recommended by the plan review committee at the time of review. The parking requirement approved by the planning commission will be based on comparable uses and Institute of Transportation Engineers national parking standard data.

All parking spaces shall be paved with asphaltic cement or concrete and shall be provided with paved access from a public street. Said spaces shall be provided with adequate drainage which shall not run across a public sidewalk or into an irrigation ditch.

Parking spaces shall not be provided within a required front yard or side yard adjacent to a public street.

No loading docks, drive-throughs, delivery pick up areas, etc., may be located within fifty feet (50') of a residential use/dwelling. These areas must be screened from the public's view with a six foot (6') masonry wall.

When requirements within this subsection F conflict with requirements set forth within subsections 18.84.270E, H, N2, and R of this title, this subsection F shall take precedence. All other requirements within section 18.84.270 of this title are applicable to the NC-1 zone.

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G. Project Plan Approval:

1. Concurrent with any request to rezone property to the NC-1 zone a preliminary project plan shall be submitted for review and recommendation by the Mapleton City planning commission, and the site plan review committee. Said preliminary project plan shall be drawn to scale and shall contain the following information:
 - a. Location of all existing and proposed buildings and structures on the site, including an indication of the proposed uses;
 - b. The location of all parking spaces, driveways, and points of vehicular ingress and egress;
 - c. A conceptual signing plan showing the location and size of typical signs;
 - d. A conceptual landscaping plan showing planting materials to be used together with the location of fences, walls, hedges, and decorative materials;
 - e. Preliminary elevations of the buildings showing the general appearance and types of exterior materials to be used.
2. Prior to the construction of any building or any structure in the NC-1 zone, a final project plan shall be submitted and approved. Said project plan must be drawn to scale and shall contain all required information designated on the application checklist. All final plans must be approved by the city council, after a formal recommendation from the planning commission and the plan review committee. It is the intent of this chapter that the structures in the neighborhood commercial zone have a residential appearance.
3. Any failure to submit a final project plan within two (2) years of the approval of the preliminary project plan shall terminate all proceedings and render the preliminary plan null and void. (Ord. 2002-05, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

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18.58.080: TEMPORARY STRUCTURES:

Temporary structures are not permitted, except if they are bonded for removal and removed within one year's time, as currently allowed by this code. (Ord. 2002-05, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

Chapter 18.60 CC-1 CENTRAL COMMERCIAL ZONE

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

18.60.010: RESERVED:

(Ord. 2002-05, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

18.60.020: GENERAL OBJECTIVES AND CHARACTERISTICS:

- A. Intent: The CC-1 central commercial zone has been established as a district in which the primary use of the land is for neighborhood retail and business purposes. It is intended that this zone shall be the dominant shopping center of the city. The uses characteristic of this zone include neighborhood and community oriented retail and offices. The CC-1 zone is characterized by a pedestrian oriented streetscape with ample landscaping. Parking will be convenient and will not detract from the streetscape. (Ord. 2002-05, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

18.60.030: REGULATIONS GENERALLY:

In order to accomplish the objectives and purposes of this title and to promote the characteristics of this zone, the following regulations shall apply in the CC-1 central commercial zone. (Ord. 2002-05, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

18.60.040: RESERVED:

(Ord. 2002-05, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

18.60.045: CONDITIONALLY PERMITTED USES:

Uses must be compatible with the intent of the zone as described above. All uses are conditional uses. The conditions imposed upon these uses must fall under one or more of the following categories:

A. Safety for persons and property;

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B. Health and sanitation;

C. Environmental concerns;

D. Compliance with the general plan or special characteristics of the zoning district;

E. Performance, specifically the developer's ability to complete the project;

F. Traffic circulation and parking.

Prior to the city council's review of a conditional use permit, the applicant must have the plan reviewed by the plan review committee and the planning commission. (Ord. 2002-05, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

18.60.050: LOTS, BUILDINGS, YARDS, AND OPEN SPACES:

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').

The following landscaping and setback specifications are required:

- A. Twenty foot (20') landscaped front yard setback. Within the front yard setback, there will be a six foot (6') separation between the back of the curb and the edge of the sidewalk nearest the curb, landscaped with trees.
- B. Fifteen foot (15') landscaped rear yard setback for any uses abutting a residential zone. A ten foot (10') landscaped rear yard setback is allowed for any uses abutting a residential zone if there is an approved parking lot between the landscaping and any buildings. A decorative masonry wall at least six feet (6') in height may be required along all property lines which lie immediately adjacent to any residential zone.
- C. The landscaping will contain trees of at least two inch (2") caliper, measured three feet (3') from the ground.

All mechanical equipment shall be located within or on the side of the building or on the roof with parapet walls and not within the required setback areas. Any mechanical equipment located on the outside of the building must have a visual/noise barrier that completely surrounds the equipment and extends at least one foot (1') above the equipment.

All parking will be screened from adjacent roads with landscaped berms. No parking will be allowed in any of the setbacks. (Ord. 2007-11, 5-15-2007)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

18.60.060: PROJECT PLAN APPROVALS:

- A. Concurrent with any request to rezone property to the CC-1 zone; or if the property is currently zoned CC-1, prior to any approval for a building permit, a preliminary project plan shall be submitted to and approved by the Mapleton City planning commission. Said preliminary project plan shall be drawn to scale and shall contain the following information:
1. Location of all existing and proposed buildings and structures on the site, including an indication of the proposed uses;

2. The location of all parking spaces as required by the planning commission, driveways, and points of vehicular ingress and egress;
 3. A conceptual signing plan showing the location and size of typical signs;
 4. A conceptual landscaping plan showing planting materials to be used together with the location of fences, walls, hedges, and decorative materials;
 5. Preliminary elevations of the buildings showing the general appearance and types of exterior materials to be used.
- B. Prior to the construction of any building or structure in the CC-1 zone, a final project plan shall be submitted and approved by the city council, after a recommendation from the planning commission. Said project plan shall be drawn to scale and shall contain all required information designated on the application checklist. The planning commission may require a traffic study be submitted prior to a final project plan recommendation.
- C. Any failure to submit a final project plan within two (2) years of the approval of the preliminary project plan shall terminate all proceedings and render the preliminary plan null and void. (Ord. 2002-05, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

Chapter 18.64

GC-1 GENERAL COMMERCIAL ZONE

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

18.64.010: GENERAL OBJECTIVES AND CHARACTERISTICS:

- A. The GC-1 general commercial zone has been established as a district in which the primary use of the land is for retail and commercial establishments. The objectives in establishing this zone are to:
1. Designate the most appropriate land within the city for light commercial and general retail, and to prevent the scattering of commercial uses into surrounding zones;
 2. Encourage the construction of and continued use of the land for commercial buildings;
 3. Discourage the use of the land for dwellings and for nuisance industries or any other uses which would thwart or substantially interfere with the use of the land for its primary purpose;
 4. Discourage "strip" or "linear" commercial along Highway 89 and adjacent arterial and collector roadways.
- B. This zone is characterized by a mixture of businesses, retail services, commercial services and craft shops.
- C. The GC-1 zone shall be limited to those areas as shown on the Mapleton City general plan, or more specifically, those areas along Highway 89 and the intersections of the city's arterial and collector roads. Said intersections along Highway 89 shall include 800 North, 400 North, Maple Street, 800 South, 1600 South and 4600 South. Mapleton City anticipates that the most valued land, which has direct frontage onto Highway 89, and corner lots onto collector and arterial streets, should be the main retail area of the GC-1 zone. Areas behind retail commercial are best suited for light commercial and nonretail uses. (Ord. 2006-05, 4-12-2006)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

18.64.020: INTENT:

The intent of the GC-1 zone is to provide a zone primarily for the accommodation of commercial and retail uses, as well as professional offices. The GC-1 zone is not intended for heavy commercial, manufacturing or warehousing. This zone shall be used to promote or establish commercial areas in which Mapleton City's rural atmosphere will be enhanced. The location of the GC-1 zone shall be close to major arterial streets to provide convenient access for higher traffic volumes without hazard and without traversing through a residential

area. The GC-1 zone shall not be applied to the internal areas of residential neighborhoods. Uses characteristic of this zone are retail businesses, offices, public buildings, and minor automobile services. (Ord. 2006-05, 4-12-2006)

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This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

18.64.030: PERMITTED USES:

The following principal uses are permitted in the GC-1 zone. Uses not specified as a permitted use or a conditional use as defined in section 18.64.035 of this chapter, or any use of land contrary to those uses specifically allowed herein, shall be considered "prohibited" in the GC-1 zone.

Antique shops (no outside storage).

Antiques (indoor display only) sales.

Apparel and accessories - retail sales.

Art studio, sales and galleries.

Assisted living facility.

Athletic clubs, bodybuilding studios, spas, aerobic centers.

Auto washing, detailing, and polishing.

Banks and credit unions (excluding check cashing, "payday" loans and title loan services).

Banks, credit unions.

Beauty supplies.

Books, stationery, art and hobby supplies.

Books, stationery, art, and hobby supplies sales.

Bookstore.

Clothing and apparel - retail sales (excludes manufacturing).

Commercial printing (only related to retail sales of printed products).

Dancing schools, martial arts studio.

Daycare centers.

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Delicatessen and sandwiches.

Doctors' offices and dental offices.

Drug and proprietary stores.

Drugstores.

Educational services.

Electrical supplies sales.

Employment services.

Fitness centers.

Florists.

Frames and art supplies.

Furniture, home furnishings, and equipment retail sales.

Garden supplies.

Government and quasi-governmental offices.

Grocery stores.

Grocery stores and convenience food stores.

Gunsmith sales and minor repair.

Hair salon and cosmetics (including barbershop).

Hardware sales including plumbing and garden supplies.

Hardware sales (inside storage).

Health food stores.

Hobbies and games.

Ice cream parlor.

Insurance sales office.

Jewelry sales.

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Jewelry (sales and repair).

Paint, glass, and wallpaper retail sales.

Personal services - includes laundry, dry cleaning, photography, beauty and barber services, clothing repair, shoe repair, etc.

Picture frames, mirrors, etc.

Professional offices (general).

Professional offices (miscellaneous uses, including tax preparation, CPA and legal services, insurance sales, and similar professional uses).

Real estate office.

Restaurants.

Restaurants (drive-through or otherwise).

Retail or wholesale nursery.

Shoe store and shoe repair.

Small appliance center.

Specialty shops.

Sporting goods.

Sporting goods, bicycles, and toys sales.

Sundries (newspapers, candy, soda and gifts).

Travel agencies.

Video rental (excludes sexually oriented businesses as defined in section 5.06.040 of this code).

Video rental shops (excludes adult video).

Watch, clock, jewelry repair, etc.

Wedding reception center. (Ord. 2008-08, 4-2-2008, eff. 7-30-2008)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

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18.64.035: CONDITIONALLY PERMITTED USES:

A. Conditional Use Categories: Uses must be compatible with the intent of this zone as described above. The conditions imposed upon these uses must fall under one or more of the following categories:

1. Safety for persons and property;
2. Health and sanitation;
3. Environmental concerns;
4. Compliance with the general plan or special characteristics of the zoning district;
5. Performance, specifically the developer's ability to complete the project;
6. Traffic circulation and parking;
7. Aesthetics.

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

Ambulance service.

Animal hospital services.

Automobile fueling station (excluding truck stops and large vehicle fueling stations).

Automobile rental.

Automobile repair.

Automobile services, except repair and wash.

Bowling alleys.

Check cashing and payday loan services.

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Coin operated amusement or video centers.

Construction companies (no rental units).

Debris basin (a dam and basin for intercepting debris that is incidental and secondary as part of a commercial use of the property).

Electrical appliance repair.

Electricity regulating substations.

Furniture repair.

Home furnishings and large appliance center.

Ice skating rink, roller skating and skateboarding rink.

Liquor store.

Motels/hotels (highway frontage only).

Motorcycles, motor scooters, parts, accessories, and supplies.

Movie theaters.

New and used car sales.

Other electric utility.

Personal services (wedding chapels, reception centers only).

Residential dwelling unit - single-family (only as described in section 18.64.040 of this chapter).

Security services and related activities, branch (office only).

Service stations (excluding body shops).

Small power generation.

Supermarket (large grocery store).

Tattoo parlor.

Thrift store and general secondhand merchandise (indoor display and storage only; use of outdoor collection boxes is prohibited).

Tire sales and service. (Ord. 2006-05, 4-12-2006)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

18.64.040: MIXED COMMERCIAL AND RESIDENTIAL USES:

- A. Conditionally Permitted: A mixed use commercial and single-family residential structure shall be conditionally permitted subject to the following required conditions:
1. Single-family residential dwelling units shall be located directly above the commercial use on the second or third story of the building. No basement units shall be permitted. No residential units shall be permitted above or below another residential dwelling unit.
 2. All residential dwelling units must meet all applicable requirements of the international residential building code as adopted by Mapleton City. Each dwelling unit will be of sufficient size to provide for a salubrious environment for the enjoyment of the residents who will occupy it. Each dwelling unit shall have a kitchen suitable for cooking and preparing meals, a bathroom with shower and bathing facilities, a living room and a bedroom. Studio apartments are permitted so long as they provide space for the amenities as described in this section.
 3. In addition to the required parking for the commercial use, there shall be no less than two (2) parking spaces per residential dwelling unit provided. Shared parking shall only be permitted for professional office type businesses and services with daytime operations only. Businesses that could become retail oriented shall not be permitted to share parking. Shared parking will reduce the parking requirement to the parking needed for the business(es) and one additional parking space per dwelling unit.
 4. There shall be no density restrictions for single-family residential dwelling units. Rather, the site and parking requirements will be the limiting factor to the overall number of residential dwelling units. However, the planning commission, based on concern for health, safety and welfare, may limit the total number of proposed residential dwelling units in excess of ten (10).
- B. Design Standards For Mixed Use Structures:
1. The structure shall not have the appearance of an apartment building, meaning that entrances and entryways shall not be visible from the facade of the building, and the

entrance or entrances to any residential dwelling unit shall not be visible from any public street.

2. The combined commercial and residential structure shall not exceed three (3) stories and shall not exceed the height requirement established in this chapter.
3. Mixed use structures shall appear as if they were a well designed single-family dwelling unit. Building signage shall be limited to only the entrance or entrances of the commercial portion(s) of the building.
4. Flat or parapet roofs shall be prohibited. Furthermore, any mechanical equipment on the roof shall be appropriately screened by the same exterior building materials used on the facade of the structure and shall be used for the screening of the mechanical equipment.
5. Required building materials, colors and design themes for all mixed use structures shall also be subject to section 17.12.090 of this code. However, any of the more restrictive requirements outlined herein shall apply. (Ord. 2006-05, 4-12-2006)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. Go to new ordinance.

18.64.050: LOTS, BUILDINGS, YARDS, AND OPEN SPACES:

There is no minimum lot area requirement in the GC-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.

A. Setbacks: The following setback specifications are required:

1. Thirty foot (30') landscaped front yard setback if parking areas are proposed or existing in front of the building or structure. Within the front yard setback, there will be a six foot (6') parkway (park strip) between the back of the curb and edge of the sidewalk nearest the curb. If the required parking areas are located on the side or in the back of the building or structure, then the front yard setback shall be no less than twenty feet (20'). Corner lots shall be considered a front yard, and all setbacks shall apply.

2. Except for corner lots where the front yard standards apply, each lot in the GC-1 zone shall be required to have a ten foot (10') landscaped side yard setback.
3. Fifteen foot (15') landscaped rear yard setback for any uses abutting a residential zone or residential use. If all of the required parking is located within a rear yard area, or in back of the building, then a ten foot (10') landscaped setback shall apply.

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

1. Building height for the main structure shall not exceed thirty feet (30') to the midpoint of the structure. For measurement purposes, the height is measured from the top of the established natural grade of the highest point of the lot. If the natural grade is lower than the established elevation of the street directly in front of the proposed structure, then the grade elevation shall be established from the highest point of the curb (if present) or six inches (6") above the existing asphalt of the road. The midpoint is established by measuring from the lowest roof eave to the highest portion of the roofline, then taking the average of those two (2) points as the top elevation. Decorative elements of the building, such as clock towers, weather vanes, steeples, or nonhabitable penthouse structures for the housing of an elevator shaft, shall not be counted in the overall height of a building.
2. Accessory structures, such as incidental storage buildings, shall be no taller than twenty feet (20') or the height of the main structure, whichever is less. Height for accessory structures is measured from the natural grade of the property to the highest point of the roof.

C. Screening And Landscaping Requirements:

1. A decorative wall at least six feet (6') in height may be required along all property lines which lie immediately adjacent to any residential zone. Said wall shall be masonry or other materials approved by the planning commission. In areas where there are no existing residential uses, the zone or future zone will be residential. The planning commission may allow landscape screening in lieu of a wall or in combination with a smaller wall. The applicant must demonstrate that the landscaped screening will be sufficient to protect the future adjacent uses from noise, lights, glare, and other commercial nuisances.
2. All required setback areas shall be landscaped, and landscaping and landscaped areas shall conform to chapter 17.15 of this code. Furthermore, the landscaping will contain fifteen (15) trees per acre, or a fraction thereof, and be of at least one inch (1") caliper, measured three feet (3') from the ground.
3. All mechanical equipment shall be located within or on the side of the building or on the roof with parapet walls and not within the required setbacks. Any mechanical equipment located on the outside of the building must have a visual/noise barrier that

completely surrounds the equipment and extends at least one foot (1') above the equipment.

4. Parkway landscaping shall comply with section 17.15.120 of this code.

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D. Parking: Parking will be required to be in compliance with section 18.84.270 of this title. Parking areas will be screened from adjacent roads with landscaped berms. No vehicle parking will be allowed in any required setback area. Parking lot landscape standards are as outlined in section 17.15.100 of this code.

E. Driveway Access: Lots with frontage onto Highway 89 shall be required to obtain permission for driveway access from the Utah department of transportation (UDOT). However, in order to efficiently move and navigate traffic, only one driveway access will be allowed per one hundred fifty feet (150') of frontage. Lots or parcels with less than one hundred fifty feet (150') of frontage onto Highway 89, shall be required to provide a driveway access so that it can be shared with an adjacent lot or parcel. This standard shall not apply for a proposed business or new lot where both sides have existing business with a bona fide UDOT approved drive access. UDOT standards that may be more strict than this section shall apply. (Ord. 2006-05, 4-12-2006)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. Go to new ordinance.

18.64.060: PROJECT PLAN APPROVALS:

A. Concurrent with any request to rezone property to the GC-1 zone; or if the property is currently zoned GC-1, prior to any approval for a building permit or business license, a preliminary project plan shall be submitted to and approved by the Mapleton City planning commission. Said preliminary project plan shall be drawn to scale and shall contain the following information:

1. Location of all existing and proposed buildings and structures on the site, including an indication of the proposed uses;

2. The location of all parking spaces as required by the planning commission, driveways, and points of vehicular ingress and egress; ENT 56319:2011 PG 440 of 662
 3. A conceptual signing plan showing the location and size of typical signs;
 4. A conceptual landscaping plan subject to the requirements in chapter 17.15 of this code showing planting materials to be used together with the location of fences, walls, hedges, and decorative materials;
 5. Proposed elevations of the buildings showing the general appearance and types of exterior materials to be used. ENT 56319:2011 PG 440 of 662
- B. Accessory structures less than five hundred (500) square feet in size shall be approved by the planning director as long as the structure does not encroach on any of the required parking or required landscape areas. Furthermore, building additions less than five hundred (500) square feet shall also be approved by the planning director so long as they meet the aforementioned criteria, and as long as the addition does not physically alter the character of the building. Accessory buildings and additions shall be architecturally compatible with the main structure, including exterior building materials and colors.
- C. Prior to the construction of any building or structure in the GC-1 zone, a final project plan shall be submitted and approved by the city council, after a recommendation from the planning commission. Said project plan shall be drawn to scale and shall contain all required information designated on the application checklist. The planning commission may require a traffic study be submitted prior to a final project plan recommendation.
- D. Any failure to submit a final project plan within one year of the approval of the preliminary project plan shall terminate all proceedings and render the preliminary plan null and void, and the planning commission may also take further action to rezone the property as per section 18.12.010 of this title.
- E. Any proposed change in the use of the property which will physically alter the character of the property, shall first obtain project plan approvals with all of the conditions related to the said approvals as described herein. (Ord. 2006-05, 4-12-2006)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3

PLANNED DEVELOPMENT. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-06 -
STRUCTURES WITHIN THE GC-1 ZONE. Go to new ordinance.

18.64.070: ARCHITECTURAL REQUIREMENTS:

All proposed structures and redevelopment of existing structures in the GC-1 zone must meet the minimum requirements set forth in section 17.12.090 of this code. In addition to those requirements, the following additional requirements shall also apply:

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- A. Theme: Any proposal for a shopping center or "plaza" design must include an architectural theme that will be followed by all buildings, whether attached or detached (freestanding) within the "center" or "plaza". The architectural elements incorporated by the theme must be identifiable throughout the project, including elevations, use of building materials, building mass, signage, lighting and window treatment. This requirement also applies to pad sites within the center or plaza.
- B. Building Materials: The use of quality building materials, as determined by the latest copy of the IBC shall be required. Allowed materials include brick, stone or rock, plaster, stucco, cement siding and other like decorative masonry elements. No building within the GC-1 zone shall be constructed with one hundred percent (100%) of any one approved building material. The purpose of this requirement is to ensure that a mixture of these materials are used. Additional requirements in section 17.12.090 of this code shall also apply to buildings within the GC-1 zone.
- C. Prohibited Materials: There are certain building materials that are not suitable as the primary building material for Mapleton City's GC-1 zone. Those materials include vinyl or aluminum siding, cement block, wood shingles or siding, tile or glass. These elements may be incorporated into structures within the GC-1 zone, but shall not be the primary building material.
- D. Roofs: Roofing shall conform to the requirements in section 17.12.090 of this code. Flat roofs are prohibited.
- E. Colors: Building materials shall be of earth toned colors found within Mapleton City's natural environment. Bright colors, such as neons, pinks and dark colors, such as black, navy blue, dark grays and similar colors are also prohibited. (Ord. 2006-05, 4-12-2006)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. [Go to new ordinance.](#)

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18.64.080: OUTSIDE STORAGE PROHIBITED:

The outside storage of any equipment, vehicles or otherwise, is strictly prohibited within any required setback areas. Any vacant land or parcel of property within the GC-1 zone shall also be prohibited from storage of vehicles, commercial vehicles, building materials, weeds, junk and other debris. (Ord. 2006-05, 4-12-2006)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. [Go to new ordinance.](#)

Chapter 18.72 I&M-1 INDUSTRIAL AND MANUFACTURING ZONE

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. [Go to new ordinance.](#)

18.72.010: PURPOSE AND INTENT:

The I&M-1 industrial and manufacturing zone is specific to areas of the city as identified on

the Mapleton City general plan map. The I&M-1 zone shall not be applied to areas designated on the general plan map as "commercial" or any other uses. The primary purpose of the I&M-1 zone is to allow for general "cottage industry" activities such as warehousing and incidental office space, light manufacturing, minor industrial uses and heavier commercial uses not allowed in the GC-1 zone. (Ord. 2004-30, 11-3-2004, eff. 12-1-2004)

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This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. Go to new ordinance.

18.72.020: PERMITTED USES:

The following principal uses are permitted in the I&M-1 zone. Uses not specified as a permitted use or a conditional use as defined in section 18.72.025 of this chapter, shall be considered "prohibited" in the I&M-1 zone. The uses below are permitted on individual lots or commercial condominium projects as defined by title 17, chapter 17.03, "Condominiums", of this code.

Accounting, auditing, bookkeeping services.

Advertising services.

Aircraft and accessories sales, service, and manufacturing.

Animal hospital services.

Apparel and other finished products made from fabrics, leathers, etc.

Art studios, including the sculptures, ironwork, pottery, etc.

Audio visual production.

Automotive repair, including brakes, mufflers, tire repair and replacement, body shops, etc.

Bakery products.

Bottling and canning soft drinks and carbonated waters.

Building materials, hardware, farm equipment, and supplies sales.

Commercial testing laboratories and services.

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Confectionery and related products.

Consumer and mercantile credit reporting services; adjustment and collection services.

Converted paper and paperboard products manufacturing.

Cut stone and stone products production.

Cutlery, hand tools, and general hardware manufacturing.

Data processing services.

Drugs (manufacturing).

Duplicating, mailing and stenographic services.

Educational services.

Electrical appliance repair.

Engineering and planning services.

Farm and construction vehicles sales and manufacturing.

Finance, insurance, and real estate services.

Flat glass product manufacturing.

Gas and electric utility company office.

Glass and glassware production (pressed or blown).

Governmental and postal services.

Gymnasiums, athletic clubs, body building studios.

Industrial laundry services.

Insurance carriers, agents, brokers, and services.

Legal services.

Light manufacturing of furniture and fixtures.

Mail order houses.

Microfilming/services.

Miscellaneous agricultural uses.

Miscellaneous machinery sales, service, repair, and manufacturing.

New and used house trailers and campers sales, service, and manufacturing.

Office machine sales, repair, and manufacturing (small).

Parks.

Perfumes, cosmetics, and other toiletries preparations.

Physician's medical and dental offices and laboratory services in single offices or medical centers.

Pottery and related products production.

Printing, publishing, and allied industries.

Professional, scientific and controlling instruments; photographic and optical goods; watches and clocks.

Recreation and community centers.

Research services.

Security and commodity brokers, dealers, exchange, and services.

Sewage pumping stations.

Textile mill products.

Veterinarian services.

Warehousing with office spaces. (Ord. 2010-01, 1-5-2010, eff. 2-17-2010)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. [Go to new ordinance.](#)

18.72.025: CONDITIONALLY PERMITTED USES:

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A. Conditions: Uses must be compatible with the intent of this zone. The conditions imposed upon these uses must fall under one or more of the following categories:

1. Conditions relating to safety for persons and property;
2. Conditions relating to health and sanitation;
3. Conditions relating to environmental concerns;
4. Conditions relating to compliance with the general plan or special characteristics of the zoning district;
5. Conditions relating to performance, specifically the developer's ability to complete the project;
6. Conditions relating to traffic circulation and parking;
7. Conditions relating to aesthetics.

B. Plan Review: Prior to the city council's review of a conditional use permit, the applicant must have the plan reviewed by the development review committee and the planning commission. Any new project, and all new buildings within the I&M-1 zone shall be a conditional use.

C. Uses: The following is a list of conditional uses:

Agribusiness.

Automotive repair including brake and tire repair or services.

Billiards.

Childcare center.

Convenience store.

Dance halls.

Miscellaneous business services.

Restaurants. (Ord. 2004-30, 11-3-2004, eff. 12-1-2004)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. Go to new ordinance.

18.72.030: SITE PLAN APPROVALS:

All proposed new development within the I&M-1 zone shall be required to submit a site plan, which complies with all the requirements listed in section 18.72.040 of this chapter. Said site plan shall be conditionally approved by the planning commission. As a means of mitigating potential safety hazards or significant adverse visual impacts, the planning commission may require the installation of landscape features or peripheral landscape screens. Where landscaping is required the site plan shall, in addition to all other elements, contain a landscape plan showing the locations of landscape areas, the location and types of all proposed plantings and other landscape features, and the location of required sprinkler systems. The planning commission may also require additional fencing requirements, changes to the parking lot and traffic flow. (Ord. 2004-30, 11-3-2004, eff. 12-1-2004)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. Go to new ordinance.

18.72.040: LOTS, BUILDINGS, YARDS, AND OPEN SPACES:

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').

A. Setbacks: The following setback specifications are required:

1. Thirty foot (30') front yard setback if parking areas are proposed or existing in front of the building or structure. Within the front yard setback, there will be a six foot (6')

separation between the back of the curb and edge of the sidewalk (where required) nearest the curb. If the required parking areas are located on the side or in the back of the building or structure, then the front yard setback shall be no less than twenty feet (20'). Corner lots shall be considered a front yard, and all setbacks shall apply. On local streets, fifteen feet (15') of the front yard area shall be maintained in landscaping in conformance to chapter 17.15 of this code. On collector or arterial streets, all of the front yard shall be landscaped in conformance to chapter 17.15 of this code.

2. Except for corner lots, each lot in the I&M-1 zone shall be required to have a ten foot (10') side yard setback. Side yards on corner lots shall be required to meet the same front yard standards unless the setback is to a primary building, in which the required setback shall be reduced to twenty feet (20').
3. Fifteen foot (15') landscaped rear yard setback for any uses abutting a residential zone or residential use. If all of the required parking is located within a rear yard area, or in back of the building, then ten foot (10') landscaped setback shall apply.

B. Screening And Landscaping Requirements:

1. A decorative wall at least six feet (6') in height shall be required along all property lines which lie immediately adjacent to any residential zone. Said wall shall be masonry or other materials approved by the planning commission. In areas where there are no existing residential uses, the zone or future zone will be residential. The planning commission may allow landscape screening in lieu of a wall or in combination with a smaller wall. The applicant must demonstrate that the landscaped screening will be sufficient to protect the future adjacent uses from noise, lights, glare, and other commercial or industrial nuisances.
2. All landscaped areas shall conform to chapter 17.15 of this code. Furthermore, the landscaping will contain ten (10) trees per acre, or a fraction thereof, and be at least one inch (1") caliper, measured three feet (3') from the ground.
3. All mechanical equipment shall be located within or on the side of the building or on the roof with parapet walls and not within the required setbacks. Any mechanical equipment located on the outside of the building must have a visual/noise barrier that completely surrounds the equipment and extends at least one foot (1') above the equipment.

C. Parking And Driveway Access: Parking will be required to be in compliance with section 18.84.270 of this title. Parking areas will be screened from adjacent roads with landscaped berms. There shall be no parking allowed in any required landscaping area. Driveways shall not encompass more than thirty percent (30%) of a required front or side yard. Drive access for parcels or lots located along any state highway shall be limited to the adjoining side street if present. Otherwise one curb cut and driveway access will be permitted regardless of what would be allowed by the Utah department of transportation, however, the stricter requirement shall apply. (Ord. 2004-30, 11-3-2004, eff. 12-1-2004)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. Go to new ordinance.

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18.72.050: PROJECT PLAN APPROVALS:

Concurrent with any request to rezone property to the I&M-1 zone; or if the property is currently zoned I&M-1, prior to any approval for a building permit, a preliminary project plan shall be submitted to and approved by the Mapleton City planning commission. Said preliminary project plan shall be drawn to scale and shall contain the following information:

- A. Location of all existing and proposed buildings and structures on the site, including an indication of the proposed uses;
- B. The location of all parking spaces as required by the planning commission, driveways and points of vehicular ingress and egress;
- C. A conceptual signing plan showing the location and size of typical signs;
- D. A conceptual landscaping plan subject to the requirements in chapter 17.15 of this code showing planting materials to be used together with the location of fence, walls, hedges, and decorative materials;
- E. Preliminary elevations of the buildings showing the general appearance and types of exterior materials to be used.
- F. Accessory structures less than five hundred (500) square feet in size shall be approved by the planning director as long as the structure does not encroach on any of the required parking or required landscape areas. Furthermore, building additions less than five hundred (500) square feet shall also be approved by the planning director so long as they meet the aforementioned criteria, and as long as the addition does not physically alter the character of the building. Accessory buildings and additions shall be

architecturally compatible with the main structure, including exterior building materials and colors.

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- G. Prior to the construction of any building or structure in the I&M-1 zone, a final project plan shall be submitted and approved by the city council, after a recommendation from the planning commission. Said project plan shall be drawn to scale and shall contain all required information designated on the application checklist. The planning commission may require a traffic study be submitted prior to a final project plan recommendation.
- H. Any failure to submit a final project plan within one year of the approval of the preliminary project plan shall terminate all proceedings and render the preliminary plan null and void, and the planning commission may also take further action to rezone the property as per section 18.12.010 of this title. (Ord. 2004-30, 11-3-2004, eff. 12-1-2004)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. Go to new ordinance.

18.72.060: UTILITY REQUIREMENTS:

All buildings used for human occupancy shall provide for culinary water and domestic sewage disposal. (Ord. 2004-30, 11-3-2004, eff. 12-1-2004)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. Go to new ordinance.

18.72.070: SPECIAL PROVISIONS:

Where the use of activity is one which requires the prior approval of other local, state or federal review agencies, evidence of such approval shall be submitted to the city as part of the application documents. (Ord. 2004-30, 11-3-2004, eff. 12-1-2004)

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This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. Go to new ordinance.

Chapter 18.74

M&HM-1 MINING AND HEAVY MANUFACTURING ZONE

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. Go to new ordinance.

18.74.010: LEGISLATIVE INTENT:

The M&HM-1 mining and heavy manufacturing zone covers that portion of the city which, primarily due to access and location is best suited as a location for mining and manufacturing activities that can be continued and established in a manner that they will be protected from the encroachment of residential, commercial and similar incompatible uses and in a manner which will serve to mitigate the effect of undesirable characteristics of industrial activity upon surrounding areas. Uses characteristic of this zone are manufacturing, compounding and pressing. (Ord. 2002-01, 1-9-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. Go to new ordinance.

18.74.020: PERMITTED USES:

The following uses and structures, and no others, are permitted in the M&HM-1 zone:

Agriculture and agribusiness.

Converted paper and paperboard products manufacturing.

Cut stone and stone products production.

Cutlery, hand tools, and general hardware manufacturing.

Flat glass product manufacturing.

Furniture and fixtures.

Glass and glassware production (pressed or blown).

Manufacturing of aircraft and accessories.

Manufacturing of marine craft and accessories.

Manufacturing of new house trailers and campers.

Mining of aggregates or minerals.

Pottery and related products production.

Power substations.

Sewage pumping stations.

Sexually oriented business (SOB).

Storage and processing of mulch.

Textile mill. (Ord. 2002-01, 1-9-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. Go to new ordinance.

18.74.030: AREA AND WIDTH REQUIREMENTS:

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There is no minimum lot area requirement in the M&HM-1 zone except as may be dictated by off street parking requirements, adequate circulation, and property site utilization. There will be a minimum of one hundred fifty foot (150') frontage on a public street.

The following landscaping and setback specifications are required:

- A. Thirty foot (30') landscaped front yard setback. Within the front yard setback, there will be six foot (6') separation between the back of the curb and the edge of sidewalk nearest the curb, landscaped with trees;
- B. Ten foot (10') landscaped side yard setback;
- C. Fifteen foot (15') landscaped rear yard setback from any uses abutting a residential zone. A decorative masonry wall at least six feet (6') in height may be required along all property lines which lies immediately adjacent to any residential zone.
- D. The landscaping will contain trees of at least two inch (2") caliper, measured three feet (3') from the ground.

All mechanical equipment shall be located within or on the side of the building or on the roof with parapet walls and not within the required setbacks.

Parking will be required to be in compliance with the ITE (Institute of Traffic Engineers) or American Planning Association recommendations. Parking areas will be screened from adjacent roads with landscaped terms. No parking will be allowed in any of the setbacks. (Ord. 2002-01, 1-9-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. [Go to new ordinance.](#)

18.74.040: ACCESS REQUIREMENTS:

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A frontage road or perpendicular road to Highway 89. Access to the frontage road will be one thousand three hundred twenty feet (1,320') apart and no minimum lot size. (Ord. 2002-01, 1-9-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. [Go to new ordinance.](#)

18.74.050: LOCATION REQUIREMENTS:

No frontage shall be allowed on Highway 89. (Ord. 2002-01, 1-9-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. [Go to new ordinance.](#)

18.74.060: UTILITY REQUIREMENTS:

Utility requirements shall meet Mapleton City standard drawings and specifications. (Ord. 2002-01, 1-9-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. [Go to new ordinance.](#)

18.74.070: SPECIAL PROVISIONS:

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- A. Where the use or activity is one which requires the prior approval of state or federal review agencies, evidence or such approval shall be submitted to the city as part of the application documents.
- B. As a means of mitigating potential safety hazards or significant adverse visual impacts, the city may require the installation of landscape features or peripheral landscape screens. Where landscaping is required the site plan shall, in addition to all other elements, contain a landscape plan showing the locations of landscape areas, the location and types of all proposed plantings and other landscape features, and the location of required sprinkler systems. (Ord. 2002-01, 1-9-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. [Go to new ordinance.](#)

Chapter 18.76 TDR TRANSFERABLE DEVELOPMENT RIGHTS OVERLAY ZONE

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. Go to new ordinance.

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18.76.010: CREATED:

There is hereby created a transferable development rights (TDR) overlay zone which may be applied to parcels of land in accordance with the provisions of this chapter. When applied to specific property, the TDR overlay zones shall be denominated as a sending site (TDR-S) or a receiving site (TDR-R) as set forth in section 18.76.045 of this chapter. (Ord. 2005-16, 11-16-2005, eff. 11-16-2005)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. Go to new ordinance.

18.76.020: PURPOSE:

The purposes of the TDR overlay zone are to:

- A. Promote the preservation of agricultural lands, rural open space, scenic vistas, critical and sensitive lands, natural hazard areas, and natural features which are designated by the Mapleton City general plan as important to preserve, and for the benefit of the citizens of Mapleton City;
- B. Discourage development in areas deemed hazardous and in areas where delivery of city services may be difficult to provide; or have extraordinary costs in servicing an area, such as hillsides and mountainsides;
- C. Provide compensation to the owners of property from which development rights are transferred;

- D. Provide a method whereby development rights may be transferred from sending sites to receiving sites in order to accomplish the purposes set forth in subsections A, B, and C of this section. (Ord. 2005-16, 11-16-2005, eff. 11-16-2005)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. Go to new ordinance.

18.76.030: APPLICABILITY:

The procedures and requirements of this chapter shall apply to the creation and transfer of development rights from sending sites to receiving sites. However, no property lying outside of the current corporate boundaries of Mapleton City shall be eligible for consideration of a transferable development sending site. (Ord. 2005-16, 11-16-2005, eff. 11-16-2005)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. Go to new ordinance.

18.76.040: DESIGNATION OF SENDING AND RECEIVING AREAS:

- A. The parcels of real property which may be preserved and protected by the transfer of development rights from such parcels are those located within a sending area designated by the Mapleton City general plan, or as described in this section. Those parcels of real property which are suitable for using development rights transferred from sending sites are those parcels located within a receiving area designated by the Mapleton City general plan. In no case shall an area be designated as a receiving area within any

previously platted subdivision or land that has previously received a change in the zone designation to a higher density zoning level.

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- B. Receiving areas shall be located exclusively within the A-2, RA-1, planned residential community (PRC) and specific development plan (SDP) zones.
- C. With exception to the PRC and SDP zones, a TDR-R zone change shall not accompany any other rezone proposal. Therefore, there shall be no simultaneous rezones to include an "up zoning" and a TDR-R overlay zone. (Ord. 2005-16, 11-16-2005, eff. 11-16-2005)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. [Go to new ordinance.](#)

18.76.045: DESIGNATION OF SENDING AND RECEIVING SITES ON ZONING MAP:

Each sending site from which a development right is transferred shall be denominated on the official zoning map by using the suffix "TDR-S" in combination with the underlying zoning designation of the property. However, if sending site is property that is proposed to be deeded to the city, the land will be given the open space and parks (OS-P) zone designation. Each receiving site to which a development right is transferred shall be denominated on the official zoning map by using the suffix "TDR-R" in combination with the underlying zoning designation of the property. (Ord. 2005-16, 11-16-2005, eff. 11-16-2005)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. [Go to new ordinance.](#)

18.76.050: APPLICATION REQUIREMENTS FOR A TRANSFER OF DEVELOPMENT RIGHTS CERTIFICATE:

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- A. An eligible landowner or authorized representative must provide the following:
1. Name, address and telephone number of applicant and applicant's agent, if any;
 2. Proof of ownership of the sending property;
 3. Metes and bounds written legal description and plat prepared within ninety (90) days of the date of application by a licensed surveyor;
 4. Written description of the physical characteristics of the property;
 5. Site plan which illustrates existing or proposed dwellings, historic structures, easements or other encumbrances; and
 6. The administrative fee relative to a transfer of development rights as established by the department of planning and zoning ("the department"). (Ord. 2005-16, 11-16-2005, eff. 11-16-2005)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. [Go to new ordinance.](#)

18.76.060: TRANSFERABLE DEVELOPMENT RIGHTS; CREATION; SENDING SITES:

- A. Development rights shall be created and transferred only by means of documents, including a conservation easement, and a severance of TDR credit certificate ("certificate of sending credits"), which meet the requirements of this chapter.
- B. In order to be eligible to transfer one or more development rights from a parcel of property, such property shall be located within a sending area. If such property is located within the CE-1 zone, all property lying within this zone and owned by the same person or related persons, as defined in section 1031 of the internal revenue service code, shall

be designated a sending site at the same time, whether the entire parcel is one parcel, contiguous parcels, or noncontiguous parcels. The owner of such property shall apply for and receive approval to have the property placed in the TDR overlay zone, pursuant to rezoning procedures set forth in this title.

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1. Upon rezoning approval:

- a. The property shall be shown on the official zoning map as a sending site by denominating it as a TDR-S overlay zone;
- b. A certificate of sending credits shall be issued to the property owner by the city recorder, pursuant to subsection B2 of this section, indicating the total number of development rights which may be transferred from the property; and
- c. The property owner shall be eligible, after complying with subsection B2 of this section, to transfer development rights from the property in accordance with the requirements of this chapter.

2. No transferable development right certificate of sending credits shall be issued, until payment of an administrative fee determined by the planning department, and no development right shall be transferred, unless and until a conservation easement is recorded among the land records of Utah County, Utah, as required by section 18.76.100 of this chapter on the property from which such development right originates.

3. After recordation of the easement, a landowner shall request that the city recorder issue the record owner of the property a certificate of sending credits. Such certificate shall only be assigned in the name of the record owner and only for the total number of credits assigned to the property.

C. Development rights attached to a particular sending site shall be determined and transferred by applying the following rules:

1. Any sending site density bonus created by the application of this chapter shall be utilized only on a receiving site.
2. Within all zones except the critical environment (CE-1) zone:
 - a. The total number of development rights which may be created for a sending site shall be equal to the site's base zone density.
 - b. The number of development rights to be transferred at any one time may be determined by the sending site owner so long as the total number of rights transferred does not exceed the total number of development rights associated with the sending site. For example, if a property owner has ten (10) development rights in the zone designation where the property is located, no more than ten (10) development rights can be transferred. There shall be no additional density bonus except as allowed in this section.

3. Within the critical environment (CE-1) zone:

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- a. The total number of development rights which may be created for a sending site shall be equal to the site's base zone density plus a density bonus granted pursuant to either subsection C3a(1) or C3a(2) of this section (but not both):

(1) If a sending site owner transfers only the development rights associated with the site, the density bonus shall be equal to three (3) times the site's base zone density. Thus, by way of example and not limitation, a property owner who transfers only the development rights from a sending site having a base zone density of ten (10) dwelling units would obtain a total of thirty (30) TDRs, illustrated as follows:

Base zone density:	10	TDRs (1 dwelling unit equals 1 TDR)
Density bonus:	20	TDRs
Total	30	TDRs

(2) If a sending site owner transfers fee title of the site to Mapleton City Corporation or the sending site owner is Mapleton City Corporation, the density bonus shall be equal to five (5) times the site's base zone density. Thus, by way of example and not limitation, a property owner who transfers development rights only from a sending site having a base zone density of ten (10) dwelling units would obtain a total of fifty (50) TDRs, illustrated as follows:

Base zone density:	10	TDRs (1 dwelling unit equals 1 TDR)
Density bonus:	40	TDRs
Total	50	TDRs

- b. All development rights associated with property zoned CE-1 in a sending site shall be transferred at one time.
- c. A parcel of land within the CE-1 zone may qualify as a sending site with the incentive bonuses established in subsection C3a(1) or C3a(2) of this section only if the sending site parcel is the same parcel as it existed as of December 15, 1998. Any parcel which has been subdivided, developed, or on which a structure has been built after December 15, 1998, shall not qualify for the incentive bonuses established in subsection C3a(1) or C3a(2) of this section. It is the intent of this chapter to cause owners of potential sending sites within the CE-1 zone to decide either to develop all or some portion of the potential sending sites, or to receive the incentive bonus by transferring all development rights off of the land, but not to allow for both, or some degree of both.

- D. The transfer of any development rights from a sending site shall be evidenced by a notice recorded among the land records of Utah County, Utah, in a form approved by the city council, after receiving a recommendation from the planning commission. Such notice shall indicate:
1. The total number of development rights which may be transferred from the sending site;
 2. The number of development rights actually transferred at the time the notice is recorded;
 3. The number of development rights remaining; and
 4. Notice to any potential buyer of the sending site that:
 - a. Any remaining development rights may have been transferred from the property; and
 - b. The buyer should contact Mapleton City officials to determine the number of development rights, if any, remaining on the sending site. (Ord. 2005-16, 11-16-2005, eff. 11-16-2005)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. [Go to new ordinance.](#)

18.76.070: TRANSFERABLE DEVELOPMENT RIGHTS; RECEIVING SITES:

- A. Transferable development right receiving sites shall be limited to the A-2, RA-1, PRC and SDP zone designations exclusively.
1. All areas shall be eligible to increase the density with the use of TDRs by no more than doubling what the underlying zone designation allows.
- B. In order to transfer one or more development rights to a parcel of property, such parcel shall be located within a receiving area. The owner of such parcel shall apply for and

receive approval to have the property placed in the TDR overlay zone pursuant to rezoning procedures set forth in this title. In no case shall a receiving site rezone be approved in any previously platted subdivision. Upon rezoning approval:

1. The property shall be shown on the official zoning map as a receiving site by denominating it as a TDR-R overlay zone,
2. The property owner shall be eligible to transfer development rights to the property in accordance with the requirements of this chapter, and
3. A certificate of receiving credits shall be issued upon payment of an administrative fee determined by the planning department, to the property owner by the city recorder indicating the total number of development rights which may be transferred to the property in accordance to subsection A of this section.

The city council, after receiving a recommendation from the planning commission, may approve a subdivision or a concept plan for a receiving site at a density which equals the base zone density plus the number of development rights which will be transferred to such site. Notwithstanding the foregoing, the development density of a receiving site shall not be increased above the maximum density recommended for such site by the Mapleton City general plan. Any density bonus applicable to a receiving site shall not exceed density limitations established by the general plan. In no case shall the overall density exceed double of what the underlying zone designation would allow.

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- C. No site shall be designated as a receiving site unless the planning department commission finds that the site has or will have adequate public facilities and other resources to accommodate the increased development authorized by the transfer of development rights from the sending district. (Ord. 2005-16, 11-16-2005, eff. 11-16-2005)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. [Go to new ordinance.](#)

18.76.080: DEVELOPMENT APPROVAL PROCEDURES:

The following development approval procedures shall apply to new developments within the A-2 and RA-1 zone designations:

A. A request to utilize development rights on a receiving site shall be in the form of a preliminary subdivision plan submitted in accordance with regulations contained in title 17 of this code or a site plan submitted in accordance with regulations contained in this title.

B. In the event a receiving site is proposed to be subdivided, a site plan shall be submitted and approved in accordance with the provisions of this chapter at the same time a preliminary subdivision plan is submitted.

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C. The city council, after receiving a recommendation from the planning commission, shall approve a request to utilize development rights on a receiving site if the request:

1. Does not exceed the density limitations permitted by subsection 18.76.070B of this chapter;
2. Is in accordance with the provisions of this chapter;
3. Is in accordance with the subdivision and site plan regulations contained in title 17 of this code and this title;
4. Is consistent with other recommendations of the Mapleton City general plan; and
5. Achieves a desirable development compatible with both site conditions and surrounding existing and proposed future development.

D. A final plan for a subdivision or a site plan which uses transferred development rights shall contain a statement setting forth the development proposed, the zoning classification of the property, the number of development rights used, and a notation of the recordation of the conveyance required by section 18.76.100 of this chapter. (Ord. 2005-16, 11-16-2005, eff. 11-16-2005)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. [Go to new ordinance.](#)

18.76.090: DEVELOPMENT STANDARDS:

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- A. The following development standards shall be applicable to receiving sites in the A-2 and RA-1 zones:
1. Each development in a TDR-R overlay zone shall conform to the development standards and permitted uses as required by the underlying zone, except as may be modified by the provisions of this chapter. In such case, the standards of this chapter shall apply.
 2. If density proposed on a receiving site exceeds the density permitted by the underlying zone as per subsection 18.76.070A of this chapter, density, lot sizes, and other development standards shall be determined by the city council, after receiving a recommendation from the planning commission, as part of the subdivision and/or site plan review process. In making a determination of final density, the city council shall:
 - a. Consider the subdivision and site plan provisions of title 17 of this code and this title,
 - b. Consider whether a proposed plan has a design which:
 - (1) Provides a range of housing types;
 - (2) Takes advantage of existing topography and other natural features;
 - (3) Achieves a mutually compatible relationship between the proposed development and adjoining land uses; and
 - (4) Implements the policies set forth in the Mapleton City general plan, and
 - c. Make findings regarding the matters set forth in subsections A2a and A2b of this section.
- B. The following development standards shall be applicable to sending sites:
1. The uses permitted on a sending site shall be those uses allowed by the base zone applicable to the site, except as diminished by the transfer therefrom the development rights and by the terms of any conservation easement applicable to the site.
 2. Any development request which is made for a sending site shall conform to the subdivision and site plan provisions of title 17 of this code and this title and the following additional requirements of this subsection B.
 3. The total number of dwelling units which may be constructed on a sending site shall be the number of units allowed by the base zone density existing on the property when the property is designated as a sending site minus all development rights transferred therefrom, excluding any density bonus that may be applicable to the site.

- a. Any sending site density bonus created by the application of this chapter shall be utilized only on a receiving site.
 - b. No dwelling units may be constructed on a sending site located in a CE-1 zone where all development rights have been transferred from the property.
4. Maximum lot size within any developable area shall be not greater than the minimum lot size of the underlying zone.
 5. The impact on existing uses and the rural character of the area shall be included in the consideration of the number of units allowed. Any new lots adjacent to an existing subdivision, or subdivision lot(s), shall be required to have the same lot size to that which is adjacent to the proposed lot(s) within the TDR receiving site development.
 6. Residential lots shall be located adjacent to existing utilities and roads to minimize the amount of construction and loss of agricultural land, unless such location directly conflicts with the preservation goals set forth in the Mapleton City general plan or this chapter.
 7. Where technically feasible, joint or common water and/or sanitation systems shall be used. (Ord. 2005-16, 11-16-2005, eff. 11-16-2005)

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This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. [Go to new ordinance.](#)

18.76.100: CONSERVATION EASEMENT REQUIRED:

This section shall apply only to properties where the development rights have been transferred from the property, but the ownership of the property remains private.

- A. A conservation easement shall be established on each sending site from which development rights are transferred.
 1. In CE-1 zones and in situations where all development rights attached to a sending site are transferred, the easement shall cover the entire sending site.
 2. If only a portion of the development rights attached to a sending site are transferred, the area of the easement shall be the same as the total area of all the lots which could otherwise be established on the site but for the transfer of development rights.

- B. The conservation easement required by this chapter shall be in a recordable form approved by the city attorney and shall meet the requirements of section 57-18-1 et seq., of the Utah code. The conservation easement shall also include the following terms:
1. The holder of the easement shall be Mapleton City, another governmental entity, or a charitable organization which:
 - a. Qualifies as being tax exempt under section 501(c)(3) of the internal revenue code; and
 - b. Is organized in whole or in part for the purpose of accepting and managing conservation easements.
 2. The easement shall require that the easement area shall be maintained as it exists when the easement is created, including natural areas, wildlife preserves, trails, or other identified environmental or open land resources. Notwithstanding the foregoing, the city council, after receiving a recommendation from the planning commission, may approve the construction of improvements upon finding such improvements will be in harmony with the purposes of the easement and intent of this chapter.
 3. The easement shall include a reference to the extinguishment of the development rights transferred from the sending site. If additional rights are transferred after the recordation of a conservation easement, the easement shall be amended to reflect the extinguishment of those additional rights and shall be recorded thereafter.
 4. All parties who have a declared interest in the property, recorded on the books of the Utah County recorder, must consent to the granting of a conservation easement.
- C. If the holder of a conservation easement proposes to transfer the easement to another entity, the recipient of any transferred interest shall meet the requirements of this section.
- D. Any instrument purporting to convey a conservation easement pursuant to this section, but that the city has not indicated its approval on the instrument is void, and shall not be recorded or accepted by the city recorder for recording at the county recorder's office. (Ord. 2005-16, 11-16-2005, eff. 11-16-2005)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. Go to new ordinance.

18.76.105: NOTIFICATION:

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- A. The city shall notify the county tax assessor of a transfer of development rights within thirty (30) days of:
1. The approval of a transfer of development rights pursuant to subsection 18.76.100B4 of this chapter;
 2. The issuance of a certificate pursuant to subsection 18.76.070B3 of this chapter. (Ord. 2005-16, 11-16-2005, eff. 11-16-2005)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. Go to new ordinance.

18.76.110: COORDINATION WITH OTHER PROVISIONS AND PROCESSES:

- A. If subdivision review and approval is necessary, review of an application under this chapter shall be carried out simultaneously, and under the same application, referral, notice, and public hearing procedural requirements as is provided for a site plan review as set forth in this title.
- B. In cases where a conditional use permit is required for a proposed use, review of an application under this chapter shall be carried out simultaneously with the conditional use permit review as set forth in this title. (Ord. 2005-16, 11-16-2005, eff. 11-16-2005)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. Go to new ordinance.

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18.76.115: SAVINGS CLAUSE:

This section, or any provision thereof, shall not invalidate any completed transfer of development rights pursuant to any earlier statute, ordinance, or regulation if said transfer was valid at that time. (Ord. 2005-16, 11-16-2005, eff. 11-16-2005)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. Go to new ordinance.

18.76.120: EXPIRATION AND APPLICABLE ACTION:

- A. Section 18.76.060, "Transferable Development Rights; Creation; Sending Sites", of this chapter will expire on December 31, 2010, after which time no application for the sending site (rezone application) will be accepted by Mapleton City.

- B. Once an application is made for a TDR sending site (TDR-S) overlay zone, and the city council has taken action to rezone the property, the applicant/property owner has six (6) months to transfer title of the property to Mapleton City, or if applicable, file the required conservation easement necessary to gain the TDR certificates. If no attempt by the property owner/applicant to convey title or have the conservation easement recorded, then the city council shall consider the application "expired" and shall have the authority to rezone the property back to its original zone designation, and minus the TDR-S overlay zone. The property owner/applicant may receive an additional six (6) month extension if such an extension is found by the city council to be warranted. It shall be the property owner/applicant's responsibility to apply for said extension. (Ord. 2005-16, 11-16-2005, eff. 11-16-2005)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. Go to new ordinance.

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18.76.125: DEFINITIONS:

BASE ZONE DENSITY: The maximum number of dwelling units permitted by the zoning classification of a sending or receiving site and not including any density increase resulting from an overlay zone.

COMPATIBLE: Once the city council has granted a TDR-R overlay rezone on a parcel, and the rezoned parcel meets all other requirements under the city's ordinances, "compatible" includes among other planning and design issues, street size, street alignment and design, curb, gutter and sidewalk design, traffic flow issues, delivery of service issues such as size and location of pipes for culinary water, pressurized irrigation and sewer, surface water drainage and trail system. "Compatible" does not refer to lot size beyond the requirements identified separately under this chapter.

DEVELOPMENT RIGHTS: The potential for the improvement of a legally established parcel of real property, measured in dwelling units, existing as a result of the zoning classification of the parcel. One development right shall be equal to the authority to establish and maintain one dwelling unit.

RECEIVING AREA: A geographic area designated by the approved and adopted Mapleton City general plan within which one or more receiving sites may be located.

RECEIVING SITE: A legally created parcel of real property which has been zoned TDR-R and to which development rights are transferred in accordance with the requirements of this chapter.

RECEIVING ZONE: A zone designation wherein transferable development rights can be applied.

SENDING AREA: A geographic area designated by the approved and adopted Mapleton City general plan within which one or more sending sites may be located.

SENDING SITE: A legally created parcel of real property which has been zoned TDR-S and from which development rights are transferred in accordance with the requirements of this chapter.

SEVERANCE OF TRANSFER OF DEVELOPMENT RIGHTS (TDR) CREDIT CERTIFICATE ("CERTIFICATE OF SENDING CREDITS"): The certificate issued by the city recorder that represents the total number of development credits recognized for and derived from the

sending site that may be transferred.

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TRANSFER OF DEVELOPMENT RIGHTS: The conveyance of one or more development rights by deed, easement, or other legal instrument to another parcel of land in accordance with the requirements of this chapter. (Ord. 2005-16, 11-16-2005, eff. 11-16-2005)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. [Go to new ordinance.](#)

Chapter 18.77

PRD-1 PLANNED RESIDENTIAL DEVELOPMENT-1 WHISPER ROCK DEVELOPMENT

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. [Go to new ordinance.](#)

18.77.010: TITLE:

This chapter shall be known as the *PLANNED RESIDENTIAL DEVELOPMENT-1 ORDINANCE* or *PRD-1 ORDINANCE*. (Ord. 2009-06, 6-17-2009, eff. 8-19-2009)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-06 -
STRUCTURES WITHIN THE GC-1 ZONE. Go to new ordinance.

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18.77.020: PURPOSE:

- A. The purpose of this chapter is to create diverse, quality housing in the city, while also providing a buffer from anticipated commercial development along the state road corridor (Highway 89) and adjacent lower residential uses.
- B. The purpose of this chapter is accomplished by:
1. Allowing densities higher than a typical residential development;
 2. Establishing standards for landscaping, building and site design, public safety, parking, aesthetics, traffic circulation, fencing, lighting, and other similar site improvements; and
 3. Requiring standards that enable the PRD-1 to fit into the surrounding neighborhoods. (Ord. 2009-06, 6-17-2009, eff. 8-19-2009)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. Go to new ordinance.

18.77.030: LEGISLATIVE FINDINGS:

The city council makes the following findings:

- A. Requiring standards for smaller lot housing will help preserve the quality of housing in the future within Mapleton City.
- B. Smaller lot housing may be utilized to help buffer commercial uses from low density residential development.

- C. Although small lot housing has enjoyed a strong market demand as an alternative to the traditional large lot housing, additional standards for small lot housing are necessary to ensure adequate light, air, privacy, and open space for each dwelling unit, and to protect residents from the harmful effects of excessive noise, population density, traffic congestion, and other adverse environmental effects. (Ord. 2009-06, 6-17-2009, eff. 8-19-2009)

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This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. Go to new ordinance.

18.77.040: WHERE ALLOWED; TYPES AND USES:

- A. The area for the PRD-1 is located generally on the northwest corner of 1100 West and Maple Street, buffering existing and anticipated future commercial developments from low density residential developments.
- B. All uses within a PRD-1 shall comply with the development agreement provided under subsection 18.77.060M of this chapter.
- C. The PRD-1 includes single-family dwellings on lots smaller than typically allowed in other zones.
- D. Accessory apartments may be allowed if determined with a development agreement provided under subsection 18.77.060M of this chapter. (Ord. 2009-06, 6-17-2009, eff. 8-19-2009)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. Go to new ordinance.

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18.77.050: BUILDING PERMITS:

The city shall not issue a building permit for any portion of the planned residential development until the final or final phased plat has been approved by the city council and recorded at the Utah County recorder's office. (Ord. 2009-06, 6-17-2009, eff. 8-19-2009)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. Go to new ordinance.

18.77.060: DEVELOPMENT STANDARDS AND REQUIREMENTS:

The city requires the following development standards and requirements within the PRD-1:

- A. Density: A PRD-1 may be developed with overall densities of twelve thousand (12,000) square feet per unit with the use of TDRs. A PRD-1 not utilizing TDRs shall not exceed densities of fourteen thousand five hundred (14,500) square feet per unit.

Thus, by way of example and not limitation, a property owner who owns a total of ten (10) acres with an overall density of twelve thousand (12,000) square feet per unit shall be required to submit a total of six (6) TDRs, illustrated as follows:

10 acres multiplied by 43,560 square feet = 435,600 square feet
 435,600 square feet divided by 12,000 square feet = 36 units
435,600 square feet divided by 14,500 square feet = 30 units
 Total number of TDRs required = 6 TDRs (36 units subtracted by 30 units)

For the purpose of determining fractions, any fractional number shall be rounded up. For example, if the TDR calculation is 6.25, the property owner shall be required to submit a total of seven (7) TDRs.

- B. Area: The minimum size requirement for any project applying for the PRD-1 shall be no less than ten (10) acres.
- C. Minimum Floor Area: All dwelling units shall have a minimum main floor area of one thousand two hundred (1,200) square feet. Two-story homes shall have a minimum area of one thousand (1,000) square feet on the main floor. Main floor areas shall be exclusive of garages, porches, areas not normally considered occupied space.
- D. Setbacks: All setbacks within the PRD-1 shall comply with the development agreement provided under subsection M of this section.
- E. General Height Requirement: A maximum of thirty feet (30') measured from the finished grade at the foundation to the midpoint of the roof.
- F. Fences:
1. Perimeter Fences: Developers shall erect a fence with a minimum height of six feet (6') on the perimeter of the PRD-1, except that no fence is allowed along exterior street frontages. However, if the applicant desires a fence along an exterior street frontage, the city council may approve the fence if the fence does not interfere with traffic safety. The perimeter fence shall have a consistent design throughout the project and use the same construction materials for the entire fence. The purpose of the fencing requirement is to buffer the surrounding residential neighborhoods from the PRD-1 and to buffer the PRD-1 from surrounding commercial uses. The city council may waive the fencing requirement if the topography is such that the fence does not meet the purpose of the fencing requirement. Wood fences and chainlink fences with slats are not permitted in the PRD-1.
 2. Patio/Limited Common Area Fences: A patio or limited common area adjacent to the rear of a dwelling unit may be enclosed with a six foot (6') high maximum fence, provided that such fence includes an access gate from the common area. The minimum width and length of the common area leading to the gate shall be fifteen feet (15').
- G. Landscaping:
1. All land within a PRD-1 not covered by buildings, driveways, sidewalks, structures, and patios shall be designated as common area and shall be permanently landscaped with trees, shrubs, lawn, or ground cover and maintained in accordance with good

landscaping practice. All required setback areas adjacent to public or private streets shall be landscaped. All landscaping shall have a permanent underground sprinkling system.

2. At least one deciduous tree of two inch (2") caliper measured four feet (4') above the ground, one evergreen tree at least five (5) gallons in size, and sixteen (16) evergreen shrubs at least five (5) gallons in size are required for every dwelling.

H. Lighting Plan: The PRD-1 shall include a lighting plan. The lighting plan shall be designed to:

1. Discourage crime;
2. Enhance the safety of the residents and guests of the PRD-1;
3. Prevent glare into the sky and onto adjacent properties; and enhance the appearance and design of the project;
4. The PRD-1 homeowners' association is required to control, meter, and pay for all power costs for all outside lighting shown on the lighting plan except for front and back door lighting. The lighting plan shall designate which lighting shall be commonly metered to the association or owner.

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I. Parking: Each residential unit shall have an attached or detached two (2) car garage. There shall be a minimum of four (4) parking spaces provided for each dwelling, two (2) in the garage and two (2) in the driveway directly in front of the garage. All parking spaces shall measure at least nine feet by eighteen feet (9' x 18'). Developers shall pave with asphalt and/or concrete all parking spaces, parking areas, and driveways and provide proper drainage. Drainage shall not be channeled or caused to flow across pedestrian walkways.

J. Streets:

1. All streets within a PRD-1 zone shall comply with the development agreement provided under subsection M of this section.
2. A traffic study will be required for the PRD-1.
3. All streets that are shown on the Mapleton City transportation master plan shall be developed as public streets according to the size and general location shown on the Mapleton City master street plan.
4. The city council has the authority to require streets in a PRD-1 to connect with other public streets outside the PRD-1 where such connection is necessary for good traffic circulation in the area.

5. All streets in a PRD-1 shall be public streets constructed to city standards and specifications and dedicated to the city. However, private drives may be permitted, provided that:
 - a. They will not extend to or provide service to another property or parcel not included in the PRD-1.
 - b. They shall be paved with either concrete or asphalt and shall not access or service more than five (5) units.
 - c. They will not provide access or travel between, or otherwise connect with two (2) or more public streets.
 - d. They are designed by a qualified civil engineer and constructed to city standards and specifications.
 - e. They are designated on the final plat as perpetual rights of way and public utility easements.
 - f. All access points from public streets have "Private Street" or "Private Drive" signs installed.
 - g. They are no less than twenty four feet (24') in width.
 - h. The city council or city engineer may require private streets/drives to be wider if necessary to ensure traffic and pedestrian safety and to reduce traffic congestion.

- K. Exterior Finishing Materials: The front elevation shall be of either brick, stone, cultured stone, stucco, or a combination of these materials. The rear and side elevations shall be of either brick, stone, cultured stone, stucco, or hard surface siding (hardy plank).

- L. Homeowners' Association: The applicant shall establish a homeowners' association for the PRD-1. The homeowners' association shall maintain all common and open areas, including any amenities provided within the project.

- M. Development Agreement Required: Prior to the rezone hearing before the planning commission and city council for the PRD-1, the applicant shall provide a detailed development agreement that details the entire project, an accurate legal description, the total number of units, the number of TDRs being used, the amount of, and design of open spaces, fencing and any other amenities the developer is going to provide. The agreement will be recorded with the Utah County recorder and will be attached to the title of the property. (Ord. 2009-06, 6-17-2009, eff. 8-19-2009)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. [Go to new ordinance.](#)

18.77.070: BONDING:

Meet all requirements of [chapter 17.20](#), "Performance Guarantees", of this code. (Ord. 2009-06, 6-17-2009, eff. 8-19-2009)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. [Go to new ordinance.](#)

Chapter 18.78 PD PLANNED DEVELOPMENT ZONES

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. [Go to new ordinance.](#)

18.78.010: PURPOSE AND INTENT:

The purpose of the PD zone is to provide flexibility in the city's zoning scheme in order to allow for unique, innovative and well planned developments that would not be possible under one of the city's existing zoning classifications. PD zones are not intended for use in

situations where a proposed development is reasonably feasible under one of the city's existing zoning classifications or in situations where the primary purpose is to obtain a relaxation of standards applicable to similar types of development in other zones.

PD zones are intended for use primarily in the following situations:

A. High density residential projects near or adjacent to Highway 89, south of city limits to include parcels of land in and within the application of annexation and adjacent parcels.

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B. Mixed use projects near or adjacent to Highway 89.

C. Where no existing zoning classification is both sufficiently permissive to allow uses that would be suitable on the property and sufficiently restrictive to protect the character and quality of neighboring properties. Examples of this type of situation may include the following:

1. Where the setbacks, building height limits or other standards of an existing zone are not necessary for the protection of neighboring properties or the general welfare of the city because of the proximity of a parcel of property to a particular landscape feature such as a cliff or a hillside where there would be no negative impact from a relaxation of such standards;
2. Where a few uses in an existing zone would be appropriate on a particular parcel of property, but the remainder of the uses in that zone would not be appropriate; or
3. Where additional setbacks, or other buffers are needed to protect neighboring properties from uses to be employed on a parcel of property.

D. PD zones shall not be created for residential development except in the following situations:

1. Subsections A and B of this section.
2. Residential development that is significantly different in design, layout or characteristics from the type of residential development allowed under existing zoning classifications. PD zones will not be available merely to increase density or to relax development requirements normally applicable to similar types of residential development in existing residential zones.
3. Parcels that are unsuitable for single-family dwellings or duplexes due to location or topography of the land.

E. In order to utilize TDRs in an efficient manner. (Ord. 2006-31, 11-7-2006, eff. 11-7-2006)

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This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. Go to new ordinance.

18.78.020: CONCEPT PLAN:

A concept plan shall be submitted prior to or with every application to create a new PD zone. The planning commission shall review the concept plan and shall provide its recommendation to the city council. The concept plan shall at a minimum include the following:

- A. A layout of all parking areas, amenities, open spaces, landscaped areas and drive accesses.
- B. The number of residential units per acre, if applicable.
- C. The legal description of the subject property.
- D. A topographic map of the subject property and adjacent property within fifty feet (50') of the subject property.
- E. A tabulation of the total land area and the percentage thereof designated for various proposed uses.
- F. A general circulation plan indicating both public and private vehicular and pedestrianways.

- G. Any additional information that the city may deem necessary to determine whether the proposed PD zone is in the interest of the public health, safety and welfare. Information may include, but is not limited to: proposed building footprints, building heights and the orientation of all buildings; architectural renderings that illustrate the architectural style(s), materials and the designs to be employed in the development; a preliminary title report; a preliminary plan for storm drainage, sewage disposal, grading and public utilities and statement indicating the future form of ownership (e.g., sole owner, condominiums, etc.) and responsibility for maintenance of the project areas such as streets, structures and open spaces.

The text of any particular PD zone may modify the requirements of the concept plan required for that specific PD zone. All development in a PD zone shall conform to the concept plan unless as otherwise modified as noted below. (Ord. 2006-31, 11-7-2006, eff. 11-7-2006)

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This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. [Go to new ordinance.](#)

18.78.030: MODIFICATION OF CONCEPT PLAN:

An approved concept plan may be modified in the same manner as an amendment to the zoning ordinance. The planning director may (but shall not be obligated to) administratively approve minor modifications to a concept plan. A modification may be considered minor if it does not:

- A. Increase the density of residential units (if applicable) or change the approved uses;
- B. Detract from the overall safety or aesthetics of the original concept plan;
- C. Substantially alter the architecture of design characteristics of the original concept plan;
- D. Create a greater adverse impact on neighboring properties than the original concept plan;
and

- E. Increase the proposed square footage of buildings by more than ten percent (10%). (Ord. 2006-31, 11-7-2006, eff. 11-7-2006)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. Go to new ordinance.

18.78.035: PHASING:

All phases of the final approved overall phasing plan may expire and become null and void after eight (8) years from the original city council approval of the preliminary plat. The eight (8) year time period may be extended by the planning commission. The planning commission may not grant an extension unless it finds, based on substantial evidence placed in the record, that:

- A. Substantial progress is being made toward recording of the first phase; and
- B. The preliminary plat conditions of approval are still viable based on currently applicable requirements of this code; and
- C. An ordinance change has not occurred or is being considered that may substantially affect the activity of the subdivision authorized by the preliminary plat approval. (Ord. 2008-03, 1-23-2008, eff. 4-2-2008)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-06 -

STRUCTURES WITHIN THE GC-1 ZONE. Go to new ordinance.

18.78.040: MINIMUM AREA REQUIREMENT:

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A PD zone may only be applied to a parcel or combination of parcels totaling at least one hundred (100) acres. (Ord. 2006-31, 11-7-2006, eff. 11-7-2006)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. Go to new ordinance.

18.78.050: TRANSFERABLE DEVELOPMENT RIGHTS (TDRs):

A. PD zones may contain TDR sending and receiving areas. If a PD zone application requests a higher residential density than the existing general plan designation, the city council may require the applicant to utilize TDRs to achieve some or all of the increased density. (Ord. 2006-31, 11-7-2006, eff. 11-7-2006)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. Go to new ordinance.

**Chapter 18.78A
PD-1 PLANNED DEVELOPMENT-1 MAPLETON
VILLAGE DISTRICT**

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. [Go to new ordinance.](#)

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18.78A.010: PURPOSE AND OBJECTIVES:

The planned development-1 Mapleton Village district (PD-1 MV) describes a proposed residential mixed use development set in the southern area of Mapleton City, east of Highway 89. This zone consists of six hundred seventeen (617) residential dwelling units, not counting accessory apartments as permitted by this chapter, on properties identified in the Mapleton Village and Twin Hollow concept plans. (Ord. 2007-30, 12-4-2007, eff. 1-4-2008)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. [Go to new ordinance.](#)

18.78A.020: ADEQUATE PUBLIC FACILITIES:

In addition to the specific development standards contained in this chapter, areas zoned to the PD-1 MV shall comply with section [17.04.130](#), "Availability Of Adequate Public Facilities", of this code. (Ord. 2007-30, 12-4-2007, eff. 1-4-2008)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. [Go to new ordinance.](#)

18.78A.030: PERMITTED USES:

Accessory buildings, in conjunction with and incidental to the main use of the property, such as a shed or detached garage no larger than forty percent (40%) of the main building footprint. ENT 56319:2011 PG 485 of 662

Attached townhomes, row houses, and condominiums.

Clubhouse and other recreational amenities for the development. ENT 56319:2011 PG 485 of 662

Cultural or civic uses.

Detached single-family residential dwelling unit.

Duplex (vertical or horizontal).

Home occupations, subject to the provisions of section 18.84.380 of this title.

Park and playground areas.

Public parks and recreation.

Swimming pools and related equipment.

Utility facilities. (Ord. 2007-30, 12-4-2007, eff. 1-4-2008)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. Go to new ordinance.

18.78A.040: CONDITIONAL USES:

Accessory apartment that may or may not be located within the primary dwelling unit, with no more than thirty (30) accessory apartment units for single-family detached homes in the lower village portion of the development. There shall be no limit to the total number of accessory apartments in detached single-family homes outside the lower village portion of the development. Section 18.84.030 of this title shall not be construed to prohibit accessory apartments within the PD-1 MV. Section 18.84.410 of this title shall apply to accessory apartments within the PD-1 MV district with the following limited exceptions:

The minimum lot size where the home is located shall not be less than five thousand (5,000) square feet (subsection 18.84.410C1d of this title).

A single-family dwelling with an owner occupied accessory apartment shall provide at least one additional parking space (subsection 18.84.410C2 of this title).

Detached buildings (second floor of a garage) may be permitted as accessory apartments in the PD-1 MV district and may have external entrances (subsection 18.84.410C7 of this title).

Daycare nursery.

Educational institutions. (Ord. 2007-30, 12-4-2007, eff. 1-4-2008)

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This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. Go to new ordinance.

18.78A.050: LOT AREA:

There shall be no minimum lot size requirement; however the total number of residential dwelling units shall not exceed six hundred seventeen (617), not counting accessory apartments permitted by this chapter. (Ord. 2007-30, 12-4-2007, eff. 1-4-2008)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. Go to new ordinance.

18.78A.060: LOT REQUIREMENTS:

There are no lot requirements other than the general layout of the lots as presented in the PD-1 MV final plat. (Ord. 2007-30, 12-4-2007, eff. 1-4-2008)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. Go to new ordinance.

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18.78A.070: RESIDENTIAL DENSITY:

The overall residential density in the PD-1 MV shall not exceed six hundred seventeen (617) dwelling units as defined in this chapter, not counting accessory apartments permitted by this chapter. (Ord. 2007-30, 12-4-2007, eff. 1-4-2008)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. Go to new ordinance.

18.78A.080: SETBACK REQUIREMENTS:

For the purpose of this chapter, the "lower village" is defined as those lands within the PD-1 MV west of the irrigation canal. The "estate" is defined as lands within the PD-1 MV east of the irrigation canal and west of the CE-1 district.

A. Lower village lot setbacks:

1. Front yard setbacks shall be no less than zero feet (0') and no more than fifteen feet (15') measured from the property line to the foundation of the home. Front porches, stairs and other features may encroach into the setback no more than five feet (5').
2. Corner lot side yard setbacks at the street side shall be treated as front yards.
3. Rear yard setbacks shall be no less than ten feet (10') measured from the rear property line to the foundation of the dwelling unit or garage (whichever is closer).
4. Side yard setbacks shall be no less than:

- a. 3.5 feet measured from the property line to the foundation of the single-family detached dwelling unit.
- b. 7.5 feet measured from the property line to the foundation of the attached dwelling units (duplex, townhome, etc.).

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B. Estate lot setbacks:

1. Front yard setbacks shall be no less than fifteen feet (15') measured from the property line to the foundation of the home. Front porches, stairs and other features may encroach on the setback no more than five feet (5'). Notwithstanding a lesser setback for the main building, garages, whether attached or not, shall be set back at least twenty feet (20'), measured from the back of sidewalk.
2. Rear yard setbacks shall be no less than fifteen feet (15') measured from the rear property line to the foundation of the dwelling unit.
3. Side yard setbacks shall be no less than ten feet (10') measured from the property line to the foundation of the dwelling unit. (Ord. 2007-30, 12-4-2007, eff. 1-4-2008)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. [Go to new ordinance.](#)

18.78A.090: BUILDING HEIGHT:

Single-family detached dwelling units shall not exceed thirty five feet (35') maximum height from the existing grade at the foundation (as depicted on the final plat) to the highest point of the roof. Chimneys and other minor features may exceed this height but may not exceed forty feet (40').

Townhomes, other attached dwelling units and community structures shall not exceed forty five feet (45') measured from the existing grade at the foundation (as depicted on the final plat) to the midpoint of the roof. This height limit may be exceeded with the permission of the city council if site conditions warrant such a waiver. However, under no circumstance shall the height of any structure exceed fifty five feet (55') in height. (Ord. 2007-30, 12-4-2007, eff. 1-4-2008)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. [Go to new ordinance.](#)

18.78A.100: ARCHITECTURAL REVIEW:

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A licensed architect ("the village architect") shall be employed by the homeowners' associations in the PD-1 zone to review the applicable covenants, conditions, and restrictions (CC&Rs) and to verify and enforce design. No building permit or fence application will be accepted by the city without a stamp from the village architect. All building guidelines will meet applicable Mapleton City and international building code standards as well as the standards in the CC&Rs and any design guidelines created by the homeowners' associations. While these standards may be more strict than this code, Mapleton City shall not be involved in the review of such CC&Rs or design guidelines. (Ord. 2007-30, 12-4-2007, eff. 1-4-2008)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. [Go to new ordinance.](#)

18.78A.110: PARKING REQUIREMENTS:

Parking requirements shall be governed by section [18.84.270](#) of this title. However, given the pedestrian friendly nature of the PD-1 MV, exceptions to section [18.84.270](#) of this title regarding minimum number of parking spaces may be granted by the city council. Additionally, no dwelling unit shall have more than two (2) on site parking spaces outside of the garage. (Ord. 2007-30, 12-4-2007, eff. 1-4-2008)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. Go to new ordinance.

18.78A.120: OPEN SPACE, STREET TREE AND LANDSCAPING REQUIREMENTS:

A minimum of thirty five percent (35%) of the site shall be preserved as permanent open space designated for public recreation and/or natural habitat. Open space may include stormwater management facilities, trails, play fields, greens, and natural areas. Such preserved open space shall be preserved in perpetuity through a deed restriction as approved by the city council. (Ord. 2007-30, 12-4-2007, eff. 1-4-2008)

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This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. Go to new ordinance.

18.78A.130: DESIGN STANDARDS:

Design elements including, but not limited to, street width, curb radii, drainage facilities, sidewalks, curb and gutter, and block standards shall conform to the Mapleton Village plan. Where the Mapleton Village plan conflicts with chapter 17.12 of this code, the Mapleton Village plan shall govern.

All landscaping shall conform to the requirements found in chapter 17.15 of this code and the master landscape plan for the PD-1 MV.

Street trees shall be required, where appropriate, between the sidewalk and the curb of every street. Said trees shall be a minimum size of no less than two inch (2") caliper and one tree shall be placed at least every twenty feet (20') and no closer than is recommended by a landscape architect for each specific species of street tree. Tree species shall be the same as required in the adopted street tree list for the city of Mapleton City or as otherwise approved by the city council. (Ord. 2007-30, 12-4-2007, eff. 1-4-2008)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. [Go to new ordinance.](#)

18.78A.140: ENFORCEMENT:

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If the city deems that open space and parks owned by homeowners' associations are not being kept to Mapleton City standards, the city shall have said improvements and maintenance done and any such expenses by the city shall be assessed to any of the homeowners' associations of the PD-1 MV. In the event of the default of any homeowners' associations in the PD-1 MV, title of the open space and parks shall revert to Mapleton City, and the city shall charge the individual property owners within the applicable areas for the maintenance required for the above mentioned open space and parks. (Ord. 2007-30, 12-4-2007, eff. 1-4-2008)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. [Go to new ordinance.](#)

Chapter 18.78B PD-2 PLANNED DEVELOPMENT-2 ZONE

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. [Go to new ordinance.](#)

18.78B.010: PURPOSE AND OBJECTIVES:

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The city intends the PD-2 zone to permit and regulate reasonable, single-family residential use of tracts of hillside property having a slope of less than thirty percent (30%), lying within the PD-2 zone, the development of which might otherwise be unreasonably restricted. Uses permitted in the PD-2 zone must be incidental to the essentially residential purposes thereof, and should not change the basic character of the zone. The PD-2 zone, moreover, should encourage imaginative and efficient utilization of hillside land while ensuring compatibility with the surrounding environment. This is accomplished by providing greater flexibility in the location of buildings on the land, the consolidation of open spaces, and the clustering of some or all dwelling units. (Ord. 2007-17, 8-21-2007, eff. 9-2-2007)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. [Go to new ordinance.](#)

18.78B.020: LOCATION:

As depicted on the Mapleton City official zoning map (as hereafter amended), the PD-2 zone designation describes a proposed residential development located on approximately one hundred eighteen (118) acres in the eastern area of Mapleton City, generally at and around 2100 East and 200 South. (Ord. 2007-17, 8-21-2007, eff. 9-2-2007)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. [Go to new ordinance.](#)

18.78B.030: PERMITTED USES:

The following uses shall be permitted in the PD-2 zone:

Agriculture (the science and art of farming; work of cultivating the soil, producing crops, and

raising livestock).

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

Home occupations, subject to the provisions of section 18.84.380 of this title.

Public utilities, drainage facilities, water wells and facilities; walls, ornamental ponds; fences subject to section 18.84.130 of this title.

Single-family dwellings.

Temporary fruit and vegetable stands, for the sale of produce raised on the premises, that shall not exceed one hundred (100) square feet; and are maintained in an orderly manner.

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, and shall be renewable on an annual basis. This use subject to subsection 18.84.200B of this title (temporary building during construction).

The raising, care and keeping of limited numbers of livestock and fowl, excluding swine, for family food production or recreation. Also barns, corrals, pens and coops and other structures for the care and keeping of domestic livestock and fowl, subject to the following:

A. The number of animals kept shall not exceed one animal unit for each twenty thousand (20,000) square feet of lot area.

B. No structure for the housing of livestock or fowl or corrals for the close confinement of livestock shall be located closer than one hundred feet (100') from an existing dwelling on an adjacent lot or fifty feet (50') from such a dwelling on the same lot. (Ord. 2007-17, 8-21-2007, eff. 9-2-2007)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. Go to new ordinance.

18.78B.040: PERMITTED ACCESSORY USES:

Accessory uses and structures are permitted in the PD-2 zone, provided they are incidental

to the main residential dwelling unit, and do not substantially alter the character of the permitted principal use or structure. Such permitted accessory uses and structures include, but are not limited to, the following:

In areas having a slope of less than thirty percent (30%), accessory buildings such as barns, garages, carports, greenhouses, gardening sheds, recreation rooms, and similar structures which are customarily used in conjunction with and are incidental to a principal use or structure.

Private parks and playgrounds.

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Swimming pools and incidental cabanas, subject to any and all requirements of the international building code (IBC). (Ord. 2007-17, 8-21-2007, eff. 9-2-2007)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. Go to new ordinance.

18.78B.050: CONDITIONAL USES:

The uses listed below may be approved by issuance of a conditional use permit from the planning commission. Uses not specified herein as "permitted" or "conditional" shall be considered prohibited. The following is a list of possible conditional uses within the PD-2 zone:

Exotic pets, so long as the petitioner provides sufficient evidence demonstrating that such pets will be prevented from endangering the health, safety, and welfare of other persons; causing damage to property of others; or otherwise creating a public nuisance.

In areas having a slope of greater than thirty percent (30%), accessory buildings such as barns, garages, carports, greenhouses, gardening sheds, recreation rooms, and similar structures which are customarily used in conjunction with and are incidental to a principal use or structure.

Owner occupied accessory apartments per section 18.84.410 of this title.

Places of worship, parks and playgrounds for multiple residential use, subject to section 18.84.320 of this title.

Residential healthcare facilities (nursing homes, including skilled nursing and intermediate healthcare facilities), subject to compliance with the standards for such uses as set forth in

section 18.84.370 of this title and the approval of site plan in accordance with the provisions of section 18.84.320 of this title. (Ord. 2007-17, 8-21-2007, eff. 9-2-2007)

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This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. Go to new ordinance.

18.78B.060: LOTS, BUILDINGS, AND YARDS:

Each lot or parcel of property in the PD-2 zone shall meet all of the following requirements:

- A. Lot Size And Area Per Dwelling: The minimum lot size in the PD-2 zone shall be twenty one thousand seven hundred eighty (21,780) square feet. Except as otherwise provided in section 18.78B.080 of this chapter, not more than one single-family dwelling may be placed upon a legally created lot or parcel of land in the PD-2 zone.
- B. Lot Width: Each lot or parcel of land in the PD-2 zone shall have a width of at least one hundred feet (100').
- C. Front Yard Requirements: No home shall have a front yard of less than thirty feet (30') measured from the front property line or the right of way to the foundation of the home.
- D. Side And Rear Yard: Each lot or parcel of land in the PD-2 zone shall have a side yard of not less than ten feet (10'). Each lot or parcel of land in the PD-2 zone shall have a rear yard of not less than twenty five feet (25').
- E. Corner Lots: Setbacks for corner lots shall not be less than thirty feet (30'), as measured for the front yard setback.
- F. Accessory Buildings:

1. Accessory buildings may be located no closer than three feet (3') from a property line. However, buildings with fire rated walls, built to the standards outlined in the international residential building code (IRC), may be placed up to the property line.
2. a. Accessory buildings shall not exceed thirty five feet (35') in height.
b. Notwithstanding subsection F2a of this section, within ten feet (10') of a property line, accessory buildings shall not exceed twelve feet (12') in height.
3. All roof drainage shall be directed away from any adjacent property lines, and shall be drained to the property wherein the building is located.

G. 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 ordinance 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.

H. Building Height: No lot or parcel of land in the PD-2 zone shall have a building or structure used for dwelling or public assembly which exceeds a maximum of thirty five feet (35') 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 farther than thirty feet (30') from a city street, then the measurement shall be taken of the established grade ten feet (10') from the home.

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- I. Permissible Lot Coverage: All buildings, including accessory buildings and structures, shall cover not more than thirty five percent (35%) of the area of the lot or parcel of land. (Ord. 2007-17, 8-21-2007, eff. 9-2-2007)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. Go to new ordinance.

18.78B.070: PARKING AND DRIVEWAY REQUIREMENTS:

- A. Each home located on a lot or parcel in the PD-2 zone shall have on the same lot or parcel at least 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 be:
1. At least twelve feet (12') wide, and
 2. Constructed of a hard surface material. (Ord. 2007-17, 8-21-2007, eff. 9-2-2007)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. Go to new ordinance.

18.78B.080: DENSITY:

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- A. **Maximum Overall Density:** Notwithstanding the twenty one thousand seven hundred eighty (21,780) square foot PD-2 zone minimum lot size set forth in subsection 18.78B.060A of this chapter, the PD-2 zone (as depicted on the Mapleton City official zoning map, as hereafter amended), shall include no more than forty seven (47) single-family homes.
- B. **Clustering (Applicable Only If Clustering Is Used):**
1. **Purpose:** Clustering within the PD-2 zone is meant to protect and preserve open space, encourage its more efficient and aesthetic use for scenic as well as recreational purposes. Clustering also offers the developer some flexibility in addressing land development issues.
 2. **Development Clusters:** Development clusters are permitted within the PD-2 zone, subject to the following guidelines:
 - a. Each development cluster shall be a contiguous area containing at least twenty one thousand seven hundred eighty (21,780) square feet for each single-family residence therein.
 - b. No development cluster shall contain fewer than three (3) or more than seven (7) single-family residences, nor shall any development cluster contain more than ten (10) acres.
 3. **Designated Build Areas:** Each development cluster shall contain a contiguous designated build area of at least eleven thousand (11,000) square feet per single-family residence.
 - a. All dwellings and accessory buildings in a given development cluster shall be located within the designated build area, having a slope of less than thirty percent (30%).
 - b. The location of each designated build area shall be designated on the preliminary plat and shall be identified and described on the final recorded plat, together with a notation to the effect that all dwellings and accessory buildings shall be located within such designated build area.
 4. **Applicability Of Development Code:** All construction within a development cluster in the PD-2 zone shall be subject to all requirements of the development code of Mapleton City, Utah. (Ord. 2007-17, 8-21-2007, eff. 9-2-2007)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. Go to new ordinance.

18.78B.090: HILLSIDE PRESERVATION:

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- A. General Purpose: To help accomplish the objectives of this zone, all land surface having a slope of thirty percent (30%) or greater shall remain in its natural state and shall not be graded or otherwise disturbed except for the planting of additional vegetation, the addition of sprinkler irrigation systems, the establishment of required firebreaks or the required access easements.
- B. Restrictions: To help preserve the hillside areas comprising this zone, the following restrictions on use shall apply to areas having a slope of thirty percent (30%) or greater:
1. Conditional Uses: The following shall be conditional uses:

Private roads leading to a permitted or conditional accessory use.
 2. Prohibited Uses: The following shall be prohibited uses:

Grading, plowing, excavating, cutting or filling without a permit from the city. The permit from the city will be issued if it is shown that such activity can be performed without unreasonable risk of erosion, flooding, or landslide.
 3. Additional Restrictions On Use Of Land:
 - a. Fences and walls shall only be constructed after obtaining a building permit.
 - b. Fences and walls shall only be constructed of low visibility see through materials not more than forty two inches (42") above the natural grade.
 - c. Existing surface of the ground shall not be changed by grading activities when erecting boundary fences.
 - d. No fencing shall be erected that interferes with dedicated easements.
 - e. All proposals to grade, fill, or excavate land shall be referred to the city engineer who shall make a preliminary determination if any erosion, flooding or landslide concerns exist that must be mitigated before a permit is issued. (Ord. 2007-17, 8-21-2007, eff. 9-2-2007)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. [Go to new ordinance.](#)

Chapter 18.80 ENT 56319:2011 PG 500 of 662 **OS-P OPEN SPACE AND PARKS ZONE**

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. [Go to new ordinance.](#)

18.80.010: PURPOSE AND INTENT:

The purpose and intent of the OS-P open space and parks zone is to establish areas anywhere in Mapleton City where only open space and generally undeveloped lands are to be encouraged. Development of a comprehensive network of permanent, multifunctional, and publicly owned open spaces shall be encouraged. All parks owned by the city may be given the OS-P zone designation. Land that has been legally deeded to the city or land that has had a conservation easement recorded on it as part of a transferable development right sending site, may be rezoned to the OS-P zone. (Ord. 2003-16, 6-4-2003, eff. 6-11-2003)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. [Go to new ordinance.](#)

18.80.015: DEFINITIONS:

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OPEN SPACE: Any area or parcel of property dedicated to the city, within a recorded conservation easement, either public or private, or United States forest service land, that would be kept in its natural state for perpetuity, due to its inability to be used for typical recreational or residential uses.

PARKS: Any area or parcel of property dedicated to the city or within a conservation easement that is to be used for, or is currently developed for, recreational uses, such as, but not limited to, playgrounds, athletic fields, picnicking, or group gatherings. These areas would be landscaped and maintained in the same manner as other parks within the city. All park areas may be deeded to or dedicated to the city with the exception of a private cemetery or private park, as approved by Mapleton City and maintained by a private homeowners' association. (Ord. 2003-16, 6-4-2003, eff. 6-11-2003)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. [Go to new ordinance.](#)

18.80.020: PERMITTED USES:

The following uses are permitted in the OS-P zone:

City initiated parks, open spaces, trails, museums, cemeteries or other city related activities.

City owned accessory structures for storage of equipment.

City owned buildings and structures for recreation.

City owned or city initiated water detention and/or debris basins.

City owned water well, water storage tank and all related equipment.

Conservation areas including, but not limited to, wilderness areas, watershed areas, wildlife refuges and wetlands.

Forests and urban forests. (Ord. 2003-16, 6-4-2003, eff. 6-11-2003)

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This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. Go to new ordinance.

18.80.030: CONDITIONAL USES:

The following uses are conditional in the OS-P zone:

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Horse stable or horse arena and related structures and equipment.

Private cemetery.

Private golf courses (except clubhouse, concessions and other commercial uses that will require a commercial zone, and project plan approval).

Private water detention and/or debris basin.

Private water well or at grade storage tank and related equipment. (Ord. 2003-16, 6-4-2003, eff. 6-11-2003)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. Go to new ordinance.

18.80.040: AREA REQUIREMENTS:

Minimum area requirements are to be determined by the planning commission and city council. City owned property for the use of a TDR-S (transferable development rights - sending) shall have a base density of one acre and a minimum five (5) acre site. (Ord. 2007-27, 11-7-2007, eff. 12-7-2007)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. Go to new ordinance.

18.80.045: BUILDING HEIGHT, SIZE AND SETBACK REQUIREMENTS:

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'). There shall be no minimum building size. (Ord. 2003-16, 6-4-2003, eff. 6-11-2003)

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This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. Go to new ordinance.

18.80.050: LANDSCAPING:

All areas not covered by buildings, pavement for roads and parking lots, or walkways, shall be landscaped as required by chapter 17.15 of this code, except that a separate landscaping plan may be accepted by the planning commission. Areas that are meant to be preserved, such as hillside areas, wildlife preserves, or forests, shall be excluded from any landscaped standards. Land given to the city for the purpose of a future park, or land purchased by the city for the purpose of a future park, may remain undeveloped and unlandscaped until such time the funds can be appropriated to finish the park. (Ord. 2003-16, 6-4-2003, eff. 6-11-2003)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. Go to new ordinance.

18.80.060: MAINTENANCE OF FACILITIES:

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- A. Parcels of property dedicated to the city for the use of a park shall be maintained by city employees, individuals contracted by the city, or volunteers, such as, but not limited to, scout projects, recreational groups, etc., under the direction of city staff.

- B. Open space areas should not need maintenance other than for safety reasons, such as fire roads, trails, access to water wells and water tanks, debris basins, utilities, etc. The maintenance would be performed by city employees or forest service employees. (Ord. 2003-16, 6-4-2003, eff. 6-11-2003)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. Go to new ordinance.

18.80.070: SIGNS:

Signs for private parks and parks not owned by Mapleton City, shall conform to chapter 18.86 of this title. Only monument signs, guide signs, directional signs and wall signs shall be permitted. Private signs not owned by Mapleton City shall require a sign permit. (Ord. 2003-16, 6-4-2003, eff. 6-11-2003)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-06 -

STRUCTURES WITHIN THE GC-1 ZONE. Go to new ordinance.

18.80.080: PARKING:

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The parking lot of any city park as defined and allowed herein shall be sufficient to accommodate the anticipated parking needs of the general public. Hillside areas owned by Mapleton City, or properties with recorded conservation easements associated with a transferable development right sending site shall be excluded from any parking requirements unless otherwise required by the planning commission or city council. The number of parking spaces shall be determined in section 18.84.270 of this title. Parking related to private buildings shall conform to section 18.84.270 of this title. (Ord. 2003-16, 6-4-2003, eff. 6-11-2003)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. Go to new ordinance.

18.80.090: PROJECT PLAN APPROVALS:

Any private buildings or structures within the OS-P zone shall be required to obtain project plan approvals for such.

A. Concurrent with any request to rezone property to the OS-P zone; or if the property is currently zoned OS-P, prior to any approval for a building permit, a preliminary project plan shall be submitted to and approved by the Mapleton City planning commission. Said preliminary project plan shall be drawn to scale and shall contain the following information:

1. Location of all existing and proposed buildings and structures on the site, including an indication of the proposed uses;
2. The location of all parking spaces as required by the planning commission, driveways, and points of vehicular ingress and egress;
3. A conceptual signing plan showing the location and size of typical signs;

4. A conceptual landscaping plan subject to the requirements in chapter 17.15 of this code showing planting materials to be used together with the location of fences, walls, hedges, and decorative materials;
5. Preliminary elevations of the buildings showing the general appearance and types of exterior materials to be used;
6. No buildings or structures shall be located above or east of the Wasatch fault as shown on the official Utah County geological hazards map. Gazebos and open air pavilions (open on at least 3 sides), with a size less than five hundred (500) square feet shall be excluded.

Accessory structures less than five hundred (500) square feet in size shall be approved by the planning director as long as the structure does not encroach on any of the required parking or required landscape areas. Furthermore, building additions less than five hundred (500) square feet shall also be approved by the planning director so long as they meet the aforementioned criteria, and as long as the addition does not physically alter the character of the building. Accessory buildings and additions shall be architecturally compatible with the main structure, including exterior building materials and colors.

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- B. Prior to the construction of any building or structure in the OS-P zone, a final project plan shall be submitted and approved by the city council, after a recommendation from the planning commission. Said project plan shall be drawn to scale and shall contain all required information designated on the application checklist. The planning commission may require a traffic study be submitted prior to a final project plan recommendation.
- C. Any failure to submit a final project plan within one year of the approval of the preliminary project plan shall terminate all proceedings and render the preliminary plan null and void, and the planning commission may also take further action to rezone the property as per section 18.12.010 of this title. (Ord. 2003-16, 6-4-2003, eff. 6-11-2003)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. [Go to new ordinance.](#)

Chapter 18.82

PRC PLANNED RESIDENTIAL COMMUNITY ZONE

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. [Go to new ordinance.](#)

18.82.010: PURPOSE AND INTENT:

The purpose of the planned residential community zone is to encourage imaginative and efficient utilization of land, develop a sense of community, and to ensure compatibility with the surrounding neighborhoods and environment. This is accomplished by providing greater flexibility in the location of buildings on the land, the consolidation of open spaces, and the clustering of some or all dwelling units. These provisions are intended to create more attractive and desirable environments within the residential areas of Mapleton City.

A "planned residential community (PRC)" is a residential development planned as a whole single development. It incorporates a definite development theme which could include the elements of usable open spaces, diversity of lot design, amenities, a well planned circulation system, and attractive entrances as part of the design.

The PRC shall only be used in the areas of the city that have a current zone designation of A -2, RA-1 and RA-2. No other zone designation shall be permitted to rezone to the PRC zone, unless the general plan designation of the property is either very low or low density residential. (Ord. 2004-25, 8-11-2004, eff. 9-9-2004)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. [Go to new ordinance.](#)

18.82.020: PLANNED RESIDENTIAL COMMUNITY ZONE MAPS:

A planned residential community zone shall include the following plan maps:

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- A. A boundary map shall be prepared for every planned residential community zone. The boundary map, based on parcel boundaries or other surveyed boundaries, shall be used to delineate areas of the zoning district that lie within the city's boundaries on the official zone map. The zone map shall identify such areas as "PRC" and shall include the name of the planned residential community. Each zone shall also have a corresponding number, such as PRC-1 and so on.
- B. A conceptual development plan based on an adopted or proposed planned residential community shall accompany each application for rezoning to a PRC zone. (Ord. 2004-25, 8-11-2004, eff. 9-9-2004)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. Go to new ordinance.

18.82.030: PLANNED RESIDENTIAL COMMUNITY ZONE TEXT:

Each planned residential community zone ordinance shall include the following provisions and standards:

- A. **Name And Purpose:** The name and purpose of the zone. This section shall describe the zone in sufficient detail as to clarify the purpose and intent of the PRC zone regulations.
- B. **Review And Approval Process:** A review and approval process consisting of three (3) elements as follows:
1. Approval of a planned residential community, including maps, text, and conceptual development plan for the site in question;
 2. Approval of a PRC zone text and map amendment to implement the plan and the rezone of the property;

3. Approval of a detailed development plan, subdivision, performance development, or condominium plat, if applicable.

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- C. Text And Map Amendments: Applications for the PRC zone text and map amendments shall be processed following the procedures set forth in section 18.12.010 of this title.
- D. Application Process: An application for project development plan and subdivision shall be processed following the procedures set forth in aforementioned sections of this code.
- E. Permitted Land Uses: This section shall identify permitted, conditional, and accessory land uses.
- F. Land Use Standards: This section shall specify any required land use conditions (i.e., land use mix, density, open space, buffering, etc.), and the review procedure required to review and approve each land use (design review, project plan review, conditional use, etc.). The criteria set forth in this code shall be used in creating land use standards.
- G. Lot Standards: This section shall specify requirements for new lots such as lot area, dimensions, and density, as applicable.
- H. Building Setbacks: This section shall provide setback standards for front, side and rear yards, as applicable.
- I. Design Standards: The design standards set forth in section 17.12.090 of this code shall apply to all planned residential community zones. In addition, each such zone shall include design standards to address building heights, building orientation, common and private open space, natural resource protection, architectural design, and any other provisions unique to the district.
- J. Building Height: This section shall establish building height standards as per section 18.82.080 of this chapter.

- K. Density: An element of the PRC zone text shall indicate the total density of the project. It should also indicate that no new subdivision lots shall be permitted beyond that which was originally approved, for the purpose of increasing the density. (Ord. 2004-25, 8-11-2004, eff. 9-9-2004)

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This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. [Go to new ordinance.](#)

18.82.040: EXCEPTIONS TO DEVELOPMENT AND DESIGN STANDARDS AFTER ADOPTION OF PLAN AND ZONE:

When a planned residential community is adopted and the subject property has been placed in a PRC zone, the development plan and development standards associated with the zone shall be strictly construed. No variations shall be made from the development plan and standards adopted in the zone unless expressly approved by the city council with recommendation from the planning commission for the purpose of achieving better design. In taking such action the planning commission and city council shall:

- A. Make a finding that the amendment will result in better design; and
- B. Be bound by the standards set forth in the text of the applicable PRC zone which governs the development plan. (Ord. 2004-25, 8-11-2004, eff. 9-9-2004)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. [Go to new ordinance.](#)

18.82.050: PERMITTED USES:

The applicant or developer of each PRC zone may create a zone text for the development that is more restrictive than this code. The governing text of each development that is more restrictive shall apply. The following are the generally permitted uses in the PRC zone:

Accessory buildings, in conjunction with and incidental to the main use of the property, such as a shed or detached garage or agricultural building.

Animal rights. Subject to the original zone designation of the property, or the zone designation allowed in the general plan designation of the land:

A. The applicant or developer of the project within a PRC, at their discretion, may or may not allow animal rights within the project, unless the proposed project is within the RA-2 zone designation, where there shall be no animal rights within the development. This will be reflected in the zone text for each PRC zone. Animal rights in each PRC zone may be more restrictive than this code, but in no case shall they be less restrictive.

B. In no case shall animal rights be allowed on a lot or parcel of less than one acre in size, and in no case shall animal rights be allowed on a lot that is adjacent to a parcel without animal rights.

C. When possible, common areas for the purpose of housing animals should be considered. These would include horse stables and riding facilities and would be held in common by the homeowners within the PRC development.

Clubhouse, swimming pool and other recreational amenities for the development.

Detached single-family residential dwelling unit.

Private and public parks.

Swimming pools and related equipment.

Utility facilities. (Ord. 2004-25, 8-11-2004, eff. 9-9-2004)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3

PLANNED DEVELOPMENT. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. Go to new ordinance.

18.82.060: CONDITIONAL USES:

Home occupations (subject to section 18.84.380 of this title).

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Owner occupied accessory apartments; allowed for homes on lots with fourteen thousand five hundred (14,500) square feet or greater, and subject to approvals as outlined in section 18.84.410 of this title.

Places of worship.

Private secondary irrigation system for the project (subject to secondary irrigation ordinance and requirements).

Public educational institutions. (Ord. 2004-25, 8-11-2004, eff. 9-9-2004)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. Go to new ordinance.

18.82.070: DENSITY AND THE USE OF TRANSFERABLE DEVELOPMENT RIGHTS (TDRs):

A. The density of the proposed development shall be the same density as allowed in the general plan designation. Residential densities shall be determined pursuant to chapter 17.02 of this code. A concept plan that meets all of the requirements set forth in the zone for a subdivision shall be presented to the planning staff to determine the density of the proposed development. All lot and road standards shall apply.

B. A density bonus shall only be permitted exclusively with the use of TDRs. TDRs may be used to increase the overall density. The maximum density shall be no more than double

of the established density in the original general plan designation. (Ord. 2006-36, 11-21-2006)

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This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

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This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. Go to new ordinance.

18.82.080: BUILDING HEIGHT:

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') 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. (Ord. 2004-25, 8-11-2004, eff. 9-9-2004)

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This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. Go to new ordinance.

18.82.090: PROJECT ACREAGE REQUIREMENT:

The minimum size requirement for any project applying for the PRC zone shall be no less than fifteen (15) acres. Parcels with less than fifteen (15) acres may be combined with other adjacent parcels to meet the minimum acreage requirements. The city council may waive this requirement upon recommendation from the planning commission if the parcel proposed to be rezoned is surrounded by existing development directly adjacent to the proposed project on at least three (3) sides. However, in no case shall the minimum project site be less than ten (10) acres. (Ord. 2004-25, 8-11-2004, eff. 9-9-2004)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. Go to new ordinance.

18.82.100: LOT REQUIREMENTS FOR DWELLING UNITS:

There shall be no lot size requirements in the PRC zone, except that lots shall be of a sufficient size to accommodate the anticipated home sizes within the development, and to meet the required setbacks. (Ord. 2004-25, 8-11-2004, eff. 9-9-2004)

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This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

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18.82.110: SETBACK REQUIREMENTS:

Each PRC zone text shall outline the setback requirements for the development, however, the PRC text shall not be less restrictive than the following setback standards for the PRC zone:

A. Subdivision Lots:

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.
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. Pad Sites: Pad sites surrounded by open space areas provided for the purpose of a dwelling unit shall have the following setback requirements:

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 lots shall have a setback of twenty feet (20') measured from the edge of the street right of way to the foundation of the home.
3. Side yard to property line: Ten feet (10').
4. Rear yard to property line or zone boundary: Twenty five feet (25') measured from the edge of the foundation to the property line or zone boundary line.
5. There shall be a minimum setback between dwellings of twenty feet (20') in the rear yard and fifteen feet (15') for the side yard. In no case shall any dwelling unit be closer than fifteen feet (15') to another dwelling. (Ord. 2004-25, 8-11-2004, eff. 9-9-2004)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

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18.82.120: PARKING REQUIREMENTS:

All dwelling units, whether or not on a lot or pad site, shall have an attached or detached two (2) car garage that is fully enclosed. All dwelling units shall have a paved hard surface driveway no less than twenty feet (20') in length and sixteen feet (16') in width, from a public street to the required garage. (Ord. 2004-25, 8-11-2004, eff. 9-9-2004)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-06 -

STRUCTURES WITHIN THE GC-1 ZONE. Go to new ordinance.

18.82.125: GATED COMMUNITIES AND PRIVATE STREETS:

Gated communities and private streets are not permitted. (Ord. 2004-25, 8-11-2004, eff. 9-9-2004)

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This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. Go to new ordinance.

18.82.130: OPEN SPACE, STREET TREES AND LANDSCAPING REQUIREMENTS:

All landscaping shall conform to the requirements found in chapter 17.15 of this code. Any private open space areas shall be maintained by a homeowners' association and fees shall be collected from all related parties, property owners, or residents therein, to assure the maintenance of the open space areas. Open space areas may include the land around the residential areas.

- A. Street Trees Required For Subdivision Lots: 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 one inch (1") 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 same as required in the adopted Mapleton City tree list as per chapter 18.56 of this code.
- B. Landscaping Requirements: For both pad sites and lots, seventy five percent (75%) of front yard 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.
1. Additional Requirements For Pad Sites: Automatic surface sprinkling system for front yard shall be required. This will include lawn area, planting strip in front of the house and between sidewalk and curb. Each station shall provide sufficient water to meet needs of plants being watered. (Ord. 2004-25, 8-11-2004, eff. 9-9-2004)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. Go to new ordinance.

18.82.140: GUARANTEES AND COVENANTS:

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Adequate guarantees shall be provided for permanent retention and maintenance of all open space areas created within a PRC. No plats will be recorded and no bonds will be released until all required guarantees have been submitted to and approved by the planning commission and city council. Said open space guarantees may include the following:

- A. The city may require the developer to furnish and record protective covenants which will guarantee the retention of the open land area, or the city may require the creation of a corporation granting beneficial rights to the open space to all owners or occupants of land within the development.
- B. The developer shall be required to develop and provide for the maintenance of all open space, unless part of or all of it is contiguous to and is made part of an existing park, and the city accepts dedication and approves the annexation of the property to said park.
- C. In the case of private reservation, the open space to be reserved shall be protected against building development by conveying to the city as part of the condition of project approval, an open space easement over such open areas, restricting the area against any future building or use.
- D. The care and maintenance of the area within such open space reservation shall be ensured by the developer by establishing a private association or corporation responsible for such maintenance which shall levy the cost thereof as an assessment on the property owners within the performance development. Ownership and tax liability of private open space reservations shall be established in a manner acceptable to the city and made a part of the conditions of the final plan approval.

E. Maintenance of open space reservations shall be managed by person, partnership, or corporate entity in which there is adequate expertise and experience in property management to assure that said maintenance is accomplished efficiently and at a high standard of quality.

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F. Minor changes in the location, siting, and height of buildings and structures may be authorized by the planning commission and city council without additional public hearings if required by engineering or other circumstances not foreseen at the time the final plan was approved. No change authorized by this subsection may cause any of the following:

1. A change in the use or character of the development;
2. An increase in overall coverage of structures;
3. An increase in the intensity of use;
4. An increase in the problems of traffic circulation and public utilities;
5. A reduction in approved open space;
6. A reduction of off street parking and loading space;
7. A reduction in required pavement widths.
8. All other changes in use, or rearrangement of lots, blocks, and building tracts, or any changes in the provision of common open spaces and changes other than listed above, must be made by the city council after report of the planning administrator and recommendation by the planning commission.

G. In order to ensure that the PRC development will be constructed to completion in an acceptable manner, the applicant (owner) shall post a performance bond in compliance with city bonding policy.

H. The establishment of a private association or corporation responsible for all maintenance of facilities owned by the development, which shall levy the cost thereof as an assessment to each unit owner within the development.

I. The establishment of a management committee, with provisions setting forth the number of persons constituting the committee, the method of selection, and the powers and duties of said committee; and including the person, partnership, or corporation with property management expertise and experience who shall be designated to manage the maintenance of the common areas and facilities in an efficient and quality manner.

- J. The method of calling a meeting of the members of the corporation or association with the members thereof that will constitute a quorum authorized to transact business.
- K. The method for maintenance, repair, and replacement of common areas and facilities, and distribution of costs thereof.
- L. The method for maintenance of all private driveways, alleys, and private utilities and acknowledgment that such maintenance is the responsibility of the homeowners' corporation or association.
- M. The manner of collection from unit owners for their share of common expenses, and the method of assessment.
- N. Provisions as to percentage of votes by unit owners which shall be necessary to determine whether to rebuild, repair, restore, or sell property in the event of damage or destruction of all or part of the project.
- O. The method and procedure by which the declaration may be amended: the declaration required herein, any amendment, and any instrument affecting the property or any unit therein shall be approved by the planning commission and city council, and recorded with the county recorder. Neither the declaration nor any amendment thereto shall be valid until approved and recorded. Said declaration and amendments thereto shall be maintained as part of the project plan for the performance development.
- P. In case of failure or neglect to comply with any and all of the conditions and regulations herein established, and as specifically made applicable to a performance development, the planning administrator shall not issue a certificate of zoning compliance therefor. Such failure or neglect shall be cause for termination of the approval of the project. Such failure or neglect to comply with the requirements and to maintain the buildings and premises in accordance with the conditions or approval thereafter shall also be deemed to be a violation of this chapter. (Ord. 2004-25, 8-11-2004, eff. 9-9-2004)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. Go to new ordinance.

18.82.150: DEVELOPMENT AGREEMENT REQUIRED:

Prior to the rezone hearing before the city council for the PRC zone, the applicant shall provide a detailed development agreement that details the entire project, the total amount of units or lots, the amounts of open spaces and landscaped areas, and any other amenities that the applicant is willing to proffer as part of the development. Said development agreement will also incorporate any recommended required changes made by the planning commission. Accompanied with the final development agreement shall be the correct legal description of the property, a planning commission approved copy of the preliminary plan or plat, as well as any proposed architectural elevations of homes or buildings. At the request of the city council, other language may be required in the development agreement to assure the city that the plans will match the final product built. Said agreement shall be recorded with the Utah County recorder's office, and will be attached to the title of the property to inform future or prospective property buyers of the requirements of developing the property under the PRC zone designation. Any renegotiation of the development agreement may only occur when the applicant or owner of the property petitions the city to amend the PRC plan for the property as per the requirements of this title. (Ord. 2004-25, 8-11-2004, eff. 9-9-2004)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. Go to new ordinance.

18.82.160: PHASING:

If the project is done in phases, no remnant parcels shall be created. Any land not proposed for development shall be designated and platted as open space. Furthermore, each phase adjacent to any dedicated open space areas, including parks, walking paths or otherwise, as shown on the approved concept plan shall be included with the proposed phase. Upon approval by the city council, a portion of any proposed open space may be dedicated with each phase or plat. (Ord. 2004-25, 8-11-2004, eff. 9-9-2004)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. [Go to new ordinance.](#)

18.82.170: BONDING AND PERFORMANCE GUARANTEES:

A performance guarantee bond pursuant to the requirements in chapter 17.20 of this code shall be required with each phase or plat. Bonding shall include all required development improvements, street trees, and all landscaping for any required parks and open spaces as shown or required in each phase or plat. (Ord. 2004-25, 8-11-2004, eff. 9-9-2004)

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This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. [Go to new ordinance.](#)

Chapter 18.82A HILLCREST SUBDIVISION, PLANNED RESIDENTIAL COMMUNITY (PRC-1) ZONE

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. [Go to new ordinance.](#)

18.82A.005: NAME AND PURPOSE:

The name of this zone shall be the Hillcrest subdivision PRC-1 zone. The purpose of the zone is to create standards that allow the union of flexibility and uniformity, beauty and functionality, and privacy and community throughout the Hillcrest subdivision. (Ord. 2007-24, 11-7-2007)

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This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. Go to new ordinance.

18.82A.010: PERMITTED USES:

One single-family residence per lot.

Parks and/or open space (lot 17 only).

Temporary structures necessary for sales and/or construction activities, subject to subsection 18.84.200B of this title. (Ord. 2007-24, 11-7-2007)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. Go to new ordinance.

18.82A.020: PERMITTED ACCESSORY USES:

Accessory uses are permitted in the Hillcrest subdivision PRC-1 zone, provided that the use is incidental to the main dwelling unit and does not distract from or conflict with the character and purpose of the principal permitted use. All accessory uses are subject to acquisition of any approvals, permits, or licenses required to construct, operate, or maintain said use. Permitted accessory uses include:

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

title. Livestock, poultry, or large animals, including horses and other beasts of burden are strictly prohibited.

Fences and walls.

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Home occupations subject to section 18.84.380 of this title.

One recreational area constructed on a commonly held parcel (lot 17), consisting of open/green space, playground equipment, and a pavilion or similar open gathering structure.

Owner occupied accessory apartments subject to section 18.84.410 of this title.

Pools, tennis courts, or other recreational facilities.

Private nurseries, greenhouses, or gardens. (Ord. 2007-24, 11-7-2007)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. [Go to new ordinance.](#)

18.82A.030: CONDITIONAL USES:

The principal use of the Hillcrest subdivision PRC-1 zone is a single-family residential community. No conditional uses outside of the principal or accessory uses are permitted. (Ord. 2007-24, 11-7-2007)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. [Go to new ordinance.](#)

18.82A.040: LAND USE STANDARDS:

There are no land use standards except as outlined in sections 18.82A.010 and 18.82A.020 of this chapter. (Ord. 2007-24, 11-7-2007)

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This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. Go to new ordinance.

18.82A.050: LOT STANDARDS:

The minimum lot size within the Hillcrest subdivision PRC-1 zone is seventeen thousand four hundred (17,400) square feet (0.4 acre). The zone shall consist of no more than seventeen (17) lots. No new subdivision lots shall be permitted beyond those originally approved for the purpose of increasing this density. (Ord. 2007-24, 11-7-2007)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. Go to new ordinance.

18.82A.060: BUILDING SETBACKS:

The minimum setbacks for improvements constructed on lots in the Hillcrest subdivision PRC-1 zone are as follows:

A. Main Building:

1. Front yard setback: No less than thirty feet (30') measured from the property line.
2. Corner lot side yards: Measured the same as the front yard.

3. Rear yard setback: No less than twenty five feet (25') measured from the rear property line to the foundation of the home.
4. Side yard setback: No less than ten feet (10') measured from the property line to the foundation of the home.

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B. Accessory Building: No accessory building shall be any closer to the front property line than the main building.

1. Setbacks for accessory buildings less than or equal to twelve feet (12') in height shall be as follows:
 - a. Rear yard setback: Three feet (3') from the property line to structure, but no less than fifteen feet (15') from any existing accessory structure on an adjacent lot, and no less than forty feet (40') from an existing residence on an adjacent lot.
 - b. Side yard setback: Three feet (3') from the property line to structure, but no less than fifteen feet (15') from any existing accessory structure on an adjacent lot, and no less than forty feet (40') from an existing residence on an adjacent lot.
2. Setbacks for accessory buildings greater than twelve feet (12') in height shall be as follows:
 - a. Rear yard setback: Ten feet (10') from the property line to structure, but no less than fifteen feet (15') from any existing accessory structure on an adjacent lot, and no less than forty feet (40') from an existing residence on an adjacent lot.
 - b. Side yard setback: Ten feet (10') from the property line to structure, but no less than fifteen feet (15') from any existing accessory structure on an adjacent lot, and no less than forty feet (40') from an existing residence on an adjacent lot. (Ord. 2007-24, 11-7-2007)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. [Go to new ordinance.](#)

18.82A.070: BUILDING HEIGHT:

A. Main building: No more than thirty feet (30') and a maximum of two (2) stories, 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 farther than thirty feet (30') from a city street, then the measurement shall be taken of the established grade ten feet (10') from the home.

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B. Accessory building: No more than thirty feet (30') from finished grade to the highest roof pitch. Measurement shall be taken on three (3) sides of the structure, and finished grade shall be established ten feet (10') from the structure based on the average elevation of each side. (Ord. 2007-24, 11-7-2007)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. Go to new ordinance.

18.82A.080: PARKING AND DRIVEWAY REQUIREMENTS:

A one-family dwelling shall provide at least four (4) off street parking spaces. At least two (2) of the spaces shall be located in an attached or detached 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, measured from the property line to the required garage. (Ord. 2007-24, 11-7-2007)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. Go to new ordinance.

18.82A.090: LANDSCAPING REQUIREMENTS:

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. 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. (Ord. 2007-24, 11-7-2007)

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This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. Go to new ordinance.

18.82A.100: LOT 17:

Lot 17 will be set aside as a park area that will be fully landscaped, including a pavilion, walking path, and a tot lot. The park improvements shall be completed one year from the date of the recording of the plat. The Hillcrest Homeowners' Association will be responsible for the maintenance and upkeep of lot 17. If the association defaults (as defined in section 18.82A.120 of this chapter) ownership of lot 17 shall pass to Mapleton City. (Ord. 2007-24, 11-7-2007)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. Go to new ordinance.

18.82A.110: HIGH WATER TABLE:

Lots 1, 2, and 16 in the Hillcrest subdivision PRC-1 zone have been designated as being located in areas with a high water table. No homes with basement foundations shall be built on these lots. (Ord. 2007-24, 11-7-2007)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. [Go to new ordinance.](#)

18.82A.120: TRANSFER OF COMMON AREAS TO MAPLETON CITY:

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, 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 residences 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 a 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. (Ord. 2007-24, 11-7-2007)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. [Go to new ordinance.](#)

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Chapter 18.82C

PHEASANT VIEW SUBDIVISION, PLANNED RESIDENTIAL COMMUNITY (PRC-3) ZONE

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. [Go to new ordinance.](#)

18.82C.005: THEME:

The Pheasant View planned residential community carries with it the theme of luxurious country living, but with the park and picnic area in close proximity will give the families a sense of closeness. This twenty (20) acre parcel of country elegance will carry with it a feeling of greatness that will influence all of the residents of Mapleton City. (Ord. 2008-24, 12 -17-2008, eff. 2-4-2009)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. [Go to new ordinance.](#)

18.82C.010: NAME AND PURPOSE:

The name of this zone shall be the Pheasant View PRC-3 zone. The purpose of this zone is to protect the integrity 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. 2008-24, 12-17-2008, eff. 2-4-2009)

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This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. Go to new ordinance.

18.82C.020: PERMITTED USES:

One single-family residence per lot.

Parks and/or open space (lot 27 only).

Public utilities.

Temporary structures necessary for sales and/or construction activities, subject to subsection 18.84.200B of this title. (Ord. 2008-24, 12-17-2008, eff. 2-4-2009)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. Go to new ordinance.

18.82C.030: PERMITTED ACCESSORY USES:

Accessory uses are permitted in the Pheasant View subdivision PRC-3 zone, provided that the use is incidental to the main dwelling unit and does not distract from or conflict with the character and purpose of the principal permitted uses. All accessory uses are subject to acquisition of any approvals, permits, or licenses required to construct, operate, or maintain

said use. Permitted accessory uses include:

Accessory buildings such as garages, carports, bathhouses, greenhouses, gardening sheds, recreation rooms, and similar structures which are customarily used in conjunction with, and incidental to, a principal use or structure.

Animal rights. Customary residential household pets as defined in section 18.08.345 of this title. Lots 17 and 18 shall allow for the raising, care and keeping of a limited number of livestock, feed and produce, barns, corrals, pens, coops and other structures associated with the uses. The number of animals kept shall not exceed one animal unit for each twenty thousand (20,000) square feet of lot area for lots one acre or larger.

Fences and walls.

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Home occupations subject to section 18.84.380 of this title.

One park and picnic area constructed on a commonly held parcel (lot 27), consisting of open/green space, playground equipment, and a pavilion or similar open gathering structure.

Owner occupied accessory apartments subject to section 18.84.410 of this title.

Pools, tennis courts, or other recreational facilities. (Ord. 2008-24, 12-17-2008, eff. 2-4-2009)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. Go to new ordinance.

18.82C.040: CONDITIONAL USES:

No conditional uses are permitted. (Ord. 2008-24, 12-17-2008, eff. 2-4-2009)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. Go to new ordinance.

18.82C.050: BUILDING SETBACKS:

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The minimum setbacks for improvements constructed on lots 1 through 26 in the Pheasant View subdivision PRC-3 zone are as follows:

A. Main Building:

1. Front yard setback: No less than thirty feet (30') measured from the property line.
2. Corner lot side yards: Measured the same as the front yard.
3. Rear yard setback: No less than thirty feet (30') measured from the rear property line to the foundation of the home.
4. Side yard setback: No less than ten feet (10') measured from the property line to the foundation of the home.

B. Accessory Building: No accessory building shall be any closer to the front property line than the main building.

1. Setbacks for accessory buildings less than or equal to twelve feet (12') in height shall be as follows:
 - a. Rear yard and side yard setback: Be set back a minimum of three feet (3') from the property line.
2. Setbacks for accessory buildings greater than twelve feet (12') in height shall be as follows:
 - a. Rear yard and side yard setback: Be set back a minimum of ten feet (10') from the property line. (Ord. 2008-24, 12-17-2008, eff. 2-4-2009)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-06 -

STRUCTURES WITHIN THE GC-1 ZONE. Go to new ordinance.

18.82C.060: PERMISSIBLE LOT COVERAGE:

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- A. In a PRC-3 zone, all buildings including accessory buildings and structures, shall not cover more than thirty percent (30%) of the area of the lot or parcel of land as measured by the roof print of the buildings and structures. (Ord. 2008-24, 12-17-2008, eff. 2-4-2009)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. Go to new ordinance.

18.82C.070: BUILDING HEIGHT:

- A. Main building: No more than thirty feet (30') and a maximum of two (2) stories, 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 farther than thirty feet (30') from a city street, then the measurement shall be taken of the established grade ten feet (10') from the home.
- B. Accessory building: No more than thirty feet (30') from finished grade to the highest roof pitch. Measurement shall be taken on three (3) sides of the structure, and finished grade shall be established ten feet (10') from the structure based on the average elevation of each side. (Ord. 2008-24, 12-17-2008; eff. 2-4-2009)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3

PLANNED DEVELOPMENT. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. Go to new ordinance.

18.82C.080: GARAGE AND PARKING STANDARDS:

Shall be calculated as follows:

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Square Foot Area Of Residence	Number Of Garage Spaces	Total Off Street Spaces (Including Garage)
Under 4,500	2	4
4,500 - 8,000	3	4

All dwelling units shall have a paved hard surface driveway no less than thirty feet (30') in length and sixteen feet (16') in width, measured from the property line to the required garage. (Ord. 2008-24, 12-17-2008, eff. 2-4-2009)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. Go to new ordinance.

18.82C.090: DENSITY:

The total density allowed in the Pheasant View PRC-3 zone is twenty six (26) building lots. No new subdivision lots shall be permitted beyond those originally approved for the purpose of increasing density. (Ord. 2008-24, 12-17-2008, eff. 2-4-2009)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. [Go to new ordinance.](#)

18.82C.100: LOT 27:

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Lot 27 will be set aside as a park and picnic area that will be fully landscaped, including a pavilion, walking path, and a tot lot. The park improvements shall be completed two (2) years from the date of the recording of the plat. The Pheasant View Homeowners' Association will be responsible for the maintenance and upkeep of lot 27. If the association defaults (as defined in section 18.82C.120 of this chapter) ownership of lot 27 shall pass to Mapleton City. (Ord. 2008-24, 12-17-2008, eff. 2-4-2009)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. [Go to new ordinance.](#)

18.82C.110: LANDSCAPING REQUIREMENTS:

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. 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. (Ord. 2008-24, 12-17-2008, eff. 2-4-2009)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. [Go to new ordinance.](#)

18.82C.120: TRANSFER OF COMMON AREAS TO MAPLETON CITY:

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, 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 residences 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:

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- 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 a 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. (Ord. 2008-24, 12-17-2008, eff. 2-4-2009)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. [Go to new ordinance.](#)

Chapter 18.82D

PRESERVE AT MAPLETON SUBDIVISION, PLANNED RESIDENTIAL COMMUNITY (PRC-4) ZONE

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. [Go to new ordinance.](#)

18.82D.005: THEME:

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

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. [Go to new ordinance.](#)

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)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. Go to new ordinance.

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

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. Go to new ordinance.

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 18.82D.090 of this chapter.

Home occupations are subject to section 18.84.380 of this title. ENT 56319:2011 PG 539 of 662

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 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)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. Go to new ordinance.

18.82D.040: LAND USE STANDARDS:

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

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. Go to new ordinance.

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)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. Go to new ordinance.

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)

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This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. Go to new ordinance.

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)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. Go to new ordinance.

18.82D.080: GARAGE AND PARKING STANDARDS:

Shall be calculated as follows:

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Square Foot Area Of Residence (Based On Applicable CC&Rs)	Number Of Garage Spaces	Total Off Street Spaces (Including Garage)
Under 4,500	2	4
4,500 _ 7,999	3	4
8,000 _ 14,990	4	6
Over 15,999	5	8

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

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. Go to new ordinance.

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 uniform building code standards as well as the standards in the CC&Rs and design guidelines. (Ord. 2007-18, 8-7-2007, eff. 12-11-2007)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3

PLANNED DEVELOPMENT. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-06 -
STRUCTURES WITHIN THE GC-1 ZONE. Go to new ordinance.

ENT 56319:2011 PG 544 of 662

18.82D.100: 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.

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 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.

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

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. Go to new ordinance.

18.82D.110: DENSITY:

ENT 56319:2011 PG 545 of 662

The total density allowed in the Preserve at Mapleton PRC-4 zone is ninety two (92) individual building lots and common area buildings. No new subdivision lots shall be permitted beyond those originally approved for the purpose of increasing this density. (Ord. 2007-18, 8-7-2007, eff. 12-11-2007)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. Go to new ordinance.

18.82D.120: 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. (Ord. 2007-18, 8-7-2007, eff. 12-11-2007)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. Go to new ordinance.

18.82D.130: 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:

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

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. [Go to new ordinance.](#)

ENT 56319:2011 PG 547 of 662

Chapter 18.82E

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

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. [Go to new ordinance.](#)

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)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. [Go to new ordinance.](#)

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)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. [Go to new ordinance.](#)

18.82E.030: PERMITTED ACCESSORY USES:

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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)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. [Go to new ordinance.](#)

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)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. Go to new ordinance.

18.82E.050: BUILDING SETBACKS:

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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)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. [Go to new ordinance.](#)

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)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. [Go to new ordinance.](#)

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)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. [Go to new ordinance.](#)

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)

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This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. Go to new ordinance.

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)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. Go to new ordinance.

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.

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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)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. Go to new ordinance.

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)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. Go to new ordinance.

18.82E.120: PLANNED OPEN SPACE:

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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)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. Go to new ordinance.

Chapter 18.84 SUPPLEMENTARY REGULATIONS

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. Go to new ordinance.

18.84.010: EFFECT OF SUPPLEMENTARY REGULATIONS:

The regulations set forth in this chapter qualify or supplement, as the case may be, the zone regulations appearing elsewhere in this title. (Ord. 2002-05, 3-20-2002)

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This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. [Go to new ordinance.](#)

18.84.020: YARD SPACE FOR ONE BUILDING ONLY:

No required yard or other open space around an existing building, or which is hereafter provided around any building, which is needed to comply with the provisions of this title shall be considered as providing a yard or open space for any other building; nor shall any yard or other required open space on an adjoining lot be considered as providing the yard or open space on the lot whereon a building is to be erected or established. (Ord. 2002-05, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. [Go to new ordinance.](#)

18.84.030: EACH LOT TO INCLUDE ONLY ONE DWELLING:

Only one building which contains a dwelling shall be located and maintained on a "lot" as defined in this title. (Ord. 2002-05, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3

PLANNED DEVELOPMENT. Go to new ordinance.

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This section has been affected by a recently passed ordinance, 2011-06 -
STRUCTURES WITHIN THE GC-1 ZONE. Go to new ordinance.

18.84.040: SALE OR LEASE OF REQUIRED SPACE:

No space needed to meet the width, yard, area, coverage, parking or other requirements of this title for a lot or building may be sold or leased apart from such lot or building unless other space so complying is provided. (Ord. 2002-05, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. Go to new ordinance.

18.84.050: CREATION OF ILLEGAL PARCELS PROHIBITED:

No parcel of land shall be severed from another parcel of land which would leave either parcel with less than the minimum frontage and area requirements for the zone in which it is located. (Ord. 2002-05, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. Go to new ordinance.

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 which may project up to four feet (4') into a required yard. (Ord. 2002-05, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. Go to new ordinance.

18.84.070: STORAGE OF COMMERCIAL VEHICLES IN RESIDENTIAL ZONES PROHIBITED:

The storage of commercial vehicles over ten thousand (10,000) gross vehicle weight (except farm trucks) and the storage of construction equipment such as bulldozers, graders, cement mixers, compressors, dump trucks, etc., shall not be permitted on any lot in any residential zone, except that construction equipment may be stored on a lot during construction of a building thereon, but not to exceed one year. (Ord. 2002-05, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. Go to new ordinance.

18.84.080: STORAGE OF TRASH, ABANDONED, WRECKED, OR JUNKED VEHICLES; IMPEDING STREET; MISCELLANEOUS MATERIALS:

A. As used in this section "inoperable vehicle" means:

1. A vehicle that is not currently registered and insured in accordance with state law;
2. A vehicle of any kind or a readily identifiable part of a vehicle of any kind that is in a condition that appears wrecked, junked, partially dismantled, inoperative, or abandoned; and
3. For the purpose of this section inoperable vehicle does not include agricultural equipment.

- B. Except as provided under subsection C of this section, a person may not park, store, leave or permit the parking, storing, or leaving of an inoperable vehicle, whether attended or not, upon any private or public property within the city limits of Mapleton City in excess of seventy two (72) hours.
- C. The provisions of subsection B of this section do not apply if: ENT 56319:2011 PG 557 of 662
1. The vehicle or part is not visible from the street or sidewalk;
 2. The vehicle or part is stored within a building or behind an opaque screening or hedge; and
 3. Not more than the visual equivalent of two (2) vehicles or parts are stored on the property.
- D. A violation of the provisions of subsection B of this section is a nuisance, detrimental to the health, safety, and welfare of Mapleton City residents.
- E. 1. A person may not store trash, used materials, junk, household furniture, appliances, scrap material, equipment or equipment parts in an open area visible from the street or visible to neighbors in an abutting lot.
2. The accumulation of more than one item under subsection E1 of this section constitutes a junkyard and must be removed from the property or stored within an enclosed building.
- F. A person may not store commercial goods or materials on private property unless it is permitted by the underlying zone.
- G. A trash storage container with a one hundred (100) gallon capacity and larger shall be maintained in a permanent location approved by the planning commission in conjunction with approval of a project plan under the following requirements:
1. A trash storage container shall:
 - a. Be screened with durable materials architecturally compatible with the principal structure or perimeter fence/wall treatment located on the lot served; and
 - b. Not be visible from the street or to neighbors in an abutting lot.

2. A trash storage container located on a lot used for nonresidential purposes, and which abuts a residential zone, shall meet the setback, screening, and landscaping requirements of the underlying zone.

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H. The requirement of subsection G of this section shall be applied according to the following considerations listed in order of importance:

1. Ease of access by trash removal vehicles;
2. Setback and screening of trash storage containers to:
 - a. Minimize any potential odor nuisance; and
 - b. Obscure the view from any abutting lot or street; and
3. Ease of access by users of trash storage containers.

I. The provisions of subsections G and H of this section do not apply to one hundred (100) gallon or less trash storage containers provided by Mapleton City for residential use.

- J. 1. A person may not block or impede a public street, sidewalk or park strip, except for legally parking a vehicle or temporarily placing a trash container on the shoulder of the public street for trash pick up as directed by the city.
2. The prohibitions under subsection J1 of this section include the placement of storage containers, basketball stands, ramps, or any other object, onto a public street, sidewalk, or park strip.
 3. Except as provided under subsection J4 of this section, a person may not place a mailbox or a related structure on a sidewalk or public street.
 4. A mailbox and its related structure may be placed on a sidewalk if:
 - a. No park strip exists; and
 - b. The sidewalk is widened around the mailbox and its related structure, if necessary, to maintain a clear width of walking surfaces, the greater of:
 - (1) At least thirty six inches (36"); or
 - (2) In compliance with the Americans with disabilities act (ADA) at the time of the installation of the mailbox or its related structure; and
 - c. The mailbox or its related structure do not present a hazard for pedestrians using the sidewalk.

K. 1. A person may not maintain or store on any property within Mapleton City:

- a. Injurious or noxious weeds;
- b. Garbage;
- c. Refuse; or
- d. Unsightly or deleterious objects or structures.

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L. A person who violates any of the provisions of this section is guilty of a class B misdemeanor. (Ord. 2008-19, 11-19-2008, eff. 2-4-2009)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. Go to new ordinance.

18.84.090: ADDITIONAL HEIGHT ALLOWED FOR PUBLIC BUILDINGS:

Public buildings and churches may be erected to any height provided the building is set back from required building setback lines a distance of at least one foot (1') for each additional foot of building height above the maximum height otherwise permitted in the zone in which the building is located. (Ord. 2002-05, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. Go to new ordinance.

18.84.100: HEIGHT OF MAIN BUILDINGS AND FENCES:

- A. No dwelling shall be erected which has a ceiling height of less than seven feet six inches (7'6") or one story above grade, whichever is greater.
- B. No fence or wall shall be constructed higher than forty two inches (42") above the street in any required front or side yard setback that fronts on a street, with a maximum height of six feet (6'). (Ord. 2002-05, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. [Go to new ordinance.](#)

18.84.110: DRAINAGE:

Water from rooftops or lots shall not be allowed to drain onto adjacent lots. (Ord. 2002-05, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. [Go to new ordinance.](#)

18.84.120: CLEAR VIEW OF INTERSECTING STREETS:

In all zones which require a front yard, no obstruction which will obscure the view of approaching traffic shall be placed on any corner lot within a triangular area formed by a line connecting at points sixty feet (60') back on the centerline of the intersecting streets. (Ord. 2002-05, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. Go to new ordinance.

18.84.130: FENCING STANDARDS:

The term "fence" shall include any tangible barrier, latticework, screen, wall, hedge, or continuous growth of shrubs or trees with the purpose of, or having the effect of, preventing passage or view across the fence line. Notwithstanding the provisions of this section, a fence, wall, screen, hedge or other material serving as a fence, may not create a sight distance hazard to vehicular or pedestrian traffic as determined by the city engineer.

- A. Front Yard/Side Yard: A fence made of materials which are sight obscuring may be built to a maximum of three feet (3') in any required front/side yard perimeter. A fence made of materials which are not sight obscuring (at least 50 percent open) may be built to a maximum of four feet (4') in any required front/side yard. If an existing home is located on the property, the front/side yard perimeter is measured from the front property line to the front edge of the existing home. The fencing may slope upward to connect with a higher rear yard fence. The length of a sloped fence section shall not exceed a maximum of ten feet (10').
- B. Rear Yard: A fence in a rear yard may be built to a maximum of six feet (6'). If an existing home is located on the property, the rear yard perimeter is measured from the front edge of the existing home to the rear property line.
- C. Corner Lots: A fence not more than six feet (6') high may be constructed in the rear yard as defined in subsection B, "Rear Yard", of this section adjacent to a public street on a corner lot, if it does not obstruct clear view of intersecting streets as defined in subsection D, "Clear Sight Triangle", of this section.
- D. Clear Sight Triangle: 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.

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- E. Larger Clear Sight Triangle: Larger clear vision triangles may be required where local streets enter arterial streets, major collector streets, or parkways, except that "clear vision triangles" need not be maintained at signed or signalized intersections in the community center. "Clear vision triangles" may also be waived at signed or signalized intersections in neighborhood centers.
- F. Grade Differences: Where there is a difference in the grade of the properties on either side of a fence, wall or other similar structure, the height of the fence shall be measured from the natural grade of the property upon which it is located.
- G. Retaining Walls: Where a retaining wall protects a cut below or a fill above the natural grade and is located on the line separating lots or properties, such retaining wall may be topped by a fence, wall or hedge of the same height that would otherwise be permitted at the location if no retaining wall existed.
- H. Double Frontage Lots: A fence or wall may be erected in the rear yard of a double frontage lot.
- I. Fire Hydrants And Mailboxes: Fire hydrants and mailboxes shall be accessible from the public streets and may not be enclosed behind fences. Location of the fire hydrant shall be in accordance with the uniform fire code.
- J. Exceptions: The provisions of this section shall not apply to certain other fences including tennis court backstops or patio enclosures as approved by the planning commission, if it is determined that the fences do not create a hazard or violation of other sections of the city ordinances. (Ord. 2009-08, 7-15-2009, eff. 9-18-2009)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. [Go to new ordinance.](#)

18.84.140: LOTS TO ABUT UPON A PUBLIC STREET:

At least one side of each zoning lot shall abut upon and have direct access to a designated city street. The minimum lot width and the length of the side abutting on the street shall conform to the minimum standards of the zone in which it is located. (Ord. 2002-05, 3-20-2002)

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This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. [Go to new ordinance.](#)

18.84.150: EXCEPTION TO FRONT AND SIDE SETBACK REQUIREMENTS:

The setback from the street for any dwelling located between two (2) existing dwellings in any residential zone may be the same as the average for said two (2) existing dwellings, provided the existing dwellings are on the same side of the street, and are located within one hundred fifty feet (150') of each other. (Ord. 2002-05, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. [Go to new ordinance.](#)

18.84.160: RESERVED:

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. [Go to new ordinance.](#)

18.84.170: CONCESSIONS IN PUBLIC PARKS AND PLAYGROUNDS:

Concessions, including, but not limited to, amusement devices, recreational buildings and refreshment stands, shall be permitted on a public park or playground when approved by the city council. (Ord. 2002-05, 3-20-2002)

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This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. [Go to new ordinance.](#)

18.84.180: LOCATION OF PROPANE TANKS:

All propane tanks shall be located in accordance with the current edition of the NFPA (National Fire Protection Association) standards. (Ord. 2002-05, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

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This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. [Go to new ordinance.](#)

18.84.190: PROHIBITIONS:

Uses of land which are not expressly permitted within a zone are expressly prohibited therein except that properties and land owned by the state shall be subject only to the provisions of the current Utah Code Annotated, and except that the provisions of this title

shall not apply to properties owned by the United States government. Any person, firm or corporation who may obtain state or federal properties by purchase, lease or other arrangement shall utilize such properties in accordance with the provisions of this title. (Ord. 2002-05, 3-20-2002)

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This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

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This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. Go to new ordinance.

18.84.200: MANUFACTURED AND MOBILE HOMES PROHIBITED; EXCEPTIONS:

It shall be unlawful for any person to place, keep, or maintain any manufactured dwelling or mobile home within the city and use the same for human habitation except in compliance with one or more of the following conditions:

A. When located in a licensed mobile home park.

B. When placed upon a lot and used as a temporary dwelling during the construction of a permanent residence on said lot, subject to compliance with all of the following conditions:

1. A building permit for the construction of the permanent residence shall have been issued prior to the placement of the mobile or manufactured home.
2. The mobile or manufactured home shall be connected to an approved water and sewage disposal system.
3. A bond or other financial assurance shall have been posted with the city guaranteeing removal of the mobile or manufactured home upon completion of construction. The amount of such bond shall be set by resolution of the city council.
4. The right to occupy said mobile or manufactured home shall cease at the end of one year from the date of issuance of the building permit or at such time as the final inspection is granted on the permanent dwelling, whichever occurs first.

- C. When placed on a lot and used as a temporary office during the construction or expansion of commercial or industrial use on the same lot, subject to the prior approval of the city council and compliance with all of the following conditions:
1. A building permit for the expansion or construction of the proposed structure shall have been issued prior to placement of the mobile or manufactured home.
 2. The mobile or manufactured home shall be connected to an approved water and sewage disposal system or the occupants shall have reasonable access to such facilities.
 3. A bond or other financial assurance shall have been posted with the city guaranteeing removal of the mobile or manufactured home upon completion of construction. The amount of such bond shall be as set by resolution of the city council.
 4. The right to occupy said mobile or manufactured home shall cease at the end of one year from the date of issuance of the building permit or at such time as the final inspection is granted on the permanent structure whichever occurs first. (Ord. 2002-05, 3-20-2002)

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This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. [Go to new ordinance.](#)

18.84.210: LOCATION OF GASOLINE PUMPS:

Gasoline pump islands shall be set back not less than eighteen feet (18') from any street line to which the pump island is vertical and twelve feet (12') from any street line to which the pump island is parallel and not less than twelve feet (12') from any residential zone boundary line. If the pump island is set at an angle on the property, it shall be so located that automobiles stopped for service will not extend over the property line. In no case shall pumps be set closer than twelve feet (12') from any street line, nor closer than ten feet (10') from any side or rear property line. All construction shall comply with the fire prevention code of the municipality and all applicable federal and state regulations. (Ord. 2002-05, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. [Go to new ordinance.](#)

18.84.211: STORAGE OF MOBILE AND MANUFACTURED HOMES PROHIBITED:

It shall be unlawful to place, keep, maintain or store any mobile home or manufactured home within the city except in a properly licensed mobile home sales establishment. Provided that this section shall not be interpreted so as to prohibit the placement and storage of recreation vehicles (i.e., campers, travel trailers, fifth-wheel, boats, etc.) adjacent to a dwelling by the owner or occupant thereof. (Ord. 2002-05, 3-20-2002)

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This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. [Go to new ordinance.](#)

18.84.220: RESERVED:

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. [Go to new ordinance.](#)

18.84.230: AREA OF ACCESSORY BUILDINGS:

No accessory buildings or group of accessory buildings in a residential zone shall cover more than thirty percent (30%) of the rear yard. (Ord. 2002-05, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

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18.84.240: RESERVED:

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This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

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This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. Go to new ordinance.

18.84.250: MOBILE HOME PARKS:

- A. Purpose: The owners of a tract of land of not more than five (5) acres, which land lies in the R-3 zone, in which mobile home parks are a conditional use, may construct a mobile home park thereon upon compliance with the regulations as set forth in this section, and title 17 of this code on subdivisions.

The intent of this provision is:

1. To help provide a home for every family, especially lower and middle income families;
2. To permit variety and flexibility in land development for residential purposes by allowing the use of mobile homes in certain zones within the city;
3. To do so in a manner that will promote the objectives and purposes of this zoning title and the general plan and to protect the integrity and characteristics of the zones contiguous to those in which mobile home parks are located.

- B. Mobile Homes: Each mobile home that is set up within the mobile home park shall have been manufactured under HUD standards and certified by HUD. Each mobile home shall

be anchored by six (6) tie downs (screw anchor with cable tie down or equivalent) around the outside perimeter of the unit.

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C. Streets:

1. All mobile home parks shall be provided with safe and convenient vehicular access from abutting public streets. Mobile home spaces shall not have direct access to public streets.
2. All streets in a mobile home park shall have a paved width of not less than fifty feet (50'), including curb, gutter, and sidewalk. All streets shall be constructed in accordance with the standard specifications of the city for construction of city streets, including, but not limited to, type and thickness of base, compactions, thickness and type of pavement. No street shall be constructed until the design therefor has been approved by the city engineer or the superintendent of the street department. Before giving such approval, the engineer or superintendent may require submission of the results of California bearing ratio tests of the subgrade at such locations as the engineer or superintendent may specify.
3. All streets shall be designed and constructed to provide adequate surface drainage. The maximum grade on any street shall not exceed eight percent (8%).
4. Dead end streets shall be allowed only under the following conditions:
 - a. The dead end street shall not exceed two hundred fifty feet (250') in length measured to the center of the cul-de-sac. Each such dead end street shall have a cul-de-sac that conforms to the Mapleton City standard drawings.
 - b. A temporary dead end street may be constructed with a length not greater than one mobile home space if it is intended to continue the dead end street into a future phase of the mobile home park to connect to a future public street.
5. All street intersections within mobile home parks shall be as nearly as practicable at right angles. There shall be no offset intersections or intersections with more than four (4) legs.

D. Curb, Gutter And Sidewalks:

1. All streets in a mobile home park shall have concrete curb, gutter and sidewalk on each side. The curb and gutter shall be two feet (2') in width and a roll top, drive over design. The sidewalk shall be four feet (4') in width. The curb, gutter and sidewalk shall have a thickness of six inches (6") throughout the mobile home park. All concrete shall conform to standard city specifications for curb, gutter and sidewalk.
2. Each mobile home space shall be connected to the sidewalk along the street or to a paved parking space by a paved walkway with a width of not less than four feet (4').

E. Common Area: Each mobile home park shall include a common area no less than one-tenth ($1/10$) of the size of the project and be landscaped with grass, trees, and shrubs. The planning commission may require playground equipment to be installed in the common area.

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F. Landscaping:

1. Each mobile home lot shall be required to be landscaped with grass as a minimum around each unit.
2. A ten foot (10') open area around the park perimeter shall be provided, as determined by the design review committee.

G. Parking:

1. Each mobile home space shall include a paved parking space with a minimum size of eighteen feet by eighteen feet (18' x 18'). The parking space shall be paved with concrete and shall be provided with a paved access to the street.
2. Each mobile home park shall also include visitor parking in addition to that required by subsection G1 of this section. There shall be a minimum of one space of visitor parking for each four (4) mobile home spaces (or portion thereof) in the mobile home park. All visitor parking shall be located within a reasonable distance of a group of mobile home spaces as approved by the planning commission. Each visitor parking space shall be a minimum of ten by twenty feet (10 x 20').

H. Utilities:

1. Each mobile home space shall be provided with a connection to the municipal sanitary sewer system. All such connections shall be constructed and made in accordance with standard city specifications and in compliance with all health regulations.
2. All sewer lines within a mobile home park shall be constructed within a street and shall be constructed to standard city specifications for sewer lines in residential subdivision. Sewer lines shall be of such size as the city engineer shall determine to be necessary to accommodate anticipated flows.
3. All off site sewer lines and related facilities which may be required as a condition of approval of a mobile home park shall be constructed in accordance with standard city specifications.
4. Fire hydrants shall be constructed within or adjacent to a mobile home park as required by the fire chief to comply with the fire code; provided however, the minimum

spacing between hydrants, when measured along the street, shall be four hundred feet (400').

5. The mobile home park may provide a water meter for each mobile home space or a master meter for all water supplied to the mobile home park. Rates and charges for connection to the culinary water system and use thereof shall be as determined by the current rate resolution adopted by the city council.

- I. Other Utilities: Each mobile home space shall be provided with underground electric, natural gas, and telephone service. All other utility and communication systems which may be installed shall also be underground.

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J. Street Lighting:

1. Street lighting within a mobile home park shall be designed and installed as approved by the planning commission.
2. Street lighting at potential hazardous locations, such as intersections, steps, or ramps shall be designed and installed as approved by the planning commission.

- K. Storage Area: A mobile home park shall include an area within the mobile home park for the storage of boats, campers, trailers and similar items. The storage area shall include one space for each five (5) mobile home spaces (or portion thereof) in the mobile home park, which shall be in addition to all parking required by subsection G of this section. The storage area shall be enclosed in a fence which complies with section 18.84.100 of this chapter.

- L. Survey Monuments: Permanent survey monuments shall be installed within each mobile home park to the same extent as required in residential subdivision.

M. Lot Requirements:

1. Each mobile home space shall be minimum of four thousand (4,000) square feet in area.
2. Each mobile home space shall abut on a street within the mobile home park for a distance of not less than fifty feet (50') frontage.
3. Not more than one mobile home or dwelling unit shall be placed upon each mobile home space.

4. Each mobile home space shall have a front yard of not less than ten feet (10') measured from the back of the sidewalk. The towing hitch of the mobile home shall not project into the required front yard.
5. Each mobile home space shall have a rear yard of not less than five feet (5').
6. Each mobile home space shall have a side yard on each side of not less than five feet (5'). Provided, however that on a corner space the side yard adjacent to the street shall be not less than ten feet (10'); except that when the side yard is adjacent to a public street not within the mobile home park, the side yard shall be thirty feet (30').
7. Accessory buildings shall be located at least twenty feet (20') from the back of the sidewalk. An accessory building may be located on the side or rear line of a space provided it is located more than forty feet (40') from the street, is located more than ten feet (10') from any mobile home or dwelling unit on the space or any adjacent space, has no openings on the side or sides contiguous to the space boundaries, and discharges no roof drainage onto the adjoining space. All other accessory buildings shall be located at least five feet (5') from the space boundary.
8. Each mobile home park lot shall provide a flat concrete surface equal to the blocking area required for setup of the mobile homes.

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N. Solid Waste Collection And Disposal: Solid waste collection and disposal shall be provided by the city.

O. Site Plan: Each mobile home park shall be constructed only in strict compliance with a site plan approved by the planning commission. Such site plan shall show compliance with the foregoing requirements set forth in this chapter, compliance with all other provisions of city ordinances, and the following additional items: all recreational areas and other amenities, all other common areas, drainage and flood control structures and facilities, fences, walls, hedges and any other matters deemed by the planning commission to be necessary for proper review of the proposed mobile home park.

P. Standards And Requirements: The number of mobile homes shall be limited to 4.5 units per acre.

Q. Guarantees And Safeguards:

1. Continuing Obligation: In order to ensure that the mobile home park will be properly maintained, the developer shall prepare and submit a document setting forth management policies, covenants, conditions and restrictions relating to the proper maintenance of the mobile home park and when approved by the city council shall be recorded in the office of the county recorder. Among other things the document shall

provide that failure on the part of the developer or his assigns, renters or lessors to maintain the mobile home park in accordance with the approved management policies, covenants, conditions and restrictions shall constitute a public nuisance endangering the health, safety, and general welfare of the public and a detriment to the surrounding community and that in addition to any other remedy provided by law for the abatement, removal and enjoyment of such public nuisance, the city may remove or abate the nuisance and charge the cost thereof to the owners as provided by chapter 11 of title 10, Utah Code Annotated, as amended.

2. **Development In Parks:** The parks and play areas shall be protected against building development by conveying to the city an open space easement over such open areas, restricting the area against any future building or use, except as consistent with that of providing landscaped open space for the aesthetic and recreational satisfaction of the residents. Buildings or use for noncommercial, recreational or cultural purposes, compatible with the open space objectives, may be permitted only with the express approval of the city council, following approval of building site and operational plans by the planning commission.
3. **License Required:** Prerequisite to the operations of any mobile home park in the city shall be the obtaining of an annual license. The yearly fees shall be set by resolution of the Mapleton City council. It shall be unlawful to operate a mobile home park without first obtaining a license and the license shall be refused or revoked upon failure of the owner and/or operator to maintain the park in accordance with the standards and requirements as set forth in this title. (Ord. 2002-05, 3-20-2002)

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18.84.260: TRAVEL TRAILER COURT REGULATIONS:

(Rep. by Ord. 2007-11, 5-15-2007)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

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STRUCTURES WITHIN THE GC-1 ZONE. Go to new ordinance.

18.84.270: OFF STREET PARKING AND UNLOADING FACILITIES:

- A. Facilities Required: Any building or structure erected or located after the effective date of the ordinance codified in this title shall be accompanied by off street parking and loading facilities in accordance with the provisions of this title.
- B. Change Of Use: Whenever the existing use of a structure or the existing use of land is changed to another use or another occupancy, parking and loading facilities shall be provided as required by this title, except that the board of adjustment may reduce this requirement in cases of hardship and practical difficulty covering the land on which the building is located.
- C. Parking Spaces Required: The number of off street parking spaces required for each use shall be no less than the number set forth in this section.
- D. Required Parking; Residential Uses:

1-, 2-, 3- and 4-family dwellings, and multiple-family dwellings	2 spaces for each dwelling unit plus 0.25 spaces per unit visitor parking
Mobile homes	2 spaces for each trailer space
Rest home	1 for each 5 patient beds and also 1 for each 2 employees
Rooming house	1 for each sleeping room or 1 parking space for each 100 square feet of floor area used for sleeping purposes, whichever is greater

- E. Required Parking, Commercial And Other Uses:

Art gallery	1 space per 300 square feet of gross floor area
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Auction house	2 spaces per 100 square feet of gross floor area
Bowling alleys	5 for each alley. Additional parking spaces for remainder of building calculated according to use
Cafes, cafeterias, restaurants, bars, nightclubs and other similar places dispersing food or refreshments	1 for each 5 fixed seats or for every 70 square feet of seating area where there are no fixed seats
Churches	1 for each 5 fixed seats in the chapel or auditorium, or where there are no fixed seats, 1 for each 35 square feet of floor space
Commercial horse stables	1 space per 2 stalls
Community center	1 space per 250 square feet of gross floor area
Contractor yard	1 space per vehicle plus 1 space per 1,000 square feet of gross
Convalescent center (nursing home)	1 parking space per 3 beds
Corporate headquarters/research and development	1 space per 250 square feet of gross floor area plus 1 space per company car
Daycare center	1 space per 6 people based on the maximum allowable occupancy
Entertainment:	
Amusement centers with restaurants	1 space per 200 square feet of gross floor area plus 1 per 4 seats
Indoor and/or outdoor amusement center	1 space per 200 square feet of gross floor area
Government buildings	1 space per 200 square feet of gross floor area
Grocery stores, drugstores, clothing stores, and other retail establishments, and office buildings	3 for each 1,000 square feet of floor area within the buildings
Health clubs/spas	1 space per 4 persons based on the maximum allowable occupancy
Hospitals	1 space per 200 square feet of gross floor area
Hospitals and sanitariums	1 ¹ / ₂ spaces for each patient bed

Kennel	1 space per 600 square feet of gross floor area
Library	1 space per 200 square feet of gross floor area
Medical and dental clinics and offices	1 space per 150 square feet of gross floor area
Mortuary	1 space per 50 square feet or assembly area
Motels	1 for each living or sleeping unit, plus 1 for each 2 employees on the largest shift
Movie theater	1 space per 4 seats
Office only (no customers or services)	1 space per 250 square feet of gross floor area
Personal services, barber and beauty shops, dry cleaners, travel agents	1 space per 200 square feet of gross floor area or 2 per chair, whichever is greater
Professional offices (excluding medical/dental/veterinary)	1 space per 250 square feet of gross floor area, plus 3 stacking spaces per drive up window (for banks and like businesses)
Repair services	1 space per 300 square feet of gross floor area
Schools:	
Beauty schools	5 spaces plus 2 per operator station plus 1 space per 200 square feet of office space
Dance	1 space per 200 square feet of gross floor area
Elementary/junior high	3 per room used for administration or classroom
High school or trade school	3 spaces per room used for administration or classroom plus 1 per 4 students
Self-service storage	Parking shall be provided by parking/driving lanes adjacent to the buildings. These lanes shall be at least 16 feet wide when cubicles open onto 1 side of the lane only and at least 30 feet wide when cubicles open onto both sides of the lane. 2 covered parking spaces shall be provided adjacent to the manager's quarters. 1 parking space for every 200 storage cubicles or fraction thereof shall be

	located adjacent to the project office. A minimum of 2 such spaces shall be provided. Required parking spaces may not be rented as, or used for vehicular storage. However, additional parking area may be provided for recreational vehicle storage, provided that it is adequately screened as approved by the city directs.
Telemarketing office	1 space per 150 square feet of gross floor area, or 1 space per employee on the highest shift, whichever is greater
Truck/transit terminal	1 space per 500 square feet of gross floor area
Veterinarian offices	1 space per 500 square feet of gross floor area

F. Required Parking; Industrial Uses: One for each two (2) employees in the maximum working shift and one for each vehicle used in connection with the use.

G. Required Parking; Uses Not Mentioned: The required off street parking for any building, structure or use of land of a type which is not listed in this section shall be determined by the planning commission. The planning commission shall be guided as much as possible by comparison with similar uses which are listed.

H. Location And Control Of Parking Facilities: The off street parking facilities required by this title shall be located on the same lot or parcel of land as the use they are intended to serve, except that in cases of practical difficulty, the board of adjustment may approve a substitute location which meets the following conditions:

1. All or part of substitute location must be on an adjacent lot, or within two hundred feet (200') from the main use measured along or across a public street.
2. The substitute lot must be in the same possession as the use it is intended to serve. Such possession may be by deed or long term lease (at least 20 years), the terms of which meet the approval of the board of adjustment. The present and future owners of the substitute lot shall be bound by covenants filed in the office of the county recorder, requiring such owner to maintain the required number of parking spaces for the duration of the use served.

- I. **Computation Of Required Parking Spaces:** For the purpose of computing off street parking spaces which are required by this title, the following rules shall apply:
1. "Floor area" means gross floor area, unless otherwise specified for a particular use.
 2. In stadiums, sports arenas, churches and other places of assembly in which benches or pews are used in place of seats, each eighteen inches (18") of length of such benches or pews shall be counted as one seat.
- J. **Combined Parking Areas:** The required off street parking and loading facilities may be provided collectively for two (2) or more buildings or uses, provided that the total number of parking spaces shall be not less than the sum of the requirements for each of the individual uses, and provided that all other requirements of this title are met.
- K. **Mixed Uses:** In the event that two (2) or more uses occupy the same building lot, or parcel of land, the total requirements for off street parking and off street loading space shall be the sum of the requirements of the various uses computed separately.
- L. **Access To Parking Facilities:**
1. Access driveways shall be provided for ingress to and egress from all parking and loading facilities. Each parking and loading space shall be easily accessible to the intended user.
 2. Forward travel to and from parking facilities from a dedicated street or alley shall be required for all uses except for private parking. The parking area shall be adequate to facilitate the turning of vehicles to permit forward travel upon entering a street.
 3. All uses which adjoin a major or secondary highway shall, wherever possible, have access by way of a service road or alley.
 4. The access to all off street parking facilities shall be designed in a manner which will not interfere with the movement of traffic.
 5. Access driveways across sidewalks or pedestrianways shall be designed in such a manner as to promote pedestrian safety.
- M. **Circulation Within A Parking Area:** The circulation within a parking area shall comply with the following requirements:
1. Circulation within a parking area with more than one aisle must be such that a car need not enter the street to reach another aisle within the same parking area.

2. Directional signs shall be required to differentiate between entrance and exit access points to the street.

N. Location Of Parking Facilities Restricted: The location of parking and loading facilities shall comply with the following:

1. In residential zones and in the NC-1 neighborhood commercial zone, required parking space shall not be designated in the required front yard or side yard which faces on a street except as may be shown on approved plans.
2. In commercial zones required yard areas may be used for parking except for areas required to be landscaped.

O. Lighting Of Parking Areas: Any lighting used to illuminate off street parking facilities or vehicle sales areas shall be so arranged as to reflect the light away from the adjoining premises in any residential zone.

P. Continuing Obligation: The required off street parking and loading facilities shall be a continuing obligation of the property owner so long as the use requiring vehicle parking or vehicle loading facilities continues. It shall be unlawful for an owner of any building or use to discontinue or dispense with the required vehicle parking or loading facilities without providing other vehicle parking or loading area which meets the requirements of this title.

Q. Plot Plan Approval Required: At the time a building permit is requested for any building or structure, or at the time a new use of land which would require off street parking is established, a plot plan shall be submitted showing the proposed development of the property including the layout and development of the parking and loading facilities. All parking and loading spaces shall be designated as well as the access aisles and other improvements. The planning and zoning director may disapprove such plans if he finds they are inconsistent with the requirements of this title.

R. Required Off Street Loading Space:

1. One off street loading space shall be provided and maintained on the same lot with every building or separate occupancy thereof having a gross floor area of ten thousand (10,000) square feet or more which requires the receipt or distribution of goods, material, merchandise or supplies by vehicle. One additional loading space shall be provided for each additional twenty thousand (20,000) square feet of gross floor area

of such building or for each vehicle which must be loaded or unloaded at the same time, whichever requirement is greater.

2. Each required off street loading space shall be not less than ten feet (10') in width, twenty five feet (25') in length, and fourteen feet (14') in height. (Ord. 2002-05, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

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This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. Go to new ordinance.

18.84.280: MOTOR VEHICLE ACCESS:

Access to all lots and parcels of land having frontage on a public street shall be controlled as follows:

- A. Access shall be by not more than two (2) driveways from any one street.
- B. Driveways shall not be closer to each other than twelve feet (12').
- C. Each driveway shall be approved by the city and shown on every site plan.
- D. On corner lots no driveway shall be closer than fifteen feet (15') to the point of intersection of the front property line with the side property line which abuts upon a street. No driveway shall be located across any curbed section of frontage lying between said point of intersection and point of tangency.
- E. In all cases where there is an existing curb and gutter and sidewalk on the street, all curb cuts and driveways shall hereafter be made in accordance with the regulations.

- F. Where there is no existing curb and gutter or sidewalk, a curb or fence may be required by the city. (Ord. 2002-05, 3-20-2002)

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This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. Go to new ordinance.

18.84.290: LANDSCAPING:

- A. Purpose: The purpose of the landscaping requirements in this title shall be to enhance, conserve, and stabilize property values by encouraging pleasant and attractive surroundings in all zones of the city and thus create the necessary atmosphere for the orderly development of a uniformly pleasant community. Landscaping also contributes to the relief of heat, noise, and glare through the proper placement of green plants and trees.
- B. Scope Of Requirements: Landscaping shall comply with the requirements set forth in this title for the specific use or location.
- C. Maintenance: Required landscaped areas shall be maintained in a neat, clean, orderly and healthful condition. This is meant to include proper pruning, mowing of lawns, weeding, removal of litter, fertilizing, replacement of plants when necessary and the regular watering of all plantings. Required landscaped areas shall be provided with a suitable permanent method for watering or sprinkling of plants. This watering system shall consist of piped water lines terminating in an appropriate number of sprinklers or hose bibs to ensure sufficient amount of water for plants within the landscaped area.
- D. Screening Requirements: Where landscaped screening is required, said screening shall consist of evergreen shrubs, closely spaced and maintained at substantially the specified height of the required screening. When not otherwise specified, screening shall consist of mature shrubs and shall be maintained at a height of from four (4) to six feet (6').

E. Plot Plan Required: Where landscaping is required in this title, a plot plan showing the proposed landscape development, watering system and use of the property shall be submitted to the planning and zoning director. The same plot plan used to show parking layout or other requirements for the issuance of a building permit may be used providing all proposed landscaping is adequately detailed on the plot plan. The planning and zoning director may disapprove such plans if he determines that they are not consistent with the purposes of this title.

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F. Nonconforming Status: Any use of property, which, on the effective date of the ordinance codified in this chapter, is nonconforming only as to the regulations relating to landscaping may be continued in the same manner as if the landscaping was conforming. (Ord. 2002-05, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. Go to new ordinance.

18.84.300: RELOCATED BUILDINGS:

A. No permit shall be issued for the moving of any residential, commercial or industrial building, from one site within the city to another site within the city, or from a site outside of the city to a site within the city, without first filing an application with the planning and zoning director.

B. Application: The following information shall be filed with the planning and zoning director at the time the application is made:

1. Location and address of the old and new site;
2. Plot plan of the new location, also showing adjacent lots on all sides of the property and indicating all structures and improvements on the lots;
3. Plans and specifications for the proposed improvements at the new location, including plans for landscape treatment when required by the planning and zoning director;

4. Certification by the planning and zoning director that the structure is sound enough to be moved, and that the location and use of the building will conform to the building code and zoning ordinance of the city.

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- C. Board Of Adjustment To Approve: The application shall then be submitted to the board of adjustment for approval. Exempt from this provision is any newly constructed building that has met all provisions of chapter 15.04 of this code including plan approval, plot plan approval, inspection procedure and all other provisions of the building code.
- D. Board Of Adjustment Findings: Before the board of adjustment may approve the application for the moving of a building it must find:
1. That the building will have no appreciable detrimental effect on the living environment and property values in the area into which the structure is to be moved;
 2. That the building is in conformity with the type and quality of buildings existing in the area into which it is proposed to be moved;
 3. That the building and the lot on which the building is to be located conforms to the requirements of this title and the building code;
 4. That its location on the lot does not in any substantial way adversely affect buildings or uses in abutting properties;
 5. That all dedications and improvements as required by the city for streets and facilities and buildings shall be provided in conformity with the standards of the city.
- E. Standards Required Before Occupancy: The building and grounds shall be brought up to the standards required of a new building before it is occupied.
- F. Bond Required: Before a permit to move a building may be granted, the applicant shall post a bond or other assurance as determined by the board of adjustment to cover costs of bringing the buildings and grounds up to standard. In the event of failure to comply with the conditions required by the board of adjustment, the city may declare the bond or other assurance forfeited.
- G. Old Site To Be Restored: If the site to be vacated is within the city, the bond shall also cover the costs involved in cleaning up the vacated site and restoring it to a safe and sightly condition. (Ord. 2002-05, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. [Go to new ordinance.](#)

18.84.310: RESERVED:

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This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. [Go to new ordinance.](#)

18.84.320: SITE PLAN REVIEW PROCESS AND BONDING:

Wherever the terms of this title require submission and approval of a site plan, such review shall be conducted in accordance with the following provisions:

- A. Planning Commission To Approve: The planning commission shall have the function, duty and power to approve or disapprove a project plan and to attach such modifications or conditions as may be deemed appropriate to improve the layout, to ensure that the project will not pose any detrimental effect to persons or property, or to protect the health, safety and general welfare of the citizens of the city.
- B. Application Required: Application for site plan approval shall be accompanied by maps and drawings showing the following as applicable:
 - 1. The location of all existing and proposed buildings and structures on the site, with full dimensions showing the distance between buildings and distances from buildings to adjacent property lines.
 - 2. The location of all parking spaces, driveways, and points of vehicular ingress and egress.

3. A landscaping plan showing the location, types, and initial sizes of all planting materials to be used together with the location of fences, walls, hedges, and decorative materials.
4. Preliminary elevations of main buildings showing the general appearance and types of external materials to be used.
5. The locations of solid waste receptacles and trash pick up areas.
6. Copies of the natural conditions analysis map and all required technical reports in all zones as may be necessary.

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- C. Appeals Permitted: Any person aggrieved by a determination of the planning commission may request a hearing before the city council who shall have the authority to reverse, affirm or modify any decision of said commission. Any such appeal shall be filed within ten (10) days of the determination of the planning commission.
- D. Issuance Of A Permit: A building permit shall not be issued for any building or structure or external alterations thereto until the provisions of this section have been complied with. Any construction not in conformance with an approved site plan shall be considered a violation of this title.
- E. Bond: All commercial or industrial projects shall be required to bond for all required landscaping and improvements equal to the city engineer's estimate of cost in a bonding manner approved by Mapleton City. (Ord. 2002-05, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. [Go to new ordinance.](#)

18.84.330: RESERVED:

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. [Go to new ordinance.](#)

18.84.340: MAJOR STRUCTURES TO BE APPROVED; SITE INVESTIGATION REQUIRED:

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Prior to the issuance of a building permit and/or the construction of any multiple-family dwelling, any church, school or similar high occupancy structure, or any critical facility, a detailed site investigation, prepared by a qualified geotechnical consultant shall be submitted by the applicant approved by the planning commission. No such structure or facility shall be permitted on the affected portion of any site for which the investigation shows evidence of ground surface rupture, deformation or slope movement. (Ord. 2002-05, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. [Go to new ordinance.](#)

18.84.350: BUILDINGS TO BE ON ZONING LOT:

No permit authorizing the construction or moving of a building on a lot shall be issued unless the parcel of land upon which said building is to be constructed qualifies as a "zoning lot" as defined by section [18.08.475](#) of this title. (Ord. 2002-05, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-06 -

STRUCTURES WITHIN THE GC-1 ZONE. Go to new ordinance.

18.84.360: GRANTING OF SPECIAL EXCEPTIONS, VARIANCES, NONCONFORMING USES, AND INTERPRETATION OF THE ZONING ORDINANCES:

The board of adjustment shall hear and decide requests for special exceptions, variances, nonconforming uses, interpretation of the zoning ordinances, and appeals for conditional use permits as specifically set forth in this section as follows:

- A. Where a zone boundary line divides a lot in single ownership at the time of the passage of the ordinance codified in this title, the board of adjustment may grant a use which is permitted on either portion of such lot to extend to the entire lot, but not more than one hundred feet (100') beyond the boundary line of such zone in which such use is permitted. Before such a permit therefor may be granted, however, it must be shown that the comprehensive plan of zoning will be maintained.
- B. The board of adjustment may consider the division of a large lot into two (2) lots where a parcel of land, at the time of the passage of the ordinance codified in this title, is at least one and three-fourths ($1\frac{3}{4}$) times as large in area as required for one lot, provided it will not cause undue concentration of population and the characteristics of the zone in which the lot is located will be maintained.
- C. The board of adjustment may grant a permit to move buildings subject to standards and requirements set forth in section 18.84.300 of this chapter.
- D. The board of adjustment may permit the expansion of a nonconforming building or use thereof subject to standards and requirements set forth in chapter 18.20 of this title.
- E. The board of adjustment may permit a public utility building or other structure where it can be shown that such structure is necessary for the convenience or welfare of the public.
- F. The board of adjustment may grant other special exceptions when specifically authorized to do so under the terms of this title or as it may be amended. (Ord. 2002-05, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. Go to new ordinance.

18.84.370: HEALTH CARE HOUSING PROJECTS (NURSING HOMES AND RESIDENTIAL CARE FACILITIES):

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- A. Residential Facilities For Elderly Persons: A residential facility for elderly persons is a permitted use in any area where residential dwellings are allowed, except an area zoned to permit exclusively single-family dwellings.
1. To operate a residential facility for elderly persons under this section, a permit must first be obtained by the owner, or operator of the facility. To obtain a permit the applicant must establish to the satisfaction of the planning commission that:
 - a. The facility meets all applicable building, safety, zoning, and health ordinances applicable to similar dwellings;
 - b. Adequate off street parking space is provided;
 - c. The facility is capable of use as a residential facility for elderly persons without structural or landscaping alterations that would change the structure's residential character;
 - d. No residential facility for elderly persons may be established within three-quarter ($\frac{3}{4}$) mile of another residential facility for elderly persons or residential facility for handicapped persons, as defined by Utah State Code Annotated;
 - e. No person being treated for alcoholism or drug abuse will be placed in a residential facility for elderly persons; and
 - f. Placement in a residential facility for elderly persons will be on a strictly voluntary basis and not a part of or in lieu of, confinement, rehabilitation, or treatment in a correctional facility.
 2. Upon review of an application for a permit to establish a residential facility for elderly persons in any area where residential dwellings are allowed, except an area zoned to permit exclusively single-family dwellings, if the city determines that the residential facility for elderly persons complied with the preceding conditions, it shall grant the requested permit to that facility.

3. The use granted and permitted by this section is nontransferable and terminates if the structure is devoted to a use other than a residential facility for elderly persons or if the structure fails to comply with the conditions contained herein.
4. For purposes of this section no person who is being treated for alcoholism or drug abuse may be placed in a residential facility for elderly persons; and, placement in a residential facility for elderly persons shall be on a strictly voluntary basis and may not be a part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional institution.
 - a. Subject to the granting of a conditional use permit, a residential facility for elderly persons shall be allowed in any municipal zoning district that is zoned to permit exclusively single-family dwelling use, if that facility:
 - (1) Conforms to all applicable health, safety, zoning, and building codes.
 - (2) Is capable of use as a residential facility for elderly persons without structural or landscaping alterations that would change the structure's residential character; and
 - (3) Conforms to the municipality's criteria, adopted by ordinance, governing the location of residential facilities for elderly persons in area zoned to permit exclusively single-family dwellings.
 - b. No residential facility for elderly persons may be established within three-quarters (³/₄) mile of another existing residential facility for elderly persons or residential facility for handicapped persons, as defined by Utah State Code Annotated.
 - c. The use granted and permitted by this section is nontransferable and terminates if the structure is devoted to a use other than as a residential facility for elderly persons or if the structure fails to comply with applicable health, safety, and building codes.
5. It shall be unlawful to discriminate against elderly persons and against residential facilities for elderly persons. The decision of a municipality regarding the application for a permit by a residential facility for elderly persons must be based on legitimate land use criteria and may not be based on the age of the facility's residents.
6. The requirements of this section that a residential facility for elderly persons obtain a conditional use permit or other permit do not apply if the facility meets the requirements of existing zoning ordinances that allow a specified number of unrelated persons to live together.

B. Residential Facility For Handicapped Persons: A residential facility for handicapped persons shall be consistent with existing zoning of the desired location.

1. Conditions: A residential facility for handicapped persons shall:

- a. Be occupied on a twenty four (24) hour per day basis under the supervision of a house family or manager;
 - b. Conform to all applicable standards and requirements of the department of human services; and
 - c. Be operated by or operated under contract with that department.
2. Residential Facility For Handicapped Persons As A Permitted Use: A residential facility for handicapped persons is a permitted use in any area where residential dwellings are allowed except an area zoned to permit exclusively single-family dwellings.

To obtain a permit for the maintenance or operations of residential facility for handicapped persons, a permit must first be obtained by the owner or operator of the facility. To obtain a permit, the owner or operator must establish, to the satisfaction of the planning commission that:

- a. The facility meet all municipal building, safety, and health ordinances applicable to similar dwellings;
 - b. The operator of the facility provide assurances that the residents of the facility will be properly supervised on a twenty four (24) hour basis;
 - c. The operator of the facility establish a municipal advisory committee through which all complaints and concerns of neighbors may be addressed;
 - d. The operator of the facility provide adequate off street parking space;
 - e. The facility be capable of use as a residential facility for handicapped persons without structural or landscaping alterations that would change the structure's residential character;
 - f. No residential facility for handicapped persons be established or maintained within three-quarters ($\frac{3}{4}$) mile of another residential facility for handicapped persons;
 - g. No person being treated for alcoholism or drug abuse be placed in a residential facility for handicapped persons;
 - h. No person who is violent be placed in a residential facility for handicapped persons; and
 - i. Placement in a residential facility for handicapped persons be on a strictly voluntary basis and not a part of, or in lieu of, confinement, rehabilitation or treatment in a correctional facility.
3. Granting Permit: If the city determines that the residential facility for handicapped persons is in compliance with these ordinances, the city shall grant the requested permit to that facility.
4. Use Nontransferable: The use granted and permitted by this section is nontransferable and terminates if the structure is devoted to a use other than as a residential facility for

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 handicapped persons or if the structure fails to comply with ordinances adopted under this title, or with applicable health, safety, and building codes.

5. Handicapped Residential Facilities In Areas Zones Exclusively For Single-Family Dwellings: For purposes of this section:

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- a. No person who is being treated for alcoholism or drug abuse may be placed in a residential facility for handicapped persons;
 - b. No person who is violent may be placed in a residential facility for handicapped persons; and
 - c. Placement in a residential facility for handicapped persons shall be on a strictly voluntary basis and may not be a part of, or in lieu of confinement, rehabilitation, or treatment in a correctional institution.
6. Conditional Use: Subject to the granting of a conditional use permit, a residential facility for handicapped persons shall be allowed in any municipal zoning district that is zoned to permit exclusively single-family dwelling use, if that facility:
- a. Conforms to all applicable health, safety, and building codes;
 - b. Is capable of use as a residential facility for handicapped persons without structural or landscaping alterations that would change the structure's residential character; and
 - c. Conforms to the city's criteria, governing residential facilities for handicapped persons in areas zoned to permit exclusively single-family dwellings.
7. Distance Requirement: No residential facility for handicapped persons shall be established or maintained within three-fourths ($3/4$) mile of another existing residential facility for handicapped persons.
8. Discrimination Prohibited: The city shall prohibit discrimination against handicapped persons. The decision of the city regarding the application for a permit by a residential facility for handicapped persons must be based on legitimate land use criteria, and may not be based on the handicapping conditions of the facility's residents. (Ord. 2002-05, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. [Go to new ordinance.](#)

18.84.380: HOME OCCUPATIONS:

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A. Purpose: The purpose of this section shall be:

1. To allow the establishment and conduct of a modest level of business activity within dwellings within the city provided that such activities will be conducted under conditions and at levels of operation that will not adversely affect, undermine, injure or otherwise significantly depreciate the residential character of the area; and
2. To set forth the minimum conditions and criteria considered necessary to ensure that all business activity carried out within residential areas will remain incidental and to effectively implement the purposes set forth above.

B. Application Of Section; Exceptions: The provisions of this section shall apply to all persons, firms, or corporations which conduct or propose to conduct any business, service, professional activity, qualifying as a home occupation from any dwelling located in any zoning district in the city allowing residential dwellings as a permitted use. Provided that this section shall not apply to:

1. The infrequent and incidental sale of personal property (subject to subsection 18.22.040F of this title).
2. The activities associated with the production of agricultural commodities and the incidental sale of such commodities produced on the premises.

C. Procedure For Approval Of A Home Occupation: Prior to the establishment of any home occupation an application for a home occupation permit shall be submitted to and approved by the planning commission. Said application shall be on forms furnished by the city and shall contain the following information:

1. The name of the applicant.
2. The location of the proposed home occupation.
3. A detailed description of the proposed activity.
4. An outline of the conditions and criteria required to be met in order to qualify as a home occupation and a written or graphic statement indicating how the proposed activity will comply with the required conditions and criteria.
5. A statement, signed by the applicant, that the home occupation will be established and conducted in accordance with the conditions and criteria of the ordinance and any conditions of approval attached by the planning commission.

6. Drawing of the home showing the area in which the home occupation will be performed.
7. A written notification to all property owners within a three hundred foot (300') radius of the property where the home occupation will be located. Said notification shall explain in detail the proposed home occupation and the activities that will be involved. In lieu of this requirement, the applicant may gather the signatures of all residents within three hundred feet (300') of the property where the proposed home occupation will be located. The signatures must be those of the head of household (18 years of age or older). The signatures must be located on a sheet of paper that explains the home occupation as described above. The paper must also state that the signature is for notification only, and that signing the notification does not waive any rights to oppose the proposed home occupation at the planning commission meeting.

The planning commission may delegate to the planning and zoning director the responsibility to review all requests for a home occupation permit and to conduct such research and investigations as are required to determine compliance with the terms of this section and to submit a report of findings and recommendations for each application to the planning commission.

When, upon a review of the findings and report, the planning commission determines that the proposed use will be established and operated in accordance with the criteria hereinafter set forth¹ and will be consistent with the intent provisions of the code relating to home occupations², they shall pass a motion approving the establishment of the proposed home occupation. The effect of such approval shall be: 1) to authorize the establishment of the home occupation, subject to continued compliance with the representations set forth in the application and any conditions which may be attached by the planning commission and 2) to authorize the issuance of a business license.

D. Conditions And Criteria: All home occupations shall be subject to full compliance with the following conditions and criteria:

1. Home occupations shall be listed as a permitted or conditional use in the zone.
2. The home occupation shall be conducted entirely within a completely enclosed structure on the property. Detached structures where a home occupation is being conducted must be located within fifteen feet (15') of the residential dwelling.
3. The home occupation shall occupy not more than the equivalent of twenty five percent (25%) of the living area of the dwelling or five hundred (500) square feet, whichever is less. This shall also apply to detached structures.
4. The activities of the home occupation shall be conducted by members of the residing family. Provided that not more than one person, not a member of the residing family, may be engaged in the home occupation.
5. Any sale of goods not produced as part of the home occupation shall constitute a clearly incidental part of the operation of the home occupation. There shall be no

display of goods produced by the home occupation observable from outside the dwelling.

6. No commercial vehicles shall be stored at the premises except one delivery truck which shall not exceed ten thousand (10,000) GVW rated capacity.
7. Not more than six (6) cars (including those owned by the resident family) may be parked at the residence at any one time and such vehicles shall be parked within the driveway or in front of the residence. Clients of the home occupation shall not park or store vehicles at the premises overnight.
8. The home occupation shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes and shall not have the effect of changing the character of the building or the attendant yard area from that of a dwelling.
9. Signs shall be limited to one nonilluminated identification nameplate not larger in area than four (4) square feet. Electric or electronic signs shall not be permitted. No on site advertising signs shall be permitted. The sign must be attached to the building where the home occupation is to take place.
10. The home occupation shall be registered with the license agency of the city and shall maintain a current business license in accordance with city regulations.
11. Entrance to the home occupation from outside shall be through the same entrance normally used by the residing family except when a separate entrance may be required by regulation of the state health department or other public agency. The garage door shall not be used to satisfy this requirement.
12. The activities of the home occupation shall not involve the use of hazardous materials or chemicals in amounts that will increase the hazard of fire, explosion or safety to the structure or occupants of the dwelling or adjacent dwellings.
13. The operation of the home occupation shall not produce any noise, smoke, glare, light, fumes, dust, electronic interference or similar condition which is readily discernible outside the dwelling.
14. The physical appearance, traffic, and other activities in connection with the home occupation will not be contrary to the intent of the zone in which the home occupation is located and will not depreciate surrounding property values or the quality of the area for residential purposes as determined by the city.
15. The home occupation shall be operated in compliance with any applicable city or state requirements.
16. The home occupation applicant must either be the bona fide owner of the home (as shown on the current Utah County tax assessment rolls) or if the applicant is renting or leasing the home, the homeowner must provide written permission allowing the applicant to conduct a business in the home. Said letter of permission must be signed and notarized by the homeowner.

- E. **Planning Commission May Attach Conditions:** In order to more fully achieve the purposes of this section and to protect the health, safety and quality of the residential environment in the area the planning commission may attach conditions to the establishment and/or operation of a home occupation not inconsistent with the standards hereinabove stated.
- F. **Continuing Obligation; Business License Required:** All home occupations shall be operated in compliance with the conditions and criteria hereinabove set forth and any conditions which may be attached by the planning commission as part of the approval. Upon approval by the planning commission the applicant shall be eligible to obtain a city business license. Issuance of the business license shall be conditioned upon continued performance of the conditions of approval and said license may be revoked or refused renewal upon a determination made by the planning commission, following notice and hearing on the matter, that the owner and/or operator has failed to maintain or operate the home occupation in accordance with the conditions of approval.
- G. **Administrative Approval:** Administrative approval for a home occupation may be granted by the planning and zoning director, if the home occupation can meet the following criteria:
1. The applicant must be able to meet all of the listed requirements and criteria for the home occupation in subsection D of this section. However, the stricter requirements in this section shall apply to administrative approvals.
 2. The home occupation is conducted entirely within the home or main residential structure.
 3. The home occupation does not involve direct sales of goods, crafts or otherwise, and will not have clientele visiting the home business.
 4. The home occupation does not involve the making or manufacturing of goods, crafts, or otherwise.
 5. The activities of the home occupation shall be conducted by members of the residing family only. No other person(s) may be engaged in the home occupation.
 6. The planning and zoning director shall review all administrative approvals on an annual basis when the business license is up for renewal. If it is the finding of the planning director that the business has expanded beyond what the administrative approvals allow, then the business license and home occupation must be approved by the planning commission.
 7. The planning and zoning department shall not be bound to grant administrative approvals for home occupations. If for any reason the planning and zoning director, at his/her discretion, decides not to grant administrative approval, the applicant must then seek approval from the planning commission.

H. Background Checks: Background checks will be conducted on all applications for home occupations.

I. Appeals From Decisions Of The Planning Commission: Any decision made by the planning commission under authority of this section may be appealed by application to the city council.

The approval of the home occupation permit shall be valid for the remainder of the year in which it is first granted. Thereafter the approval will be extended for successive one year periods, commencing on January 1 of the calendar year provided: 1) that the home occupation is found to be substantially the same as initially approved and 2) that the home occupation has remained active as evidenced by the acquisition of a valid business license for the previous year. (Ord. 2004-08, 6-2-2004, eff. 7-2-2004)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. [Go to new ordinance.](#)

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, 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 water lines to unserviced 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.
- 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 unserved lots.)
- E. A permanent sewer service line constructed according to city standards. (Ord. 2002-05, 3-20-2002)

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This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. Go to new ordinance.

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.
- C. The property must not have frontage onto an existing city street or dedicated public right of way.

D. A city street cannot be extended to the property without the purchase of additional property needed to extend the right of way.

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E. An applicant that meets the above criteria shall provide to the city the following:

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1. Proof of an easement needed to access the property.
2. Proof of an easement necessary for the extension of water lines and sewer lines necessary to serve the property.
3. Proof that the roadway to the proposed home is wide enough for emergency vehicle access.

F. Additional requirements:

1. Unless otherwise approved by the city council, all homes shall be serviced with city water and sewer to meet city standards. The city council may only grant an exception to this requirement if the applicant's property is located more than three hundred feet (300') from existing water and sewer lines, and the applicant can demonstrate that they have an approved culinary water well capable of providing an approved adequate water supply needed to sustain the residents of the home, the landscaping around the home, and the flow necessary to meet the fire flow protection as outlined in the international fire code. A fire suppression system may be approved in lieu of required fire flow as long as it is designed to meet international fire code, and approved by the city fire marshal. The home shall be required to hook up to the city water system once the service has been extended to the property.
 - a. If the property is located farther than three hundred feet (300') from the nearest sewer line or sewer line stub, then the city council may allow the use of a temporary sewer holding tank. The tank must be built to meet the wastewater needs of the home, and must be able to be pumped out by means of a private sewer disposal company.
 - (1) Properties that are allowed to hold the sewer instead of hooking up to the city sewer, shall be required to hook up to the city sewer if the sewer line is extended at some future time within three hundred feet (300') of the property. Sewer impact fees shall be paid when the home is required to hook up to the city sewer system, however, monthly sewer fees shall be paid by the homeowner regardless if the home is hooked up to the city sewer or not. Septic tanks shall not be permitted.
2. Driveways shall be road base the entire distance from the nearest hard surface roadway to the location of the proposed home.
3. Guesthouses for agricultural workers, or owner occupied accessory apartments shall be attached to home, and shall also be subject to the requirements in section 18.08.005 of this title.

4. Homes and all or any accessory structures shall be situated on the property so as to not impede any future rights of way, roads or city streets as shown on the official Mapleton City transportation master plan map.
 5. Other conditions may be required by the planning commission, including, but not limited to, height of building, location of building on the property, setback, roadway design, street dedication through the property to conform with the official transportation master plan map, and other criteria which may not be listed herein.
- G. Any future development of the property, including any subdivision of the property will void this exception, and all requirements and regulations outlined in title 17 of this code, and this title shall apply to the existing home, including the installation of street improvements, and extensions of all city services. (Ord. 2003-12, 5-7-2003, eff. 6-4-2003)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. Go to new ordinance.

18.84.400: DEVELOPMENT AGREEMENTS:

- A. General: Mapleton City may, but under no circumstances is it required, enter into a development agreement. The development agreement shall constitute a binding contract between the applicant and the city (the "parties") and shall contain those terms and conditions agreed to by the parties and those required by this section. The city planner, planning and zoning director and the city attorney, or their designees, are authorized to negotiate development agreements on behalf of the city.
- B. Criteria For Entering Into A Development Agreement: The city may enter into a development agreement pursuant to this chapter only if:
1. The development agreement has been duly adopted in accordance with the provisions of this chapter;

2. The development agreement is associated with a proposed development meeting the following size thresholds:
- a. For residential and nonresidential developments, a cumulative project size of not less than ten (10) acres.
 - b. The proposed development is a development that will have significant impact on the city.
 - c. The proposed development, to which the development agreement pertains, is in conformity with the then adopted general plan, capital improvements program, requirements; and the proposed development which is subject to the agreement, contains mere conformity, in accordance with the criteria established in this code and other development, and which improvements are of a substantial benefit to the city.
- C. Effect Of Approval: For applications submitted and which are subject to a development agreement with the city, it is hereby expressly declared that the intent of this provision is to create a vested right in the parties to the agreement, according to the terms of the agreement. The applicant's attorney shall certify that all covenants associated with any approved project comply with all federal, state and local laws.
- D. Covenants: Any covenant by the city contained in the development agreement to refrain from exercising any legislative, quasi-legislative, quasi-judicial or other discretionary power, including rezoning or the adoption of any rule or regulation that would affect the proposed subdivision, shall be limited to a period of five (5) years. The covenant shall also contain a proviso that the city may, without incurring any liability, engage in action that otherwise would constitute a breach of the covenant, if it makes a determination on the record that the action is necessary to avoid a substantial risk of injury to public health, safety and general welfare. The covenant shall contain the additional provision that the city may, without incurring any liability, engage in action that otherwise would constitute a breach of covenant, if the action is required by federal or state law.
- E. Attorney Costs: Except as otherwise expressly provided in the development agreement, the applicant shall reimburse the city for any legal costs the city incurs while negotiating and drafting the development agreement. (Ord. 2002-05, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. Go to new ordinance.

18.84.410: OWNER OCCUPIED ACCESSORY APARTMENTS:

- A. Purpose And Objective: The purpose and objective of the owner occupied accessory apartment ordinance is to accommodate supplementary living accommodations in some appropriate areas of the community. These provisions are intended to meet community demands for affordable housing and residential accommodations for transient residents and extended family residents with reasonable limitations on their use and impact on neighboring properties and neighborhoods.
- B. Exemptions: Except as provided under subsection I of this section regarding a separate dwelling unit, the provisions of this section do not apply if only family members, as defined under section 18.08.145 of this title, are residing at the residence.
- C. Limitations On Owner Occupied Accessory Apartments:
1. Use And Location: An owner occupied accessory apartment is a permitted use in all residential zones, unless specifically prohibited by the zone text, under the following conditions:
 - a. Only one accessory apartment is allowed for a:
 - (1) Lot or parcel of land; and
 - (2) Primary dwelling unit;
 - b. The primary dwelling unit shall be a single-family detached dwelling unit;
 - c. Either the primary dwelling unit or the accessory apartment shall be occupied by a full time resident property owner as shown on the Utah County tax assessment rolls;
 - d. The minimum lot size where the primary dwelling unit is located shall not be less than fourteen thousand five hundred (14,500) square feet.
 2. Parking:
 - a. A single-family dwelling with an owner occupied accessory apartment shall provide at least two (2) off street parking stalls designated for use by the accessory apartment in addition to the required off street parking required for the single-family dwelling.

- b. A designated parking stall may not be located within a garage, unless at least two (2) other parking stalls within a garage are available for the primary dwelling unit.
- c. Not more than one of the designated parking stalls may be located within:
 - (1) The front yard setback; or
 - (2) Side yard setback that is adjacent to a street.
- d. A parking stall designated for use by the accessory apartment under subsection C2a of this section shall be paved or hard surface.

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3. Utility Charges:

- a. A single-family dwelling with an owner occupied accessory apartment shall be charged for the number of actual water connections and sewer connections.
- b. All city provided utilities, including sewer, water, and garbage collection shall be in the property owner's name and the property owner shall be responsible for payment of all utilities.
- c. In addition to the utilities charged under subsections C3a and C3b of this section, a single-family dwelling with an owner occupied accessory apartment shall be charged the equivalent of one hundred fifty percent (150%) of a monthly sewer connection fee, unless the single-family dwelling is not legally required to connect to the sewer system.

4. Minimum Dwelling Unit Size:

- a. The size of an accessory apartment shall be at least three hundred (300) square feet and shall not exceed the size of the primary dwelling unit.
- b. The primary dwelling unit shall maintain one thousand (1,000) square feet of finished living space separate from the accessory apartment.
- c. The provisions of subsections C4a and C4b of this section do not apply to a single-family dwelling unit that existed prior to November 5, 2003, and converts the basement into an owner occupied accessory apartment.

5. Apartment Entrances:

- a. The design, construction, and appearance of the single-family residence shall be maintained.
- b. In accordance with the provisions of subsection C5a of this section, an entrance or exit to or from the apartment shall be:
 - (1) On the side or rear of the structure; or
 - (2) Not visible from the street.

c. The single-family residence shall maintain an internal entrance into the accessory apartment.

6. Arrangements: A structure having an accessory dwelling unit under the provisions of this section shall provide separate kitchen, sleeping, and sanitary facilities for the accessory dwelling, that is separate from those provided as part of the primary dwelling unit.

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7. Detached Buildings:

a. One owner occupied accessory apartment may be located within a detached garage or barn if:

(1) The lot is located on a parcel of one acre or more unless specifically prohibited by the zone text;

(2) The building serves as a function other than a separate dwelling unit; and

(3) The property owner resides in either the primary dwelling unit or the accessory apartment.

b. The detached garage or barn shall appear as if it was not a separate dwelling unit.

c. The size of the accessory apartment shall not exceed fifty percent (50%) of the total size of the garage or barn, and the apartment may not exceed one thousand (1,000) square feet.

d. The garage or barn shall be located on the same lot or parcel of property as the primary dwelling unit.

D. Owner Occupied Accessory Apartment Permit:

1. A person shall obtain a permit from the city if the person:

a. Is constructing or causing the construction of a residence that has an accessory apartment;

b. Is remodeling or causing the remodeling of a residence for an accessory apartment;
or

c. Desires an accessory apartment.

2. Before the permit is issued, the applicant shall:

a. Submit a site plan drawn accurately to scale that shows property lines and dimensions, the location of existing buildings or additions, dimensions from buildings or additions to property line, the location of parking stalls, and utility meters.

- b. Include detailed floor plans drawn to scale with labels on the primary dwelling unit and the accessory apartment rooms indicating uses or proposed uses.
 - c. Pay fees, including a onetime owner occupied accessory apartment permit fee as established by Mapleton City for an accessory apartment in accordance with Mapleton City's established fee schedule, available at the Mapleton City offices.
3. a. After an owner occupied accessory apartment permit fee has been paid for an accessory apartment use at one location, no owner occupied accessory apartment permit fee will be required for future accessory apartment use of the same building.
 - b. If the proposed accessory apartment is located within a proposed new home, the owner occupied accessory apartment permit fee shall be paid for the new home.
 - c. The planning and zoning director in consultation with the city administrator and city controller, may establish a payment schedule by written agreement for the payment of the owner occupied accessory apartment permit fee for existing accessory apartments under this section.
 - (1) The agreement shall:
 - (A) Allow an applicant up to three (3) years to pay the onetime owner occupied accessory apartment permit fee, without interest charges, in equal payments made on a monthly or annual basis using a payment method specified by the city; and
 - (B) Provide for penalties for late payments consistent with existing city policies.
 - d. The owner occupied accessory apartment permit fee for an accessory apartment planned for a new home shall be paid at the time the impact fee is paid for the primary dwelling unit.
4. If the planning and zoning director denies an owner occupied accessory apartment permit, the decision is appealable to the city council. Appeal must be made to the city council within forty five (45) days, or the decision of the planning and zoning director is final.

E. Withdrawal Of Permit:

1. A permit for an accessory apartment may be withdrawn by the city planning and zoning director if:
 - a. The conditions upon which the permit has been issued no longer are maintained by the property owner; or
 - b. The property owner applies for a withdrawal which application shall include an affidavit that the property owner is not and will not allow any occupant to use the accessory apartment as a dwelling unit except in accordance with this section.

2. If made under this subsection E, a withdrawal allows the applicant to cancel additional city utility fees required under subsection C3 of this section while the accessory apartment is not occupied.
3. If the property owner allows the accessory apartment to be occupied as a dwelling unit during the period of a withdrawal under this section, all city utility fees from the date of the withdrawal are immediately due and payable to the city along with ongoing city utility fees required under subsection C3 of this section.
4. A withdrawal may be canceled under this section if the applicant applies for a new permit, pays an application and inspection fee in accordance with the city fee schedule, and obtains a permit under this section for an owner occupied accessory apartment.
5. If the planning and zoning director withdraws a permit or denies a new permit, the decision is appealable to the city council. Appeal must be made to the city council within forty five (45) days, or the decision of the planning and zoning director is final.

F. Building Codes: All construction and remodeling shall comply with building codes in effect at the time of construction or remodeling, except that it is optional with the property owner whether to provide separate gas, water, and electrical systems.

G. Prior Uses:

1. Owner occupied accessory apartments have not been, prior to November 5, 2003, a legal use of land within Mapleton City.
2. No accessory apartments existing prior to November 5, 2003, shall be "grandfathered", or considered legal solely because they were previously used as an accessory apartment.
3. It is the intent of the city council that all owners of an accessory apartment promptly apply for and, upon compliance with this section, be issued a permit.

H. Addressing: An owner occupied accessory apartment will not be given a new address by the city. Homes with owner occupied accessory apartments can refer to mail to its accessory apartment by the same address as the home and refer to the main address as "A" and the accessory apartment address as "B".

I. Separate Dwelling Units:

1. Except as provided under this section or as specifically provided by ordinance, no other type of apartment is allowed.

2. Any portion of a home or dwelling unit that has been sectioned off so that any occupant in the dwelling does not have access to any portion of the home, and contains separate living quarters and/or a kitchen, regardless of the relationship of the occupants, is prohibited unless:
 - a. It meets all of the requirements of this section; and
 - b. An application has been made and a permit issued in accordance with the requirements of this section. (Ord. 2008-14, 8-6-2008, eff. 9-24-2008)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2010-08 - MULTIPLE KITCHENS PERMITTED. Go to new ordinance.

18.84.415: SECOND KITCHENS PERMITTED:

- A. Second kitchens shall be permitted in any single-family residential detached dwelling unit, in any zone, as long as the following requirements are met:
 1. The residence shall not be considered as two (2) dwelling units, and shall have only one front entrance.
 2. The residence shall have only one address.
 3. An interior access shall be maintained to all parts of the residence to assure that an accessory unit or apartment is not created. There shall be no keyed and dead bolt locks, or other manner of limiting or restricting access from the second kitchen to the remainder of the residence.
 4. The residence shall have no more than one electrical meter, and no more than one water or sewer hookup.
 5. A second kitchen shall exist only as part of the primary structure and shall not be installed in an accessory or "out" building.

6. Upon a twenty four (24) hour notice of request made by Mapleton City planning and zoning director or building official, the residence owner shall allow, within reasonable hours, an inspection of the residence which has a second kitchen, in order to determine compliance with this section.
 7. The residence owner shall sign a written document prescribed by Mapleton City which declares that the residence will not be converted into two (2) or more units. The signature on such a document shall be notarized and the document shall be recorded with the Utah County recorder's office prior to issuance of a building permit. Once a second kitchen is approved under the above criteria, both present and future owners of the residence shall limit use of the single-family residence to a family only.
 8. If the property owner, or a later applicant wishes to apply for an owner occupied accessory apartment pursuant to section 18.84.410 of this chapter, the limitations of the second kitchen agreement, if located in the accessory apartment, shall become null and void.
 9. Construction of any such kitchen shall meet international building code standards.
- B. A second kitchen shall not be established in a single-family residential structure which contains an accessory apartment, whether or not such accessory apartment was established pursuant to section 18.84.410 of this chapter.
- C. Outbuildings, such as detached garages or barns, shall not be permitted a kitchen, however, a "wet bar kitchenette" shall be allowed for parcels of property that have a home located on the same lot or parcel. For the purpose of this section a "wet bar kitchenette" shall be defined as a one or two (2) bay sink, a refrigerator, cabinets, and temporary cooking utensils, such as a microwave, or toaster oven for the preparation of snacks. Stoves shall be prohibited. The "wet bar kitchenette" shall not be intended for use to prepare meals on a regular basis, and shall be considered as a facility for family entertainment. In no case shall an outbuilding be considered separate living quarters. Outbuildings that resemble separate living quarters, such as a building with bedrooms, bathrooms, and a kitchen or "wet bar kitchenette", shall be prohibited. Outbuildings with a washroom (sink) and a toilet, shall not be considered a "bathroom". (Ord. 2003-28, 11-5-2003, eff. 12-11-2003)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2010-08 - MULTIPLE KITCHENS PERMITTED. Go to new ordinance.

18.84.420: ADEQUATE PUBLIC FACILITIES:

- A. Intent: It is Mapleton City's intent to promote and encourage expansion and development of public service facilities within Mapleton City that will support the existing residents and businesses safely, and the planned growth of the community. It is also Mapleton City's intent to encourage future patterns of development and land use that:
1. Reduce infrastructure construction cost and operation; and
 2. Make efficient use of existing or planned facilities.
- B. Definitions; Change In Use: For the purpose of this section, the words "development" and "project" shall mean any construction, expansion, change in use of buildings, or change in use of land in conjunction with the subdivision of land that has the effect of:
1. Increasing the need or demand for a public facility or service; or
 2. Utilizing existing public facility or service capacity; or
 3. Causing an existing public facility or service level of service standard to decline.
- C. Timing And Sequence Of Development: Mapleton City will require development to be timed and sequenced in a manner consistent with the capacity of available public services and facilities. In order to enact this policy, the following will be required:
1. All development including all of its future phases must ensure that all services required for the development are in place or constructed concurrently with the timing of the project. All required service must be active by completion of the development. All on site and/or off site improvements must be ensured they will be completed satisfactorily and on schedule and adequate guarantees must be in place before occupancy.
 2. A detailed public infrastructure review and study process is to be completed by developers of new projects.
 3. All on and off site public facilities required exclusively to achieve capacity, or supply for the new development will be constructed to city standards and specifications and paid for by the developer.

4. Prior to approval, the developer must show that the development meets, will meet or exceeds Mapleton City's established level of service in the following categories, as adopted:
 - a. Water;
 - b. Recreation facilities;
 - c. Wastewater/sewer;
 - d. Drainage;
 - e. Public safety;
 - f. Transportation level of service.
5. A traffic impact analysis including, at a minimum, the following:

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Show that streets:

- a. Are adequate to serve or accommodate emergency vehicles;
- b. Will permit the installation of public utilities and other public services;
- c. Are not detrimental and would not result in the inability to develop adjacent lands in conformity with sound planning practices;
- d. Will not cause existing street patterns to be fragmented;
- e. Are in compliance with the Mapleton City master street plan as currently existing or as may be amended in the future. (Ord. 2002-05, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2010-08 - MULTIPLE KITCHENS PERMITTED. [Go to new ordinance.](#)

18.84.430: PORTABLE SHIPPING AND CARGO STORAGE CONTAINERS:

- A. Mapleton City prohibits the placing of shipping and cargo storage units used for shipping in all zones of Mapleton City with the exception of the commercial zone and the industrial manufacturing zone, where these units are being used for shipping merchandise, receiving merchandise or in construction sites for a period not to exceed one hundred twenty (120) days. Violation of this section shall be a class B misdemeanor and will be prosecuted as such. (Ord. 2002-08, 7-3-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2010-08 - MULTIPLE KITCHENS PERMITTED. [Go to new ordinance.](#)

18.84.440: RESERVED:

(Ord. 2008-20, 11-19-2008, eff. 2-4-2009)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2010-08 - MULTIPLE KITCHENS PERMITTED. [Go to new ordinance.](#)

18.84.450: FLAGPOLE AND FLAG:

- A. A flagpole is permitted in all zones.

- B. 1. Except as provided under subsection B2 of this section, the maximum height of a flagpole may not exceed the maximum height allowed for any structure in the zone where the flag is located.
2. A conditional use permit may be granted for a flagpole displaying only the flag of the United States or state of Utah up to a maximum height of one hundred twenty feet (120') in nonresidential zones.
- C. A "flag" as defined under section 18.08.149 of this title of any type is allowed except for commercial flags used for advertising purposes.
- D. 1. A flagpole may not be located in a manner as to cause a safety hazard.
2. A flag may not extend beyond the property line of the lot on which the flagpole is located.
3. Lighting fixtures shall be shielded to prevent direct illumination of adjoining properties and public right of way.
- E. An application for a conditional use permit authorized by subsection B2 of this section shall include a plan showing the location, height, material, and footing specifications. (Ord. 2008-20, 11-19-2008, eff. 2-4-2009)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2010-08 - MULTIPLE KITCHENS PERMITTED. [Go to new ordinance.](#)

Chapter 18.86

SIGNS

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2010-08 - MULTIPLE KITCHENS PERMITTED. Go to new ordinance.

18.86.010: PURPOSE AND SCOPE:

The provisions of this chapter are intended to:

- A. Reduce potential hazards to motorists and pedestrians;
- B. Encourage signs which, by their good design, are integrated with land uses, architecture, buildings, sites, and landscapes;
- C. Reduce driver inattention through the elimination of excessive and confusing sign displays;
- D. Preserve and improve the appearance of the city as a place in which to live and work;
- E. Allow each business to clearly identify itself and the goods and services which it offers;
- F. Safeguard and enhance property values;
- G. Protect public and private investment in buildings and open space;
- H. Preserve freedom of speech; and

- I. Promote the public health, safety, and general welfare of the citizens of Mapleton City.
(Ord. 2010-07, 8-26-2010)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2010-08 - MULTIPLE KITCHENS PERMITTED. Go to new ordinance.

18.86.020: INTERPRETATION:

- A. A sign not specifically allowed under this chapter is prohibited.
- B. Nothing in this chapter shall prevent anyone from engaging in noncommercial speech as guaranteed by the first amendment to the United States constitution or the Utah state constitution.
- C. Previous illegal signs are not grandfathered under this chapter.
- D. The city's failure to take appropriate action against violations of this chapter is not a waiver of any of the rights of the city as under this chapter.
- E. The planning commission shall have the authority and the duty to interpret the provisions of this chapter at the request of the department of community development or when a written appeal of a department of community development decision is filed with the planning commission. The signs allowed by this chapter shall be plenary and sign types not specifically allowed as set forth within this chapter, shall be prohibited.

F. If any provision of this chapter shall be held invalid, the same shall not affect the validity of this chapter as a whole or any provision thereof, other than the part held to be invalid.
(Ord. 2010-07, 8-26-2010)

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This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

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This section has been affected by a recently passed ordinance, 2010-08 - MULTIPLE KITCHENS PERMITTED. Go to new ordinance.

18.86.030: DEFINITIONS:

A-FRAME SIGN: Any sign composed of two (2) sign faces mounted or attached back to back or a sign structure built in a manner to form a basically triangular vertical cross section through the faces or structure.

ABANDONED SIGN: Any sign or structure whose applicable use has been discontinued for a period of one hundred twenty (120) consecutive days or a temporary sign that remains more than two (2) days after expiration of its temporary approval.

AREA OF SIGN: The area of a sign shall be computed by enclosing the entire area within a geometric shape of the smallest size sufficient to cover the entire area of the sign and then computing the area of the geometric shape. Where a sign has more than two (2) faces, the area of the third face and all additional faces shall be included in determining the area of the sign. The area of all legal signs in existence at the time of the enactment of this chapter shall be included in the computation of the total area of signs permitted by this chapter.

BALLOON SIGN: Any sign that is inflated with air or other gas filled balloon attached by means of a rope or tether to a definite or fixed location.

BANNER SIGN: Any sign made of fabric or any nonrigid material with no enclosing framework.

BILLBOARD: Any sign erected for the purpose of advertising or promoting a product, event, person, or subject not entirely related to the premises on which the sign is located.

BUILDING FACE OR WALL: All window, door, and wall area of a building in one plane or elevation.

CANOPY SIGN: Any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area.

CHANGEABLE COPY SIGN: Any sign whose informational content can be changed or altered by manual, mechanical, or electronic means.

CLEAR VISION AREA: A triangular area established at each corner of an intersection of two (2) or more streets or at the intersection of a street and a driveway. The triangle area shall have equal legs of twenty five feet (25') along each corner of the right of way and/or the driveway.

COPY: The wording on a sign surface.

DIRECTIONAL SIGN: Any sign used to direct traffic flow into or out of a parking lot through a city approved drive approach.

FLASHING SIGN: Any sign which has a flashing light source, including a reflective, strobe, or incandescent light.

FREESTANDING MONUMENT SIGN: Any on premises sign which is mounted directly to the ground having a maximum height of six feet (6').

FREESTANDING POLE SIGN: Any on premises sign greater than six feet (6') in height and which is supported by one or more uprights or braces fastened to or embedded in the ground or a foundation in the ground and not attached to any building.

FRONTAGE: The width of the parcel of land which faces upon a dedicated street.

GOVERNMENT SIGN: Any sign erected by or for the United States, or the state of Utah or any political subdivision or agency thereof.

GRADE (GROUND LEVEL): Finish grade shall be measured at the average elevation of the edge of the street which fronts the parcel.

HEIGHT OF SIGN: The vertical distance measured from the grade to the highest point of the sign or sign structure.

INTERIOR SIGN: Any sign placed within the interior of a building and which is not intended to be visible from a public street.

MARQUEE: Any permanent rooflike structure projecting beyond a building or wall of the building generally designed and constructed to provide protection from the weather.

MARQUEE SIGN: Any sign attached to, in any manner, or made part of a marquee.

MOTION SIGN: Any outdoor advertising structure and projection facility which displays changing copy by means of motion, slide, or similar picture projection equipment.

NONCONFORMING SIGN: Any sign which was lawfully erected but which currently fails to

conform to all of the requirements of this chapter.

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OFF PREMISES SIGN: Any sign advertising merchandise, services, or businesses other than those available on the premises of the sign's location.

ON PREMISES SIGN: Any sign advertising merchandise, services, or businesses available on the premises of the sign's location.

PENNANT SIGN: Any sign made of lightweight plastic, fabric, or other material whether or not containing a message of any kind, suspended from rope, wire, or string, usually in series, designed to move in the wind.

PORTABLE SIGN: Any sign that is not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A-frame or T-frame; umbrellas used for advertising; signs attached to or painted on vehicles parked and visible from the public right of way, unless said vehicle is used in normal day to day operations; and any banner type sign not attached parallel to a building wall.

PROTRUDING SIGN: Any sign attached to a building structure and extending in whole or in part more than twenty four inches (24") beyond the wall to which it is attached.

READER BOARD SIGN: Any portable sign with changeable copy designed to be moved from one site to another.

REPRODUCTION: An object that has been designed and built to resemble a product, person, place, service or thing.

ROOF SIGN: Any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure, and extending vertically above the lowest portion of the roof.

ROOF SIGN (INTEGRAL): Any sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof and that no part of the sign is separated from the rest of the roof. Roof signs (integral) do not include painted signs on roofs.

ROTATING SIGN: Any sign or portion of a sign which moves in a revolving or similar manner.

SIGN: Any device, fixture, placard, or structure that uses color, form, graphics, illumination, symbols, or writing to advertise, announce, identify, promote, or communicate information of any kind to the public.

TEMPORARY SIGN: Any sign which is intended for use during a specified limited time as may be determined by the nature of its construction or materials.

WALL SIGN: Any sign erected parallel with and attached to or painted on an exterior wall of a building.

WINDOW SIGN: Any sign installed upon a window for the purpose of being viewed from the outside of the premises, but not including displayed merchandise. (Ord. 2010-07, 8-26-2010)

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This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2010-08 - MULTIPLE KITCHENS PERMITTED. Go to new ordinance.

18.86.040: GENERAL REQUIREMENTS; PERMITS; MAINTENANCE:

- A. **Permits Required:** Except as provided in this chapter, a person may not erect, alter or relocate a permanent or temporary sign within Mapleton City without first submitting a sign application and obtaining a sign permit from the city. The city shall review the permit application to ensure compliance with the provisions of this chapter. The department of community development is directed to develop a separate permit application for temporary signs that does not exceed one page in length.
- B. **Permission Of Property Owner:** A person may not erect, construct, or maintain any sign on any property without the consent of the owner of the property, or a person entitled to possession of the property or their authorized representative.
- C. **Application:** Application for a sign permit shall be made to the city department of community development on a form provided by the city which form shall contain information as may be required to assure compliance with all appropriate laws and ordinances of the city, including the following information and the department of community development shall have a separate application form for temporary signs, and requirements of subsections C1 through C4 of this section shall not apply to temporary signs:
1. A site plan drawn to scale indicating the location of the proposed signage, existing signage, existing and future buildings, property lines, streets, sidewalks, landscaped areas, parking areas, and driveways;

2. A drawing to scale indicating the proposed sign dimensions, construction specifications, electrical components and wiring, method of attachment, and character of structural members to which attachment will be made;
3. An elevation drawing of existing or future buildings that will display the attached signage; and
4. Any other reasonably related information deemed necessary by the city.

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D. Master Sign Plans: Buildings or clusters of buildings within a project or premises, having more than one tenant or use, shall submit a master sign plan application for the entire structure or project prior to any sign permit approval by the department of community development.

1. The master sign plan shall be designed to establish a common theme or design for the entire building, using similar construction methods, compatible colors, scale, and identical backgrounds. All regulations as stated in this chapter shall apply.
2. Master sign plans for office buildings must focus primarily on the identification of the building. Individual tenants may be identified with lettering on exterior windows, doors, or building directory.

E. Review Procedures: Completed sign permit applications for permanent signs will be reviewed by the department of community development within twenty one (21) working days upon receipt of a completed application. Completed sign permit applications for temporary signs will be reviewed by the department of community development within five (5) working days upon receipt of a completed application. The application will be approved, denied or returned to the applicant with requested modifications. The department of community development must review and approve the application prior to the approval and issue of a permit. The department of community development may return the application for modification or clarification.

The department of community development shall inspect signs regulated by this chapter to determine if they have been suitably installed and maintained per the requirements of the international building code.

If the sign uses electrical wiring and connections, a licensed electrician must submit an electrical permit application to the department of community development. This application is separate from the sign permit application, and shall be reviewed for compliance with the international building code.

F. Permit Issuance Terms:

1. The city shall issue a permit for the erection, alteration, or relocation of a sign within the city when an application has been properly made, the appropriate fees, if any, have been paid, and the proposed sign complies with all appropriate laws of the city.
2. The city may in writing suspend or revoke a permit issued under provisions of this chapter whenever the permit is issued on the basis of a material omission or misstatement of fact or in violation of any ordinance.
3. Signs for which a permit has been issued shall not be erected, installed, maintained, or displayed except in complete conformance with all terms, requirements, and stipulations specified by the permit.

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G. Sign Inspections: All permanent signs requiring a permit shall have the following inspections unless waived by the city engineer:

1. Placement in a safe and authorized location;
2. Footing inspections on all freestanding signs;
3. Electrical inspections on all illuminated or electrical signs;
4. Expansion inspections where evidence shall be provided to show that the existing sign can structurally support an increase in size and weight to the sign; and
5. Final inspections which shall cover the sign location, structural members, and placement of the insignia.

H. Fees: Fees required by this chapter shall be paid in an amount set by the planning commission, except as otherwise provided herein.

I. Maintenance: All signs shall be kept in good repair, maintained in a safe and attractive condition by the owner, and displayed so as to conform to the conditions required by the sign permit. Signs in disrepair which have not been repaired for sixty (60) consecutive days shall be removed from the building or premises by the owner, the person having control of the premises or the person receiving benefit of the sign. (Ord. 2010-07, 8-26-2010)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2010-08 - MULTIPLE KITCHENS PERMITTED. Go to new ordinance.

18.86.050: PROHIBITED SIGN LOCATIONS:

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A. A person may not erect or maintain a sign:

1. Within a clear vision area or other area where the sign obstructs the vision of any motorist from seeing any traffic control device;
2. On or overhanging public property or a public right of way;
3. On or overhanging an adjoining property line;
4. So as to interfere with or restrict access to windows, fire escapes, or required exits; or
5. Which constitutes a safety hazard as determined by the city.

B. A governmental sign necessary for public safety and approved and erected by a governmental entity or by a public utility company is exempt from this section.

C. The city may erect banners which overhang public property or a public right of way. (Ord. 2010-07, 8-26-2010)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2010-08 - MULTIPLE KITCHENS PERMITTED. Go to new ordinance.

18.86.060: PROHIBITED SIGNS:

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Except as expressly permitted under this chapter, the following signs are prohibited in the city:

A. A-frame signs;

B. Abandoned signs;

C. Balloon signs;

D. Banner signs;

E. Flashing signs;

F. Motion signs;

G. Portable signs;

H. Roof signs;

I. Roof signs (integral);

J. Rotating signs. (Ord. 2010-07, 8-26-2010)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3

PLANNED DEVELOPMENT. Go to new ordinance.

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This section has been affected by a recently passed ordinance, 2011-06 -
STRUCTURES WITHIN THE GC-1 ZONE. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2010-08 - MULTIPLE
KITCHENS PERMITTED. Go to new ordinance.

18.86.070: CONFISCATION OF SIGNS:

- A. The city shall immediately confiscate any sign located on public property in violation of city ordinances. A confiscated sign shall be stored at a location determined by the department of community development for a period of sixty (60) days, unless such sign is a temporary sign. During the sixty (60) day period the owner or person having charge, control or benefit of the confiscated sign may redeem the sign after payment of enforcement costs to the city in an amount determined by the planning commission. Signs not redeemed within sixty (60) days shall become the property of the city and may be destroyed. Temporary signs located on public property may be confiscated and destroyed immediately upon confiscation.
- B. Mapleton City shall be held harmless for any damages incurred to signs as a result of their confiscation.
- C. A sign owner or person having charge, control, and/or benefit of any sign erected in violation of this chapter shall be liable for any damages caused to public property, public facilities, or public utilities by reason of the placement, attachment, and/or removal of the unlawful signs. (Ord. 2010-07, 8-26-2010)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM
BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3
PLANNED DEVELOPMENT. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-06 -
STRUCTURES WITHIN THE GC-1 ZONE. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2010-08 - MULTIPLE
KITCHENS PERMITTED. Go to new ordinance.

18.86.080: ABANDONED SIGNS:

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Abandoned signs shall be removed from any building or premises by the owner or person having control of the premises or the abandoned sign. If abandoned sign is not removed within five (5) days after notice provided by the city then the city may confiscate the sign and destroy the sign consistent with section 18.86.070 of this chapter. A temporary sign that is abandoned may be confiscated two (2) days after the expiration of a temporary permit and destroyed immediately upon confiscation. (Ord. 2010-07, 8-26-2010)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2010-08 - MULTIPLE KITCHENS PERMITTED. Go to new ordinance.

18.86.090: UNSAFE OR DANGEROUS SIGNS:

If an unsafe or dangerous sign as determined by the chief building inspector is not repaired or made safe within five (5) working days after the city has given written notice by registered mail to repair or make the sign safe, the chief building inspector shall at once abate and confiscate the sign in accordance with city ordinances, including section 18.86.070 of this chapter. (Ord. 2010-07, 8-26-2010)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2010-08 - MULTIPLE KITCHENS PERMITTED. Go to new ordinance.

18.86.100: SPECIFIC REGULATIONS BY SIGN TYPE:

All signs shall comply with the following listed requirements: ENT 56319:2011 PG 624 of 662

A. A-Frame Signs: A-frame signs are prohibited in all zones.

B. Abandoned Signs: Abandoned signs are prohibited in all zones.

C. Balloon Signs: Balloon signs are prohibited in all zones.

D. Banner Signs: Banner signs are prohibited in all zones.

E. Billboard Signs: Are not permitted in any zone except as permitted under this subsection.

1. Beginning March 1, 2009, a lawfully existing billboard is a nonconforming use. No new billboards shall be permitted beginning on that date except for off premises public information signs and logo signs located in the state owned right of way as described in Utah code section 72-7-504.
2. a. A lawfully existing billboard sign may be reconstructed by the owner of the billboard, but no other person or entity.
b. A billboard sign that is not reconstructed within one year of its destruction shall be considered abandoned and may not be reconstructed.
c. A billboard sign that is reconstructed under this subsection E:
 - (1) Shall comply with the outdoor advertising regulations of the Utah state department of transportation;
 - (2) May not be enlarged or expanded beyond the size of the original billboard sign;
and
 - (3) May not be increased in height beyond the size of the original billboard sign.

F. Canopy Signs:

1. Require a sign permit from the city;
2. Shall only be placed on a canopy which has been approved by the chief building inspector or designee;

3. May not have copy which exceeds fifty percent (50%) of the area of the canopy;
4. May not extend beyond the outside limits of the canopy; and
5. Shall only be permitted in the GC-1, CC-1, I&M-1, and PO-1 zones.

G. Changeable Copy Signs:

1. Require a sign permit from the city;
2. Shall only be used in connection with freestanding signs, low profile signs, or wall signs;
3. May not have dimensions which exceed the requirements of this chapter for freestanding, low profile, or wall signs; and
4. Shall only be permitted in the GC-1, CC-1, I&M-1, and PO-1 zones.

H. Directional Signs:

1. Require a sign permit from the city;
2. Only one directional sign is allowed for each city approved drive approach;
3. May not exceed three feet (3') in height;
4. May not exceed six (6) square feet in area; and
5. Shall only be permitted in the GC-1, CC-1, I&M-1, and PO-1 zones.

I. Flashing Signs: Flashing signs are prohibited in all zones.

J. Freestanding Signs (Pole And Monument):

1. Require a sign permit from the city;
2. The number of freestanding pole and monument signs allowed shall be determined as set forth below:
 - a. The owner of a parcel may have one freestanding pole or monument sign on the parcel for the purposes of advertising the business on the parcel if:
 - (1) The parcel has at least two hundred feet (200') of frontage off a public street; and

(2) The applicant for the freestanding pole or monument sign owns or represents the entire ownership interest of the parcel.

b. In addition to the provisions of subsection J2a of this section, a parcel that has more than three hundred feet (300') of frontage off a public street may have a total of two (2) freestanding poles or monument signs; ENT 56319:2011 PG 626 of 662

3. Freestanding pole signs:

- a. May not overhang public property or public right of way;
- b. Shall be set back from the property line a minimum of ten feet (10'), measured from the property line to the edge of the sign;
- c. May not exceed twenty feet (20') in height and one hundred fifty (150) square feet in area;
- d. Shall have a minimum clearance of ten feet (10');
- e. May not be located any closer than one hundred feet (100') from any other freestanding pole signs on the same parcel;
- f. Shall be erected on a landscaped area of at least twenty five (25) square feet;
- g. May not be erected in the clear vision area; and
- h. Shall only be permitted in the GC-1 zone.

4. Freestanding monument signs:

- a. Shall be mounted directly to the ground;
- b. Shall be set back from the property line a minimum of ten feet (10'), measured from the property line to the edge of the sign;
- c. May not exceed six feet (6') in height and forty two (42) square feet in area;
- d. Shall be erected on a landscaped area of at least twenty five (25) square feet;
- e. May not be erected in the clear vision area; and
- f. Shall only be permitted in the GC-1, CC-1, I&M-1, and PO-1 zones.

K. Government Signs:

- 1. A permit is not required for government signs.
- 2. Are permitted in all zones.

L. Interior Signs:

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1. A permit is not required.

M. Marquee Signs:

1. Require a sign permit from the city;
2. Shall only be placed on a marquee which has been approved by the chief building inspector or designee;
3. May not have copy which exceeds fifty percent (50%) of the area of the marquee;
4. May not extend beyond the outside limits of the marquee; and
5. Are permitted in all commercial and industrial zones.

N. Motion Signs: Motion signs are prohibited in all zones.

O. Off Premises Signs:

1. A sign permit is required from the city;
2. A sign may only be permitted with a city approved business license;
3. Only two (2) off premises signs are allowed for each city approved business license;
4. A sign may only be allowed along Highway 89;
5. A parcel may not have more than one off premises sign;
6. The sign may not be erected in the clear vision area;
7. The sign may not overhang public property or public right of way;
8. The sign may not exceed a height of ten feet (10'); and
9. The maximum area of the sign may not exceed forty eight (48) square feet.

P. Pennant Signs:

1. Require a sign permit from the city;

2. May not be attached to any public utility pole;
3. May only be displayed a maximum of thirty (30) days in any calendar year per site;
and
4. Are permitted in all commercial and industrial zones.

Q. Portable Signs: Portable signs are prohibited in all zones.

R. Protruding Signs:

1. Require a sign permit from the city;
2. Multiple protruding signs shall be permitted on buildings having multiple occupants in commercial complexes, provided that no more than one protruding sign per occupant will be permitted on any single elevation;
3. May not overhang any public property or public right of way;
4. Shall be rigidly attached to the side of a building fascia with a decorative support bracket engineered and designed to withstand anticipated wind loads;
5. Shall be located at a height so that no element:
 - a. Extends above the top of the building or fascia element to which it is attached; or
 - b. Hangs down lower than ten feet (10') from a sidewalk or pedestrian accessible area below;
6. May not extend from the side of the building more than eleven feet (11');
7. Shall be separated a minimum of twenty feet (20') from any adjacent projecting sign on the same elevation of a single structure;
8. May not be wider than two feet (2');
9. Shall be part of the wall sign calculations which cumulative totals include both protruding signs and wall signs and shall not exceed the twenty percent (20%) of the wall area to which the sign is attached; and
10. Are permitted in the commercial zones.

S. Reader Board Signs:

1. Require a sign permit from the city;

2. May not be used for a period of more than thirty (30) days in any one calendar year;
3. Shall be placed a minimum of ten feet (10') from the public right of way;
4. Are permitted in all commercial and industrial zones.

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T. Roof Signs: Roof signs are prohibited in all zones.

U. Roof Signs (Integral): Roof signs (integral) are prohibited in all zones.

V. Rotating Signs: Rotating signs are prohibited in all zones.

W. Special Purpose Signs:

1. Require a sign permit from the city;
2. May not exceed thirty two (32) square feet;
3. May not be erected more than seven (7) days before the event;
4. Shall be removed within five (5) days of the conclusion of the event; and
5. Are permitted in all zones.

X. Temporary Signs:

1. Shall require an application to the city and a permit to be approved by the community development department, which shall be granted within five (5) days of a completed application;
2. Shall be set back from the property line a minimum of ten feet (10'), measured from the property line to the edge of the sign;
3. May not exceed six feet (6') in height and thirty two (32) square feet in area;
4. May have temporary sign(s) not exceeding thirty two (32) square feet in total surface area, whether one sign or multiple signs, per two hundred feet (200') of frontage per lot (meaning each lot may have 32 square feet of signage even if the lot's frontage is less than 200 feet), and if a lot has more than two hundred feet (200') of frontage the surface area of any one sign may not exceed thirty two (32) square feet in area;

5. May not be erected in the clear vision area;
6. May not be on or overhanging public property or a public right of way and otherwise comply with section 18.86.050 of this chapter;
7. May only be erected for a maximum period of one hundred twenty (120) days or until expiration of an event or occurrence fulfilling the purpose of the sign, if such is less than one hundred twenty (120) days, unless the applicant demonstrates good cause for a longer period of time and then only for the longer period requested and approved by the department of community development, if any, or once a permit for a temporary sign expires the applicant may renew the application and permit for another consecutive one hundred twenty (120) day period for the same sign, provided the materials are not in disrepair as determined by the department of community development, or for a replacement sign in good repair; and
8. Shall be removed by the applicant within two (2) days after expiration of the permit for a temporary sign. Any temporary sign remaining more than two (2) days after expiration of the permit shall be deemed an abandoned sign and the city shall confiscate such sign and, irrespective of other provisions applicable to signs generally or to permanent signs, temporary signs may be disposed of by the city immediately upon confiscation without delay. A person may renew the application and permit for a temporary sign.

Y. Wall Signs:

1. Require a sign permit from the city;
2. May not exceed twenty percent (20%) of the wall area to which the sign is attached;
3. May not extend above the roofline;
4. There shall be one such sign for the front face of each building fronting a public street; and
5. Shall only be permitted in the GC-1, CC-1, I&M-1, and PO-1 zones.

Z. Window Signs:

1. A permit is not required;
2. May not exceed eighty percent (80%) of the total transparent area of any window on which they are located; and
3. Are permitted in all commercial and residential zones. (Ord. 2010-07, 8-26-2010)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2010-08 - MULTIPLE KITCHENS PERMITTED. Go to new ordinance.

18.86.110: APPEALS:

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- A. A person who has been ordered by the city to alter or remove any sign, or a person whose application for a sign permit has been refused, may appeal to the planning commission by filing a written appeal with the department of community development within ten (10) calendar days of the receipt of the order or refusal of the city.
- B. An appeal shall be solely for the purpose of reviewing the interpretation given by the city to the terms of this chapter and not to vary the terms in any way.
- C. Except as provided under subsection E of this section, upon filing of the appeal, the city shall take no further action with regard to the removal of the sign involved until the planning commission makes a final decision on the appeal.
- D. The planning commission shall hear the appeal and make a decision within thirty five (35) business days after an appeal is filed, unless the applicant agrees to a longer time.
- E. If the city finds that the sign presents an immediate or serious danger to the public, the city shall proceed immediately to have the sign altered or removed. (Ord. 2010-07, 8-26-2010)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3

PLANNED DEVELOPMENT. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2010-08 - MULTIPLE KITCHENS PERMITTED. Go to new ordinance.

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18.86.120: PENALTIES:

A person who violates any of the provisions of this chapter is guilty of an infraction and upon conviction thereof shall be punished by a fine of not more than seven hundred fifty dollars (\$750.00). Each and every day a violation occurs shall constitute a separate offense. (Ord. 2010-07, 8-26-2010)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2010-08 - MULTIPLE KITCHENS PERMITTED. Go to new ordinance.

18.86.130: CONTINUATION OF LEGAL NONCONFORMING SIGNS:

A. A legal nonconforming sign may continue to be used, provided they meet the requirements of this section.

B. A legal nonconforming sign:

1. May be materially modified, including the changing of a permanent sign face for a new business or changed message; and
2. May not be reconstructed, raised, moved, placed, extended, or enlarged unless the sign is modified to conform with all of the provisions of this chapter.

C. Minor repairs and maintenance may be made to a nonconforming sign; however, in the event the sign has deteriorated or is hereafter damaged by whatever means, including an act of God, and the damage exceeds fifty percent (50%) of the reproduction value of the sign, according to an appraisal by competent appraisers, the sign may be restored, reconstructed, altered or repaired only to conform with this chapter.

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D. A legal nonconforming sign applicable to a use which use has been discontinued for a period of one year shall be deemed to have lost its legal nonconforming status, and shall be removed within ten (10) days following receipt of written notice from the city requiring the removal.

E. 1. Whenever strict compliance with the provisions of this section would cause an unusual and unnecessary hardship on the applicant, the planning commission may waive, modify, or adjust the requirements of this section.

2. In granting the change, the planning commission may impose additional conditions as will, in its judgment, substantially secure the objectives of the standards or requirements that are waived, adjusted or modified.

3. Any recommendations or authorized changes shall be entered into the minutes of the planning commission, together with the circumstances that justified the changes granted.

4. The fee for an appeal to the planning commission shall be according to the fee schedule approved by the planning commission. (Ord. 2010-07, 8-26-2010)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. [Go to new ordinance.](#)

This section has been affected by a recently passed ordinance, 2010-08 - MULTIPLE KITCHENS PERMITTED. [Go to new ordinance.](#)

Chapter 18.88 PENALTIES

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2010-08 - MULTIPLE KITCHENS PERMITTED. Go to new ordinance.

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18.88.010: VIOLATION; PENALTY:

Violation of this title shall be punishable as a class C misdemeanor, as defined by section 1.16.010 of this code. (Ord. 2002-05, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2010-08 - MULTIPLE KITCHENS PERMITTED. Go to new ordinance.

18.88.020: OTHER REMEDIES FOR VIOLATION:

The city or any owner of real estate within the city, may, in addition to other remedies provided by law, institute injunction, mandamus, abatement or any other appropriate action or proceeding to prevent, enjoin, abate or remove any violation of this title. (Ord. 2002-05, 3-20-2002)

This section has been affected by a recently passed ordinance, 2011-05 - CONDOMINIUM BUILDING STANDARDS. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-07 - PD-3 PLANNED DEVELOPMENT. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2011-06 - STRUCTURES WITHIN THE GC-1 ZONE. Go to new ordinance.

This section has been affected by a recently passed ordinance, 2010-08 - MULTIPLE KITCHENS PERMITTED. Go to new ordinance.

18.88.030: EACH DAY A SEPARATE OFFENSE:

Each person, persons, firm or corporation found guilty of a violation of any provision of this title shall be deemed guilty of a separate offense for every day during which such violation is committed, continued or permitted by such person, persons, firm or corporation. (Ord. 2002-05, 3-20-2002)

ORDINANCES PENDING CODIFICATION

Ordinances listed below have been passed, but have not been incorporated in the actual code. Please contact the office of the clerk if there are any questions concerning the ordinances listed.

Disclaimer:

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Disclaimer:

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ORDINANCE NO. 2010-08

AN ORDINANCE TO AMEND AND MODIFY PROVISIONS IN SECTION 18.84.415 OF THE MAPLETON CITY CODE.

WHEREAS, section 1.01.050 of the Mapleton City Code authorizes the City to enact amendments or additions to the Code; and

WHEREAS, the City Council finds it necessary and advisable to revise and modify Section 18.84.415 of the Mapleton City Code:

NOW, THEREFORE, BE IT ORDAINED BY THE MAPLETON CITY COUNCIL THAT SECTION 18.84.415 OF THE MAPLETON CITY CODE SHALL BE AMENDED AND MODIFIED AS FOLLOWS:

SECTION 18.84.415: SECOND KITCHENS PERMITTED:

~~A. Second kitchens shall be permitted in any single family residential detached dwelling unit, in any zone, as long as the following requirements are met:~~

- ~~1. The residence shall not be considered as two (2) dwelling units, and shall have only one front entrance.~~

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- ~~—2. The residence shall have only one address.~~
- ~~—3. An interior access shall be maintained to all parts of the residence to assure that an accessory unit or apartment is not created. There shall be no keyed and dead bolt locks, or other manner of limiting or restricting access from the second kitchen to the remainder of the residence.~~
- ~~—4. The residence shall have no more than one electrical meter, and no more than one water or sewer hookup.~~
- ~~—5. A second kitchen shall exist only as part of the primary structure and shall not be installed in an accessory or "out" building.~~
- ~~—6. Upon a twenty four (24) hour notice of request made by Mapleton City planning and zoning director or building official, the residence owner shall allow, within reasonable hours, an inspection of the residence which has a second kitchen, in order to determine compliance with this section.~~
- ~~—7. The residence owner shall sign a written document prescribed by Mapleton City which declares that the residence will not be converted into two (2) or more units. The signature on such a document shall be notarized and the document shall be recorded with the Utah County recorder's office prior to issuance of a building permit. Once a second kitchen is approved under the above criteria, both present and future owners of the residence shall limit use of the single family residence to a family only.~~
- ~~—8. If the property owner, or a later applicant wishes to apply for an owner occupied accessory apartment pursuant to section 18.84.410 of this chapter, the limitations of the second kitchen agreement, if located in the accessory apartment, shall become null and void.~~
- ~~—9. Construction of any such kitchen shall meet international building code standards.~~

~~B. A second kitchen shall not be established in a single family residential structure which contains an accessory apartment, whether or not such accessory apartment was established pursuant to section 18.84.410 of this chapter.~~

~~C. Outbuildings, such as detached garages or barns, shall not be permitted a kitchen; however, a "wet bar kitchenette" shall be allowed for parcels of property that have a home located on the same lot or parcel. For the purpose of this section a "wet bar kitchenette" shall be defined as a one or two (2) bay sink, a refrigerator, cabinets, and temporary cooking utensils, such as a microwave, or toaster oven for the preparation of snacks. Stoves shall be prohibited. The "wet bar kitchenette" shall not be intended for use to prepare meals on a regular basis, and shall be considered as a facility for family entertainment. In no case shall an outbuilding be considered separate living quarters. Outbuildings that resemble separate living quarters, such as a building with bedrooms, bathrooms, and a kitchen or "wet bar kitchenette", shall be prohibited. Outbuildings with a washroom (sink) and a toilet, shall not be considered a "bathroom".~~

SECTION 18.84.415: MULTIPLE KITCHENS PERMITTED:

(1) The number of kitchens on a parcel or lot that includes a dwelling unit is regulated as provided under this section.

(2) (a) An owner of a parcel or lot that includes a dwelling unit shall apply for a building permit with the Department of Community Development for each kitchen within the dwelling unit.

(b) An owner of a parcel or lot that includes accessory building(s)/structure(s) on the parcel or lot shall apply for a building permit with the Department of Community Development for each kitchen that is located in the accessory building(s)/structure(s). Only one (1) accessory building/structure may allow for living quarters if:

(1) The accessory building/structure is located on a parcel or lot of twenty thousand (20,000) square feet or more unless specifically prohibited by the zone text;

(2) The size of the living quarter shall not exceed fifty percent (50%) of the total size of the accessory building/structure, and the living quarter may not exceed one thousand (1,000) square feet; and

(3) Only family members, as defined under section 18.08.145 of this title, are residing in the primary dwelling unit and accessory building/structure.

(3) If an owner of a parcel or lot is required to apply for a building permit under Subsection (2):

(a) for a new dwelling unit or accessory building/structure, only one building permit is required if each kitchen proposed is shown on the building permit drawings; and

(b) for an existing dwelling unit or accessory building/structure, a building permit is required for each new kitchen proposed as shown on the building permit drawings.

(4) The building permit(s) required under this section are for the purpose of enforcement of Section 18.84.410: OWNER OCCUPIED ACCESSORY APARTMENTS.

PASSED AND ORDERED PUBLISHED BY THE CITY COUNCIL OF MAPLETON, UTAH,

This 16th Day of November 2010.

Brian Wall _____

Mayor

ATTEST:

Camille Brown

City Recorder

Publication Date: December 9, 2010

Effective Date: December 28, 2010

Disclaimer:

This is provided for informational purposes only. The formatting of this ordinance may vary from the official hard copy. In the case of any discrepancy between this ordinance and the official hard copy, the official hard copy will prevail.

ORDINANCE NO. 2011-05

AN ORDINANCE TO AMEND AND MODIFY PROVISIONS IN SECTION 17.03.040 OF THE MAPLETON CITY CODE.

WHEREAS, section 1.01.050 of the Mapleton City Code authorizes the City to enact amendments or additions to the Code; and

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WHEREAS, the City Council finds it necessary and advisable to revise and modify Section 17.03.040 of the Mapleton City Code:

NOW, THEREFORE, BE IT ORDAINED BY THE MAPLETON CITY COUNCIL THAT SECTION 17.03.040 OF THE MAPLETON CITY CODE SHALL BE AMENDED AND MODIFIED AS FOLLOWS:

17.03.040: BUILDING STANDARDS; ALL CONDOMINIUMS:

Each new condominium or conversion of an existing building to a condominium shall meet the following standards:

- A. Each condominium shall conform to current international building code standards for condominiums.
- B. Each plan shall be reviewed by the development review committee (DRC) and the building official for recommendations to the planning commission and city council.
- C. Each unit shall have a separate accessible meter and shutoff for natural gas and electrical services.
- D. An existing building which was constructed prior to January 5, 2010 may share water meters. Buildings constructed after January 5, 2010 Each unit shall have a separate water meter for each unit. However, common areas may have a meter owned by the homeowners' association.
- E. Units may share sewer laterals, based on the city's standards for pipe sizes and equivalent residential units (ERUs), however each unit shall be charged the equivalent of one ERU per unit.
- F. Each unit must have its own heating unit. Air conditioning, if present, shall be separate for each unit as well.

PASSED AND ORDERED PUBLISHED BY THE CITY COUNCIL OF MAPLETON, UTAH,

This 15th Day of February 2011.

Brian Wall

Mayor

ATTEST:

Camille Brown

City Recorder

ENT 56319:2011 PG 640 of 662

Publication Date: March 6, 2011

Effective Date: March 25, 2011

Disclaimer:

This is provided for informational purposes only. The formatting of this ordinance may vary from the official hard copy. In the case of any discrepancy between this ordinance and the official hard copy, the official hard copy will prevail.

ORDINANCE NO. 2011-06

AN ORDINANCE TO AMEND AND MODIFY PROVISIONS IN SECTION 18.64.050(B1) OF THE MAPLETON CITY CODE.

WHEREAS, section 1.01.050 of the Mapleton City Code authorizes the City to enact amendments or additions to the Code; and

WHEREAS, the City Council finds it necessary and advisable to revise and modify Section 18.64.050(B1) of the Mapleton City Code:

NOW, THEREFORE, BE IT ORDAINED BY THE MAPLETON CITY COUNCIL THAT SECTION 18.64.050(B1) OF THE MAPLETON CITY CODE SHALL BE AMENDED AND MODIFIED AS FOLLOWS:

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

~~1. Building height for the main structure shall not exceed thirty feet (30') to the midpoint of the structure. For measurement purposes, the height is measured from the top of the established natural grade of the highest point of the lot. If the natural grade is lower than the established elevation of the street directly in front of the proposed structure, then the grade elevation shall be established from the highest point of the curb (if present) or six inches (6") above the existing asphalt of the road. The midpoint is established by measuring from the lowest roof eave to the highest portion of the roofline, then taking the average of those two (2) points as the top elevation. Decorative elements of the building, such as clock towers, weather vanes, steeples, or nonhabitable penthouse structures for the housing of an elevator shaft, shall not be counted in the overall height of a building.~~

- 1. a. Except as provided under Subsection b., the building height for the main structure may not exceed thirty-feet (30') 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.
- c. For measurement purposes:
 - i. the height of a structure is measured from the top of the established natural grade of the highest point of the lot;
 - ii. 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;
 - iii. 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

- iv. 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.

PASSED AND ORDERED PUBLISHED BY THE CITY COUNCIL OF MAPLETON, UTAH,

This 15thDay of March 2011.

Brian Wall
Mayor

ATTEST:

Camille Brown

ENT 56319:2011 PG 641 of 662

City Recorder

Publication Date: March 6, 2011

Effective Date: March 25, 2011

Disclaimer:

This is provided for informational purposes only. The formatting of this ordinance may vary from the official hard copy. In the case of any discrepancy between this ordinance and the official hard copy, the official hard copy will prevail.

ORDINANCE NO. 2011-07

AN ORDINANCE TO ENACT CHAPTER 18.78C OF THE MAPLETON CITY CODE

WHEREAS,section 1.01.050 of the Mapleton City Code authorizes the City to enact amendments or additions to the Code; and

WHEREAS, the City Council finds it necessary and advisable to enact Chapter 18.78C of the Mapleton City Code:

NOW, THEREFORE, BE IT ORDAINED BY THE MAPLETON CITY COUNCIL THAT CHAPTER 18.78C OF THE MAPLETON CITY CODE SHALL BE ENACTED AS FOLLOWS:

Chapter 18.78C

PD-3 PLANNED DEVELOPMENT-3 HARMONY RIDGE DISTRICT

18.78C.010: PURPOSE AND OBJECTIVES:

18.78C.020: ADEQUATE PUBLIC FACILITIES:

18.78C.030: ARCHITECTURAL REVIEW:

18.78C.040: OPEN SPACE REQUIREMENTS:**18.78C.050: DESIGN STANDARDS:**

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18.78C.060: ENFORCEMENT:**18.78C.070: ADDITIONAL SETBACK REQUIREMENTS OR LIABILITY DISCLAIMERS:****18.78C.080A: RESIDENTIAL DETACHED:****18.78C.080B: RESIDENTIAL ATTACHED:****18.78C.080C: COMMERCIAL / RETAIL / MIXED USE:****18.78C.080D: FLEX SPACE:****18.78C.080E: COMMERCIAL / LIGHT INDUSTRIAL****18.78C.010: PURPOSE AND OBJECTIVES:**

The Planned Development-3 Harmony Ridge District (PD-3 HR) describes a proposed commercial, retail, light industrial and master planned mixed use development set in the southern area of Mapleton City, east of Highway 89. This district consists of a maximum of eight hundred fifty (850) residential dwelling units, not counting accessory apartments as permitted by this chapter. The district allows a maximum of one hundred seventy (170) residential dwelling units or twenty percent (20%) of the eight hundred fifty (850) units listed above within the mixed use zones of Commercial / Retail and Flex Space.

18.78C.020: ADEQUATE PUBLIC FACILITIES:

In addition to the specific development standards contained in this chapter, areas zoned to the PD-3 HR shall comply with section 17.04.130, "Availability of Adequate Public Facilities", of this code.

18.78C.030: ARCHITECTURAL REVIEW:

An Architectural Committee (AC) shall be employed by the homeowners' associations in the PD-3 HR zone to review the applicable covenants, conditions, and restrictions (CC&Rs) and to verify and enforce the established Harmony Ridge Residential and Commercial / Industrial Design Standards.

No building permit application will be accepted by the city without an approval stamp from the AC. All building guidelines will meet applicable Mapleton City and International Building Code.

18.78C.040: OPEN SPACE REQUIREMENTS:

A minimum of forty percent (40%) of the site shall be preserved as permanent open space designated for public recreation and/or natural habitat. Open space may include stormwater management facilities, trails, play fields, greens, and natural areas. Such preserved open space shall be preserved in perpetuity through a deed restriction as approved by the City.

18.78C.050: DESIGN STANDARDS:

Design elements including, but not limited to, street width, curb radii, drainage facilities, sidewalks, curb and gutter, fencing, and block standards shall conform to the Harmony Ridge Preliminary Plan and Mapleton City standards.

18.78C.060: ENFORCEMENT:

If the city deems that open space and parks owned by homeowners' associations are not being kept to Mapleton City standards, the city shall have the right to cause such improvements and maintenance to be done and any such expenses by the city shall be assessed to any of the

homeowners' associations of the PD-3 HR. In the event of the dissolution or inactivity of any homeowners' associations in the PD-3 HR, Mapleton City shall have the right to assume title of the open space and parks, and the city shall then charge the individual property owners within the applicable areas for the improvements, maintenance, and administrative fees required for the above mentioned open space and parks.

18.78C.070: ADDITIONAL SETBACK REQUIREMENTS OR LIABILITY DISCLAIMERS:

Nothing in this Chapter shall be construed to preclude Mapleton City from setting additional setback requirements, or requiring inclusion of liability disclaimers associated with physical hazards of a geologic nature. Such additional requirements are to be part of any final plat or development agreement.

18.78C.080A: RESIDENTIAL DETACHED:

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18.78C.080A.010: PERMITTED USES:

18.78C.080A.020: PERMITTED ACCESSORY USES:

18.78C.080A.030: CONDITIONAL USES:

18.78C.080A.040: LOT REQUIREMENTS:

18.78C.080A.050: SETBACK REQUIREMENTS:

18.78C.080A.060: BUILDING HEIGHT:

18.78C.080A.070: LANDSCAPING AND STREET TREE REQUIREMENTS:

18.78C.080A: RESIDENTIAL DETACHED

The Planned Development-3 Harmony Ridge district (PD-3 HR) incorporates a residential detached land use element within the overall development with the associated requirements as contained herein.

18.78C.080A.010: PERMITTED USES:

Cultural, religious activities, or civic uses.

Detached single-family residential dwelling units.

Educational institutions.

Home occupations, subject to the provisions of section 18.84.380 of this title.

Public parks and recreation.

Utility facilities.

18.78C.080A.020: PERMITTED ACCESSORY USES:

Accessory buildings are subject to the provisions of section 18.26.020 of this title.

Parks and playgrounds and other associated recreational amenities.

Swimming pools and related equipment.

18.78C.080A.030: CONDITIONAL USES:

Accessory apartments that may or may not be located within the primary dwelling unit. Section 18.84.030 of this title shall not be construed to prohibit accessory apartments within the PD-3 HR. Section 18.84.410 of this title shall apply to accessory apartments within the PD-3 HR district with the following limited exceptions:

- A. The minimum lot size where the home is located shall not be less than twelve thousand (12,000) square feet.
- B. A single-family dwelling with an owner occupied accessory apartment shall provide at least one (1) additional parking stall. The designated parking stall for the accessory apartment may not be located within the front yard setback or side yard setback that is adjacent to a street. The designated parking stall may not be located within a garage, unless at least two (2) other parking stalls within a garage are available for the primary dwelling unit.

- C. Detached buildings (second floor of a garage) may be permitted as accessory apartments in the PD-3 HR district and may have external entrances and a maximum height not to exceed the height of the main structure.

18.78C.080A.040: LOT REQUIREMENTS:

For the purpose of this chapter, the detached residential lots are separated into four different districts, according to the Harmony Ridge Conceptual Plan, each with unique requirements:

- A. Bench Estate lot requirements
1. Minimum area: 12,000 square feet
 2. Minimum frontage: 70 feet
 3. Minimum depth: 100 feet
- B. Estate lot requirements:
1. Minimum area: 6,000 square feet
 2. Minimum frontage: 55 feet
 3. Minimum depth: 75 feet
- C. Cottage Estate lot requirements:
1. Minimum area: 5500 square feet
 2. Minimum frontage: 50 feet
 3. Minimum depth: 75 feet
- D. Garden Estate lot requirements:
1. Minimum area: 3200 square feet
 2. Minimum frontage: 45 feet
 3. Minimum depth: 65 feet

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18.78C.080A.050: SETBACK REQUIREMENTS:

For the purpose of this chapter, the detached residential lots are separated into four different districts according to the Harmony Ridge Conceptual Plan, each with unique requirements:

- A. Bench Estate lot setbacks:
1. Garage setback with direct access to a public roadway shall be no less than twenty-five feet (25') measured from the property line to the face of the garage door. In no case shall the driveway length be less than twenty-five feet (25') measured from the back of sidewalk to the face of the garage door.
 2. Front and corner side yard setbacks shall be no less than fifteen feet (15') measured from the property line to the porch, exterior wall of the house or side entry garage. Roof eaves and uncovered steps may extend into this setback a maximum of two feet (2').
 3. Rear yard setbacks shall be no less than fifteen feet (15') measured parallel from the rear lot line to the exterior wall of the garage, porch, or living space. Roof eaves and uncovered steps may extend into this setback a maximum of two feet (2').
 4. Side yard setbacks shall be no less than eight feet (8') measured parallel from the side lot line to the exterior wall of the garage, porch or living space. Roof eaves and uncovered steps may extend into this setback a maximum of two feet (2').
- B. Estate lot setbacks:
1. Garage setbacks with direct access to a public roadway shall be no less than twenty feet (20') measured from the property line to the face of the garage door. In no case shall the driveway length be less than twenty feet (20') measured from the back of sidewalk to the face of the garage door.
 2. Front and corner side yard setbacks shall be no less than fifteen feet (15') measured from the property line to the front porch, exterior wall of the house or side entry garage. Roof eaves and uncovered steps may extend into this setback a maximum of two feet (2').
 3. Rear yard setbacks shall be no less than ten feet (10') measured parallel from the rear lot line to the exterior wall of the garage, porch, or living space. Roof eaves and uncovered steps may extend into this setback a maximum of two feet (2').

4. Side yard setbacks shall be no less than five feet (5') measured parallel from the side lot line to the exterior wall of the garage, porch or living space. Roof eaves and uncovered steps may extend into this setback a maximum of two feet (2').
- C. Cottage Estate lot setbacks:
1. Garage setbacks with direct access to a public roadway shall be no less than twenty feet (20') measured from the property line to the face of the garage door. In no case shall the driveway length be less than twenty feet (20') measured from the back of sidewalk to the face of the garage door.
 2. Front and corner side yard setbacks shall be no less than twelve feet (12') measured from the property line to the front porch, exterior wall of the house or side entry garage. Roof eaves and uncovered steps may extend into this setback a maximum of two feet (2').
 3. Rear yard setbacks shall be no less than ten feet (10') measured parallel from the rear lot line to the exterior wall of the garage, porch, or living space. Roof eaves and uncovered steps may extend into this setback a maximum of two feet (2').
 4. Side yard setbacks shall be no less than five feet (5') measured parallel from the side lot line to the exterior wall of the garage, porch or living space. Roof eaves and uncovered steps may extend into this setback a maximum of two feet (2').
- D. Garden Estate (alley loaded) lot setbacks:
1. Front and corner side yard setbacks shall be no less than twelve feet (12') measured from the property line to the porch, exterior wall of the house or side entry garage. Roof eaves and uncovered steps may extend into this setback a maximum of two feet (2').
 2. Rear yard setbacks shall be no less than twenty feet (20') measured perpendicular from the edge of alley roadway improvements to the face of the garage door. Setbacks for porch or exterior wall of the house or side entry garage shall be no less than five feet (5'). Roof eaves and uncovered steps may extend into this setback maximum of two feet (2').
 3. Side yard setbacks shall be no less than five feet (5') measured parallel from the side lot line to the exterior wall of the garage, porch or living space. Roof eaves and uncovered steps may extend into this setback a maximum of two feet (2').

18.78C.080A.060: BUILDING HEIGHT:

The following standards apply to all structures within the Residential Detached:

- A. Except as provided under Subsection B, the building height for the main structure may not exceed thirty-feet (30') 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.
- 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
 4. 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.

18.78C.080A.070: LANDSCAPING AND STREET TREE REQUIREMENTS:

All landscaping shall conform to the requirements found in chapter 17.15 of this code and the master landscape plan for the development.

Street trees shall be required, where appropriate, between the sidewalk and the curb of every street. Said trees shall be a minimum size of no less

than two inch (2") caliper and one tree shall be placed at least every thirty feet (30') as recommended by the AC. Tree species shall be the same as required in the adopted street tree list for the city of Mapleton City or as otherwise approved by the City.

18.78C.080B: RESIDENTIAL ATTACHED:

18.78C.080B.010: PERMITTED USES:

18.78C.080B.020: PERMITTED ACCESSORY USES:

18.78C.080B.030: SETBACK REQUIREMENTS:

18.78C.080B.040: BUILDING HEIGHT:

18.78C.080B.050: LANDSCAPING AND STREET TREE REQUIREMENTS:

18.78C.080B: RESIDENTIAL ATTACHED

The Planned Development-3 Harmony Ridge district (PD-3 HR) incorporates a residential attached land use element within the overall development with the associated requirements as contained herein.

18.78C.080B.010: PERMITTED USES:

Attached townhomes, condominiums, apartments or other similar uses.

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Cultural, religious activities, or civic uses.

Educational institutions.

Home occupations, subject to the provisions of section 18.84.380 of this title.

Public parks and recreation.

Utility facilities.

18.78C.080B.020: PERMITTED ACCESSORY USES:

Accessory buildings are subject to the provisions of section 18.26.020.

Parks and playgrounds and other associated recreational amenities.

Swimming pools and related equipment.

18.78C.080B.030: SETBACK REQUIREMENTS:

For the purpose of this chapter, attached residential units are separated into two different districts according to the Harmony Ridge Conceptual Plan, each with unique requirements:

A. Rear-loaded (alley) townhome unit setbacks:

1. Front yard setbacks shall be no less than twelve feet (12') measured from the front property line to the front porch, exterior wall of the house or side entry garage. Roof eaves and uncovered steps may extend into this setback a maximum of two feet (2').
2. Rear yard setbacks shall be no less than twenty feet (20') measured perpendicular from the edge of alley roadway improvements to the face of the garage door. Setbacks for porch or exterior wall of the house or side entry garage shall be no less than five feet (5'). Roof eaves and uncovered steps may extend into this setback a maximum of two feet (2').
3. Corner unit side setback shall not be less than ten feet (10') measured from the property line to the face of the exterior wall.
4. A minimum distance between adjacent buildings shall be ten feet (10') measured from wall to wall. Roof eaves and uncovered steps may extend into this setback a maximum of two feet (2').

B. Front-loaded townhome unit setbacks:

1. Garage setbacks with direct access to a public roadway shall be no less than twenty feet (20') measured from the property line to the face of the garage door. In no case shall the driveway length be less than twenty feet (20') measured from back of sidewalk to the face of the garage door.
2. Front yard setbacks shall be no less than twelve feet (12') measured from the front property line to the front porch, exterior wall of the house or side entry garage. Roof eaves and uncovered steps may extend into this setback a maximum of two feet (2').

3. Rear yard setbacks shall be no less than ten feet (10') measured parallel from the rear lot line to the exterior wall of the garage, porch, or living space. Roof eaves and uncovered steps may extend into this setback a maximum of two feet (2').
 4. Corner unit side setback shall not be less than ten feet (10') measured from the property line to the face of the exterior wall.
 5. A minimum distance between adjacent buildings shall be ten feet (10') measured from wall to wall. Roof eaves and uncovered steps may extend into this setback a maximum of two feet (2')
- C. Condominium or apartment setbacks:
1. Front, side and rear yard setbacks shall be no less than fifteen feet (15') minimum between buildings, parking, other structures and all public roadways. Roof eaves and uncovered steps may extend into this setback a maximum of two feet (2').

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18.78C.080B.040: BUILDING HEIGHT:

The following standards apply to all structures within the Residential Attached:

- A. Except as provided under Subsection B, the building height for the main structure may not exceed thirty-feet (30') 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.
- 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
 4. 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.

18.78C.080B.050: LANDSCAPING AND STREET TREE REQUIREMENTS:

All landscaping shall conform to the requirements found in chapter 17.15 of this code and the master landscape plan for the PD-3 HR.

Street trees shall be required, where appropriate, between the sidewalk and the curb of every street. Said trees shall be a minimum size of no less than two inch (2") caliper and one tree shall be placed at least every twenty feet (20') and no closer than is recommended by a landscape architect for each specific species of street tree. Tree species shall be the same as required in the adopted street tree list for the city of Mapleton City or as otherwise approved by the City.

All parking lots designed for six (6) or more parking spaces shall provide landscaping in accordance with the provisions of this section. Parking lots less than six (6) parking spaces shall not be required to provide landscaping other than yard area landscaping and landscaped buffer requirements as specified in other sections of this chapter.

A total of twenty-five percent (25%) of the paved surface area of the parking area will be shaded at tree maturity when the sun is directly overhead.

Landscaped areas shall be improved in conformance with the following requirements:

- A. Interior parking lot landscaping shall be improved in conformance with the following:
 1. Interior parking lot landscaping areas shall be dispersed throughout the parking lot. Landscaped islands shall be required at the end of the parking rows, and at the midpoint of parking rows which exceed ten (10) parking stalls, or every ten (10) stalls if parking rows exceed twenty (20) stalls.

- 2. Interior parking lot landscaping areas shall be a minimum of one hundred twenty (120) square feet in area and shall be a minimum of five feet (5') in width, as measured from back of curb to back of curb.
- B. The plants used to improve the landscape areas defined above shall conform to the following:
 - 1. Primary plant materials used in the interior parking lots shall be deciduous shade tree species in conformance with applicable provisions of section 17.15.070 of this chapter. Ornamental trees, shrubbery, hedges, and other plants may be used to supplement the shade tree plantings in perimeter planting areas, but shall not be the only plants used in such landscaping.
 - 2. One shade tree shall be provided for every one hundred twenty (120) square feet of landscaping area.
 - 3. A minimum of fifty percent (50%) of every interior parking lot landscaping area shall be planted with ground cover at a density that will achieve complete cover within two (2) years.
- C. Six inch by six inch (6"x6") minimum poured concrete curb controls shall be constructed around all required landscaping within the interior of parking lots for the protection of the landscaping.

18.78C.080C: COMMERCIAL / RETAIL / MIXED USE:

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18.78C.080C.010: INTENT:

18.78C.080C.020: PERMITTED USES:

18.78C.080C.030: MIXED USE:

18.78C.080C.040: LOTS, BUILDINGS, YARDS AND OPEN SPACES:

18.78C.080C.050: PROJECT PLAN APPROVALS:

18.78C.080C.060: ARCHITECTURAL REQUIREMENTS:

18.78C.080C.070: OUTSIDE STORAGE PROHIBITED:

18.78C.080C: COMMERCIAL / RETAIL / MIXED USE

The Planned Development-3 Harmony Ridge District (PD-3 HR) incorporates a Commercial / Retail / Mixed Use land use element within the overall development with the associated requirements as contained herein.

18.78C.080C.010: INTENT:

The intent of the Commercial / Retail / Mixed Use zone within the PD-3 HR district is to provide a zone primarily for the accommodation of commercial, retail and mixed uses to serve the residential areas.

18.78C.080C.020: PERMITTED USES:

The following principal uses are permitted in the Commercial / Retail / Mixed Use zone within the PD-3 HR district. Any use of land contrary to those uses specifically allowed herein, shall be considered "prohibited" in the Commercial / Retail / Mixed Use zone.

Antiques (indoor display only) sales.

Apparel and accessories - retail sales.

Art studio, sales and galleries.

Athletic clubs, bodybuilding studios, spas, aerobic centers.

Auto washing, detailing, and polishing.

Bakery.

Banks and credit unions (excluding check cashing, "payday" loans and title loan services).

Beauty supplies.

Books, stationery, art, and hobby supplies sales.

Bookstore.

Camera and photograph supply stores.

Clothing and apparel - retail sales (excludes manufacturing).

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Commercial printing (only related to retail sales of printed products).

Computer goods and services.

Dancing schools, martial arts studio.

Delicatessen and sandwiches.

Doctors' offices and dental offices.

Drug and proprietary stores.

Drugstores.

Educational services.

Employment services.

Fitness centers.

Florists.

Frames and art supplies.

Furniture, home furnishings, and equipment retail sales.

Garden supplies.

Government and quasi-governmental offices.

Grocery stores and convenience food stores.

Hair salon and cosmetics (including barbershop).

Hardware sales including plumbing and garden supplies.

Health food stores.

Hobbies and games.

Hotels and motels.

Ice cream parlor.

Insurance sales office.

Jewelry sales and repair.

Paint, glass, and wallpaper retail sales.

Personal services - includes laundry, dry cleaning, photography, beauty and barber services, clothing repair, shoe repair, etc.

Picture frames, mirrors, etc.

Professional offices (general).

Professional offices (miscellaneous uses, including tax preparation, CPA and legal services, insurance sales, and similar professional uses).

Real estate office.

Residential uses when located above the first floor.

Restaurants.

Restaurants (drive-through).

Shoe store and shoe repair.

Small appliance center.

Specialty shops.

Sporting goods.

Sporting goods, bicycles, and toys sales.

Sundries (newspapers, candy, soda and gifts).

Travel agencies.

Video rental (excludes sexually oriented businesses as defined in section 5.06.040 of this code).

Video rental shops (excludes adult video).

Watch, clock, jewelry repair, etc.

Wedding reception center.

18.78C.080C.030: MIXED USE:

Mixed use structures are subject to provisions of this section:

- A. A mixed use commercial and single-family residential structure shall be permitted subject to the following required conditions:
 1. Single-family residential dwelling units shall be located directly above the commercial use on the second or third story of the building. No basement units shall be permitted. No residential units shall be permitted above or below another residential dwelling unit.
 2. All residential dwelling units must meet all applicable requirements of the international residential building code as adopted by Mapleton City. Each dwelling unit will be of sufficient size to provide for a salubrious environment for the enjoyment of the residents who will occupy it. Each dwelling unit shall have a kitchen suitable for cooking and preparing meals, a bathroom with shower and bathing facilities, a living room and a bedroom. Studio apartments are permitted so long as they provide space for the amenities as described in this subsection.

3. In addition to the required parking for the commercial use, there shall be no less than two (2) parking spaces per residential dwelling unit provided. Shared parking, which may reduce the overall parking requirement, may be utilized based on a parking study performed and certified by a qualified and licensed traffic engineer and as approved by the City. The traffic study shall take into account proposed and future allowable uses, residential densities, hours of operation, accessibility and circulation requirements.
 4. The maximum density is outlined under section 18.78C.010 of this chapter. The site and parking requirements will be the limiting factor to the overall number of residential dwelling units. However, the planning commission, based on concern for health, safety and welfare, may limit the total number of proposed residential dwelling units.
- B. Design Standards For Mixed Use Structures:
1. The structure shall not have the appearance of an apartment building, meaning that residential entrances and entryways shall not be visible on the front facade of the building.
 2. The combined height of commercial and residential structure shall not exceed the height requirement established in this chapter.
 3. Mixed use structures shall appear as if they were a well-designed commercial / retail structure. Building signage shall be limited to only the entrance or entrances of the commercial portion(s) of the building.
 4. Flat or parapet roofs shall be prohibited. Furthermore, any mechanical equipment on the roof shall be appropriately screened by the same exterior building materials used on the facade of the structure and shall be used for the screening of the mechanical equipment.
 5. Section 17.12.090 of the Mapleton City Code shall not apply to buildings or structures within this land use area. Amended requirements are as follows:
 - a. Building materials shall be approved by the Mapleton City Planning Commission.
 - b. Colors shall reflect the natural surroundings in Mapleton City. Bright colors shall not be permitted.
 - c. Carports shall be allowed, but shall not be permitted in front of the building. Other appropriate locations shall be approved by the Mapleton City-Planning Commission.

18.78C.080C.040: LOTS, BUILDINGS, YARDS, AND OPEN SPACES:

- A. Setbacks: The following setback specifications are required:
1. A minimum ten foot (10') landscaped front yard setback is required.
 2. A ten foot (10') landscaped side or rear setback is required for all lot lines along the exterior boundary of Harmony Ridge or between different land use classifications. A five foot (5') landscaped rear and side yard setback is required for all other side and rear lot lines.
- B. Buildings: The following standards apply to all structures within the Commercial / Retail / Mixed Use:
1. Except as provided under Subsection 2, the building height for the main structure may not exceed thirty-feet (30') to the midpoint of the structure.
 2. 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.
 3. For measurement purposes:

- a. The height of a structure is measured from the top of the established natural grade of the highest point of the lot;
 - b. 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;
 - c. 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
 - d. 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.
- C. Screening and Landscaping Requirements:
1. All required setback areas shall be landscaped and shall conform to chapter 17.15 of this code. Furthermore, the landscaping will contain fifteen (15) trees per acre, or a fraction thereof, and be of at least two inch (2") caliper, measured three feet (3') from the ground. All evergreen trees shall be at least six feet (6') in height.
 2. All fencing and screening treatments shall be designed as an integral part of the overall site architecture and landscaping and approved by the Mapleton City Planning Commission. Allowable fencing and screening material includes wrought iron, masonry, or materials matching those of the main building. Black vinyl coated fencing may be used for areas not requiring screening and as specifically approved by the Mapleton City Planning Commission.
 3. Waste receptacles, storage tanks, or other similar items are not permitted in the front setback, and shall be screened from public view with allowable fencing and materials as approved by the Mapleton City Planning Commission.
- D. Parking: Parking will be required to be in compliance with section 18.84.270 of this title. No vehicle parking will be allowed in any required setback area. Shared parking, which may reduce the overall parking requirement, may be utilized based on a parking study performed and certified by a qualified and licensed traffic engineer and as approved by the City. The traffic study shall take into account proposed and future allowable uses, residential densities, hours of operation, accessibility and circulation requirements.
- E. Driveway Access: No private accesses will be allowed onto Highway 89 or U.S. 6.
- F. No minimum frontage on a public street is required as long as adequate and permanent access, parking and circulation is provided from a public street.

18.78C.080C.050: PROJECT PLAN APPROVALS:

Project plan approval will be required to be in compliance with Section 18.64.060: "Project Plan Approval," of this title.

18.78C.080C.060: ARCHITECTURAL REQUIREMENTS:

Section 17.12.090 of Mapleton City Code shall not apply to buildings or structures within this land use area. Amended requirements are as follows:

- A. Building materials shall be approved by the Mapleton City Planning Commission.
- B. Colors shall reflect the natural surroundings in Mapleton City. Bright colors shall not be permitted.
- C. Carports shall be allowed, but shall not be permitted in front of the building. Other appropriate locations shall be approved by the Mapleton City Planning Commission.

18.78C.080C.070: OUTSIDE STORAGE PROHIBITED:

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The outside storage of any equipment, vehicles or product, is strictly prohibited. Any vacant land or parcel of property within the Commercial / Retail / Mixed Use zone of the PD-3 HR district shall also be prohibited from storage of vehicles, commercial vehicles, building materials, weeds, junk and other debris.

18.78C.080D: FLEX SPACE**18.78C.080D.010: INTENT****18.78C.080D.020: PERMITTED USES:****18.78C.080D.030: MIXED COMMERCIAL AND RESIDENTIAL USES:****18.78C.080D.040: LOTS, BUILDINGS, YARDS, AND OPEN SPACES:****18.78C.080D.050: PROJECT PLAN APPROVALS:****18.78C.080D.060: ARCHITECTURAL REQUIREMENTS:****18.78C.080D.070: OUTSIDE STORAGE PROHIBITED:****18.78C.080D: FLEX SPACE**

The Planned Development-3 Harmony Ridge District (PD-3 HR) incorporates a Flex Space land use element within the overall development with the associated requirements as contained herein.

18.78C.080D.010: INTENT:

The intent of the Flex Space zone within the PD-3 HR district is to provide a zone that transitions from the heavier land uses associated with the commercial / light industrial to the residential uses.

18.78C.080D.020: PERMITTED USES:

The following principal uses are permitted in the Flex Space zone within the PD-3 HR district. Any use of land contrary to those uses specifically allowed herein, shall be considered "prohibited" in the Flex Space zone.

Antiques (indoor display only) sales.

Apparel and accessories - retail sales.

Art studio, sales and galleries.

Athletic clubs, bodybuilding studios, spas, aerobic centers.

Auto washing, detailing, and polishing.

Bakery.

Banks and credit unions (excluding check cashing, "payday" loans and title loan services).

Beauty supplies.

Books, stationery, art, and hobby supplies sales.

Bookstore.

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Camera and photograph supply stores.

Clothing and apparel - retail sales (excludes manufacturing).

Commercial printing (only related to retail sales of printed products).

Computer goods and services.

Dancing schools, martial arts studio.

Delicatessen and sandwiches.

Doctors' offices and dental offices.

Drug and proprietary stores.

Drugstores.

Educational services.

Employment services.

Fitness centers.

Florists.

Frames and art supplies.

Furniture, home furnishings, and equipment retail sales.

Garden supplies.

Government and quasi-governmental offices.

Grocery stores and convenience food stores.

Hair salon and cosmetics (including barbershop).

Hardware sales including plumbing and garden supplies.

Health food stores.

Hobbies and games.

Hotels and motels.

Ice cream parlor.

Insurance sales office.

Jewelry sales and repair.

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Paint, glass, and wallpaper retail sales.

Personal services - includes laundry, dry cleaning, photography, beauty and barber services, clothing repair, shoe repair, etc.

Picture frames, mirrors, etc.

Professional offices (general).

Professional offices (miscellaneous uses, including tax preparation, CPA and legal services, insurance sales, and similar professional uses).

Real estate office.

Residential uses when located above the first floor.

Restaurants.

Restaurants (drive-through).

Shoe store and shoe repair.

Small appliance center.

Specialty shops.

Sporting goods.

Sporting goods, bicycles, and toys sales.

Sundries (newspapers, candy, soda and gifts).

Travel agencies.

Video rental (excludes sexually oriented businesses as defined in section 5.06.040 of this code).

Video rental shops (excludes adult video).

Watch, clock, jewelry repair, etc.

Wedding reception center.

18.78C.080D.030: MIXED COMMERCIAL AND RESIDENTIAL USES:

Mixed use structures are subject to provisions of this section:

- A. A mixed use commercial and single-family residential structure shall be permitted subject to the following required conditions:
 - 1. Single-family residential dwelling units shall be located directly above the commercial use on the second or third story of the building. No basement units shall be permitted. No residential units shall be permitted above or below another residential dwelling unit.
 - 2. All residential dwelling units must meet all applicable requirements of the international residential building code as adopted by Mapleton City. Each dwelling unit will be of sufficient size to provide for a salubrious environment for the enjoyment of the

residents who will occupy it. Each dwelling unit shall have a kitchen suitable for cooking and preparing meals, a bathroom with shower and bathing facilities, a living room and a bedroom. Studio apartments are permitted so long as they provide space for the amenities as described in this section.

3. In addition to the required parking for the commercial use, there shall be no less than two (2) parking spaces per residential dwelling unit provided. Shared parking, which may reduce the overall parking requirement, may be utilized based on a parking study performed and certified by a qualified and licensed traffic engineer and as approved by the City. The traffic study shall take into account proposed and future allowable uses, residential densities, hours of operation, accessibility and circulation requirements.
 4. The maximum density is outlined under section 18.78C.010 of this chapter. The site and parking requirements will be the limiting factor to the overall number of residential dwelling units. However, the planning commission, based on concern for health, safety and welfare, may limit the total number of proposed residential dwelling units.
- B. Design Standards For Mixed Use Structures:
1. The structure shall not have the appearance of an apartment building, meaning that residential entrances and entryways shall not be visible on the front facade of the building.
 2. The combined height of commercial and residential structure shall not exceed the height requirement established in this chapter.
 3. Mixed use structures shall appear as if they were a well-designed commercial / retail structure. Building signage shall be limited to only the entrance or entrances of the commercial portion(s) of the building.
 4. Flat or parapet roofs shall be prohibited. Furthermore, any mechanical equipment on the roof shall be appropriately screened by the same exterior building materials used on the facade of the structure and shall be used for the screening of the mechanical equipment.
 5. Section 17.12.090 of the Mapleton City Code shall not apply to buildings or structures within this land use area. Amended requirements are as follows:
 - a. Building materials shall be approved by the Mapleton City Planning Commission.
 - b. Colors shall reflect the natural surroundings in Mapleton City. Bright colors shall not be permitted.
 - c. Carports shall be allowed, but shall not be permitted in front of the building. Other appropriate locations shall be approved by the Mapleton City Planning Commission.

18.78C.080D.040: LOTS, BUILDINGS, YARDS, AND OPEN SPACES:

- A. Setbacks: The following setback specifications are required:
1. A minimum ten foot (10') landscaped front yard setback is required.
 2. A ten foot (10') landscaped side or rear setback is required for all lot lines along the exterior boundary of Harmony Ridge or between different land use classifications.
- B. Buildings: The following standards apply to all structures within the Flex Space:
1. Except as provided under Subsection 2, the building height for the main structure may not exceed thirty-feet (30') to the midpoint of the structure.
 2. 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.

3. For measurement purposes:

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- a. The height of a structure is measured from the top of the established natural grade of the highest point of the lot;
- b. 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;
- c. 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
- d. 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.

C. Screening and Landscaping Requirements:

1. All required setback areas shall be landscaped, and shall conform to chapter 17.15 of this code. Furthermore, the landscaping will contain fifteen (15) trees per acre, or a fraction thereof, and be of at least two inch (2") caliper, measured three feet (3') from the ground. All evergreen trees shall be at least six feet (6') in height.
2. Fencing and screening treatments shall be designed as an integral part of the overall site architecture and landscaping and approved by the Mapleton City Planning Commission. Allowable fencing and screening material includes wrought iron, masonry, or materials matching those of the main building. Black vinyl coated fencing may be used for areas not requiring screening and as approved by the Mapleton City Planning Commission.
3. Waste receptacles, storage tanks, or other similar items are not permitted in the front setback, and shall be screened from public view with allowable fencing and materials as approved by the Mapleton City Planning Commission.

D. **Parking:** Parking will be required to be in compliance with section 18.84.270 of this title. No vehicle parking will be allowed in any required setback area. Shared parking, which may reduce the overall parking requirement, may be utilized based on a parking study performed and certified by a qualified and licensed traffic engineer and as approved by the City. The traffic study shall take into account proposed and future allowable uses, residential densities, hours of operation, accessibility and circulation requirements.

E. **Driveway Access:** No private accesses will be allowed onto U.S. 6.

F. No minimum frontage on a public street is required as long as adequate and permanent access, parking and circulation is provided from a public street.

18.78C.080D.050: PROJECT PLAN APPROVALS:

Project plan approval will be required to be in compliance with Section 18.64.060: "Project Plan Approval," of this title.

18.78C.080D.060: ARCHITECTURAL REQUIREMENTS:

Section 17.12.090 of Mapleton City Code shall not apply to buildings or structures within this land use area. Amended requirements are as follows:

- A. Building materials shall be approved by the Mapleton City Planning Commission.
- B. Colors shall reflect the natural surroundings in Mapleton City. Bright colors shall not be permitted.

C. Carports shall be allowed, but shall not be permitted in front of the building. Other appropriate locations shall be approved by the Mapleton City Planning Commission.

As the Flex Space zone is intended to be a transitional area from commercial / retail uses to residential neighborhoods, exterior materials are to match the established Commercial Design Standards of Harmony Ridge.

18.78C.080D.070: OUTSIDE STORAGE PROHIBITED:

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The outside storage of any equipment, vehicles or product, is strictly prohibited unless specifically approved by the Mapleton City Planning Commission. Such approval will also include conditions for appropriate screening methods and materials. Any vacant land or parcel of property within the Flex Space zone of the PD-3 HR district shall also be prohibited from storage of vehicles, commercial vehicles, building materials, weeds, junk and other debris.

18.78C.080E: COMMERCIAL / LIGHT INDUSTRIAL

18.78C.080E.010: INTENT:

18.78C.080E.020: PERMITTED USES:

18.78C.080E.030: LOTS, BUILDINGS, YARDS, AND OPEN SPACES:

18.78C.080E.040: PROJECT PLAN APPROVALS:

18.78C.080E.050: OUTSIDE STORAGE PROHIBITED:

18.78C.080E: COMMERCIAL / LIGHT INDUSTRIAL

The Planned Development-3 Harmony Ridge district (PD-3 HR) incorporates a Commercial / Light Industrial land use element within the overall development with the associated requirements as contained herein.

18.78C.080E.010: INTENT:

The intent of the Commercial / Light Industrial zone within the PD-3 HR district is to provide employment related uses including light manufacturing, assembling, warehousing, and wholesale activities. Associated office and support commercial uses are allowed. Uses that emit significant amount of air, water or noise pollution will not be allowed.

18.78C.080E.020: PERMITTED USES:

The following principal uses are permitted in the Commercial / Light Industrial zone within the PD-3 HR district. Any use of land contrary to those uses specifically allowed herein, shall be considered "prohibited" in the Commercial / Light Industrial zone.

Accounting, auditing, bookkeeping services.

Advertising services.

Aircraft and accessories sales, service, and manufacturing.

Apparel and other finished products made from fabrics, leathers, etc.

Art studios, including the sculptures, ironwork, pottery, etc.

Audio visual production.

Automotive repair, including brakes, mufflers, tire repair and replacement, body shops, etc.

Bakery products.

Bottling and canning soft drinks and carbonated waters.

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Building materials, hardware, farm equipment, and supplies sales.

Commercial testing laboratories and services.

Confectionery and related products.

Consumer and mercantile credit reporting services; adjustment and collection services.

Converted paper and paperboard products manufacturing.

Cut stone and stone products production.

Cutlery, hand tools, and general hardware manufacturing.

Data processing services.

Drugs (manufacturing).

Duplicating, mailing and stenographic services.

Educational services.

Electrical appliance repair.

Engineering and planning services.

Farm and construction vehicles sales and manufacturing.

Finance, insurance, and real estate services.

Flat glass product manufacturing.

Gas and electric utility company office.

Glass and glassware production (pressed or blown).

Governmental and postal services.

Gymnasiums, athletic clubs, body building studios.

Hotels and motels.

Insurance carriers, agents, brokers, and services.

Legal services.

Light manufacturing of furniture and fixtures.

Mail order houses.

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Microfilming/services.

Miscellaneous machinery sales, service, repair, and manufacturing.

Office machine sales, repair, and manufacturing (small).

Parks.

Perfumes, cosmetics, and other toiletries preparations.

Physician's medical and dental offices and laboratory services in single offices or medical centers.

Pottery and related products production.

Printing, publishing, and allied industries.

Professional, scientific and controlling instruments; photographic and optical goods; watches and clocks.

Recreation and community centers.

Research services.

Security and commodity brokers, dealers, exchange, and services.

Sewage pumping stations.

Textile mill products.

Warehousing with office spaces.

18.78C.080E.030: LOTS, BUILDINGS, YARDS, AND OPEN SPACES:

A. Setbacks: The following setback specifications are required:

1. A minimum ten foot (10') landscaped front yard setback is required.
2. A ten foot (10') landscaped side or rear setback is required for all lot lines along the exterior boundary of Harmony Ridge or between different land use classifications.

B. Buildings: The following standards apply to all structures within the Commercial / Light Industrial:

1. Except as provided under Subsection 2, the building height for the main structure may not exceed thirty-feet (30') to the midpoint of the structure.
2. 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.

3. For measurement purposes:
 - a. The height of a structure is measured from the top of the established natural grade of the highest point of the lot;
 - b. 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;
 - c. 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
 - d. 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.
- C. Screening and Landscaping Requirements:
 1. All required setback areas shall be landscaped and shall conform to chapter 17.15 of this code. Furthermore, the landscaping will contain fifteen (15) trees per acre, or a fraction thereof, and be of at least two inch (2") caliper, measured three feet (3') from the ground. All evergreen trees shall be at least six feet (6') in height.
 2. All fencing and screening treatments shall be designed as an integral part of the overall site architecture and landscaping and approved by the Mapleton City Planning Commission. Allowable fencing and screening material includes wrought iron, masonry, or materials matching those of the main building. Black vinyl coated fencing may be used for areas not requiring screening and as specifically approved by the Mapleton City Planning Commission.
 3. Waste receptacles, storage tanks, or other similar items are not permitted in the front setback, and shall be screened from public view with allowable fencing and materials as approved by the Mapleton City Planning Commission.
- D. Parking: Parking will be required to be in compliance with section 18.84.270 of this title. No vehicle parking will be allowed in any required setback area. Shared parking, which may reduce the overall parking requirement, may be utilized based on a parking study performed and certified by a qualified and licensed traffic engineer and as approved by the City. The traffic study shall take into account proposed and future allowable uses, residential densities, hours of operation, accessibility and circulation requirements.
- E. Driveway Access: No private accesses will be allowed onto Highway 89 or U.S. 6.
 - F. No minimum frontage on a public street is required as long as adequate and permanent access, parking and circulation is provided from a public street.
- G. Hard surfaced areas used as operational yard areas for trucks, trailers and other incidental vehicles, other than passenger automobiles and light trucks, and which are not parking lots for employees, clients and customers, shall be exempt from parking lot interior landscaping requirements. Setback landscaping requirements shall apply.
- H. Where the proposed land use is one which requires the approval of other local, state, federal or other regulatory agencies, evidence of such approval or compliance shall be submitted as part of the application process and documentation.

18.78C.080E.040: PROJECT PLAN APPROVALS:

Project plan approval will be required to be in compliance with Section 18.64.060: "Project Plan Approval," of this title.

18.78C.080E.050: OUTSIDE STORAGE AND MANUFACTURING REQUIREMENTS:

The outside storage of any equipment, vehicles or product is not permitted unless adequately screened from public view and adjacent parcels by an approved fencing materials and landscaping and as approved by the Mapleton City Planning Commission. The outside manufacturing of products is not permitted unless adequately screened from public view and adjacent parcels by an approved fencing materials and landscaping and as approved by the Mapleton City Planning Commission.

PASSED AND ORDERED PUBLISHED BY THE CITY COUNCIL OF MAPLETON, UTAH,
This 19th Day of April 2011.

Brian

Wall

Mayor

ATTEST:

Camille Brown

City Recorder

Publication Date: May 16, 2011

Effective Date: June 5, 2011

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