

# Mapleton City Planning Commission Staff Report

Meeting Date: November 14, 2013

**Applicant:** Mapleton City

**Prepared by:** Sean Conroy, Community Development Director

**Public Hearing Item:** Yes

**Zone:** N/A

**Description:** Consideration of an Ordinance amending various sections of the Mapleton City Code (MCC) including 17.20.020 and 17.20.050 (subdivision bonds), 18.20.060 (nonconforming lots), and 18.26.020, 18.28.050, 18.30.020, 18.32.050, 18.36.060, 18.44.050, 18.48.050, 18.56.060, 18.52.050, 18.54.020, 18.58.050 and 18.82.050 (accessory buildings).

## **BACKGROUND AND PROJECT DESCRIPTION**

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

1. *Durability Bonds:* Prior to recording a subdivision plat, the City requires a developer to submit a performance bond that is equal to the estimated cost of installing the public improvements (roads, curb, gutter, sidewalk, utilities, etc.). The City also currently requires a cash durability bond, otherwise known as an assurance warranty, equal to 20% of the performance bond that is held for one year after the public improvements have been installed. Recent changes to state law prohibit the City from requiring a durability bond in excess of 10%. The proposed amendments will ensure that the City code complies with state law by requiring a 10% durability bond.
2. *Nonconforming lots:* A legal nonconforming lot is a lot that does not comply with one or more current zoning standard (lot size, frontage, etc.), but did comply with all zoning standards that were in place at the time the lot was created. City code allows legal nonconforming lots to be maintained and developed provided they are not altered in size. The proposed amendment would allow a legal nonconforming lot to be altered in size by a boundary line adjustment needed to correct boundary overlaps, gaps or fence line disputes with adjacent parcels without jeopardizing its legal nonconforming status.
3. *Accessory Buildings:* MCC Chapter 18.26.060 outlines the requirements for accessory buildings on residential lots throughout the City. However, there are also conflicting requirements in many of the individual zoning chapters regarding accessory buildings. For example, MCC Chapter 18.26.060 indicates that an accessory building that is less than 15 feet tall can be located within three feet of a side or rear property line. However, the text in many of the individual zoning chapters would allow an accessory structure on any property line with no setback, including the front property line.

The purposes of the proposed amendments include eliminating the conflicts between the various code sections, establishing a single set of criteria for accessory buildings, and ensuring that the criteria allow flexibility for the placement of accessory buildings without negatively impacting adjacent properties. The amendments would establish the following criteria for accessory buildings:

- Accessory buildings over 15 feet in height shall be located at least ten feet from any interior side yard and/or rear yard property line.

- Accessory buildings under 15 feet in height may be located no closer than three feet from an interior side yard and/or rear yard property line.
- All accessory buildings shall comply with the front yard and side yard street-facing setbacks established in the zone in which the building will be located.
- All accessory buildings on lots that have a front and rear yard that face a street shall comply with the front yard setback established in the zone in which the building will be located for both the front and rear yard.

**RECOMMENDATION**

Recommend that the City Council adopt an ordinance amending various sections of the Mapleton City Code as described in attachment “1”.

**ATTACHMENTS**

1. Proposed ordinance (changes shown in strikeout and underline).

**Attachment "1"**  
**Changes shown in strikeout and underline**

**Amendment #1**

**17.20.020: TYPE AND AMOUNT OF GUARANTEE:**

E. The performance bond shall be in the form of cash and/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.~~

**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 ten percent (10%) ~~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.

---

**Amendment #2**

**18.20.060: NONCONFORMING LOTS:**

G. Boundary line adjustments: A legal nonconforming lot of record may be altered in size and configuration without losing its legal nonconforming status if the alteration is part of a boundary line adjustment to correct boundary overlaps, gaps or fence line disputes.

### Amendment #3

#### **18.26.020: EXCEPTION TO SIDE AND REAR SETBACK REQUIREMENTS FOR ACCESSORY STRUCTURES IN RESIDENTIAL ZONES:**

Accessory buildings on residential lots shall comply with the front yard and side yard; corner lot setback requirements, and the building height requirements for the zone in which the building is located. Accessory buildings shall be setback at least ten (10) feet from the side and rear property lines, unless the rear yard faces a public street, in which case the setback shall be the same as the required front yard setback. An accessory building may be located no closer than three (3) feet from the side and/or rear property lines if the following conditions are met:

- A. The building shall be less than fifteen (15) feet tall;
- B. All roof drainage shall be directed away from any adjacent property lines and shall be drained to the property wherein the building is located;
- C. The side and/or rear property line is not facing a public street; and
- D. The building will not be placed over any land designated as a utility easement upon which any underground utility line or system shall have been constructed.

~~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 at least not less than ten feet (10') from 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.~~
- ~~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)~~

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

~~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. See chapter 18.26.020 of this code.~~

**18.30.020: USE REQUIREMENTS (CE-1):**

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 subject to the standards of chapter 18.26.020 of this code.

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

~~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. See chapter 18.26.020 of this code.~~

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

~~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. See chapter 18.26.020 of this code.~~

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

H. Accessory Buildings: See chapter 18.26.020 of this code.

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

H. Accessory Buildings: See chapter 18.26.020 of this code.

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

H. Accessory Buildings: See chapter 18.26.020 of this code.

**18.54.020: PERMITTED NONCONDITIONAL USES (PO-1):**

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:

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 and to the requirements of chapter 18.26.020 of this code.

**18.56.060: PERMITTED USES (SDP):**

Accessory buildings that comply with chapter 18.26.020 of this code, 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.

**18.58.050: RESIDENTIAL USES (NC-1):**

B. Single-family dwellings (lot size and density shall conform to the nearest residential zone), and accessory buildings subject to the requirements of chapter 18.26.020 of this code.

**18.82.050: PERMITTED USES (PRC):**

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 subject to the standards of chapter 18.26.020 of this code.