

Planning Commission Staff Report

April 28, 2016

Item 4

Applicant: Mapleton City

Location: N/A

Prepared by: Sean Conroy,
Community Development
Director

Public Hearing: Y

Zone: All

Attachments:

1. Amendments to the subdivision ordinance.

REQUEST

Consideration of an ordinance amending Mapleton City Code Chapter 17 regarding the standards and procedures for subdivision approvals.

BACKGROUND AND PROJECT DESCRIPTION

Mapleton City Code (MCC) Chapter 17 is the City's subdivision ordinance. The ordinance outlines the procedures and standards for subdivision review and approval. The City's current subdivision process is as follows:

- 1) An applicant may submit a concept plan for review by the City Council to receive input prior to submitting a formal application. Staff usually recommends a concept review for large scale projects, or for projects that may have some unique characteristics.
- 2) Applicant submits a formal application for preliminary plat. The preliminary plat requirements require near construction level drawings.
- 3) The City's Development Review Committee (DRC) reviews that plans for completeness and requests changes/additional information where needed.
- 4) Planning Commission reviews the application. For projects of 3 lots or less, the Planning Commission is the final decision making body.
- 5) For projects of more than 3 lots, the City Council is the final decision making body.
- 6) After preliminary plat, the process is repeated with a final plat. In many instances, the City has allowed preliminary and final plats to be submitted simultaneously.

On January 20, 2016 the City Council discussed the subdivision ordinance. One concern expressed by the Council was that by the time the Council reviews an application, the applicant has already prepared construction level drawings and been through an extensive process. This makes it more difficult to ask for revisions if the Council sees fit. The Council directed staff to revise the subdivision review process so that the Planning Commission and the Council could review the applications at a more preliminary stage.

The proposed amendments would now create the following review process:

- 1) An applicant may submit a concept plan for review by the City Council to receive input prior to submitting a formal application.
- 2) Applicant submits a preliminary plat application. This would include lot and road configurations and some basic information related to drainage and utilities, but more simplified than previously required.

- 3) DRC reviews the application.
- 4) Planning Commission reviews the application. For projects of 5 lots or less, no City Council review is required.
- 5) For projects of 5 lots or more, City Council reviews the application.
- 6) Applicant submits final plat and construction drawings.
- 7) DRC approves final plat and construction drawings.

The major benefit of this process is that the Planning Commission and City Council could provide input and guidance earlier in the process prior to an applicant spending the time and money to develop full scale construction drawings. It also streamlines the process by reducing the number of hearings required.

Staff has also made a number of amendments to other sections of the subdivision ordinance that are shown in strikeout and underline in attachment “1”. Some are minor in nature and some are more substantive. The text for those sections where no changes are being proposed are not included in attachment “1” and a note states “No changes to this section” under the section number. A brief summary of the more significant amendments is included below.

- 17.04 – This section relates to the subdivision review process and has been amended as described above in steps 1-7.
- 17.08 – This section describes the application submittal requirements. This section has been simplified to state that the application submittal requirements will be provided in the subdivision application packet provided by the Community Development Department.
- 17.12 – This section includes new language regarding private streets. Currently, the City has no allowance for private streets. However, as more dense development occurs on the west side of the City and at the southern end of the City, there may be instances where private streets may be appropriate. Section 17.12.055 outlines the criteria to be used in reviewing requests for private streets. This section limits the ability to apply for private streets to the planned unit development zones and the multi-family zones.
- 17.15 – This section describes the landscaping standards. While no changes are being made to the text, this section is being moved out of the subdivision ordinance and into the zoning ordinance. This is appropriate since the landscaping standards apply to more than just new subdivisions.
- 17.16.025 – This section was previously located in section 17.24.020, but is being moved to 17.16 as it is more applicable to this section. Previously, if an applicant was proposing a road on a property line and the applicant did not own the neighboring property, he/she could apply to put in a half width road plus five feet. When the neighbor develops, he/she would be responsible to install the remaining road width. One amendment included in this section is to require a half width plus seven feet. This will help to eliminate situations where substandard roads are being installed.

STAFF RECCOMENDATION

Recommend approval of the attached amendments to the subdivision ordinance to the City Council.

Attachment "1"

Changes Shown in Strikeout and Underling

Chapter 17.01

TITLE AND INTENT

(No changes to this section)

Chapter 17.02

SUBDIVISION PLANS AND PLATS REQUIRED

17.02.010: SUBDIVISION PLATS REQUIRED; TO BE RECORDED:

17.02.020: EXEMPTION FROM PLAT REQUIREMENTS:

17.02.030: LOTS CREATED BY METES AND BOUNDS DESCRIPTION:

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 reviewed and approved by the appropriate decision-making body consistent with section 17.04 of this title ~~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 REQUIREMENTS:

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

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

B. Parcel boundary adjustments are exempt from plat requirements. A "parcel boundary adjustment" means a recorded agreement between owners of adjoining properties adjusting their mutual boundary if:

1. No additional parcel is created; and
2. Each property identified in the agreement is unsubdivided land, including a remainder of subdivided land. (Ord. 2013-05, 6-18-2013, eff. 7-12-2013)

17.02.030: LOTS CREATED BY METES AND BOUNDS DESCRIPTION:

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

- A. The property is recognized as a legal lot of record by the community development director or his or her designee, meets all current zoning standards, and a plat describing such parcel of land is approved by the community development director or his or her designee and recorded with the Utah County recorder; or
- B. The property has been recognized by the community development director or his or her designee as a legal nonconforming lot of record, a plat describing such parcel of land is approved by the community development director or his or her designee and the plat is recorded with the Utah County recorder.
- C. A plat authorized by this section shall be prepared in accordance with section 17.04.060 ~~17.08.030~~ of this title and section 18.84.390 of this code.
- D. If a property qualifies as a legal lot of record or a legal nonconforming lot of record and is already developed with a dwelling unit, no plat shall be required. However, a street dedication may still be required.

Chapter 17.03 CONDOMINIUMS

- 17.03.010: PURPOSE AND OBJECTIVES:**
- 17.03.020: APPLICABILITY:**
- 17.03.030: ZONING REQUIREMENTS:**
- 17.03.040: BUILDING STANDARDS; ALL CONDOMINIUMS:**
- 17.03.050: BUILDING STANDARDS; CONDOMINIUM CONVERSIONS:**
- 17.03.060: PLAT REQUIREMENTS:**
- 17.03.070: UTAH CONDOMINIUM OWNERSHIP ACT:**
- 17.03.080: APPROVAL AUTHORITY:**
- 17.03.090: REQUIRED IMPROVEMENTS:**
- 17.03.100: CONFLICTING PROVISIONS:**

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)

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, shall have a separate water meter for each unit. However, common areas may have a meter for both culinary and pressurized irrigation 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. 2011-05, 2-15-2011, eff. 3-25-2011)

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.

- B. Each project proposed for conversion to a condominium shall be inspected by the city engineer ~~building official~~ 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)

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)

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)

17.03.080: APPROVAL AUTHORITY:

Preliminary 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.~~ Upon approval of the preliminary plat by the City Council, a final plat and construction drawings shall be submitted for review and final approval by the Development Review Committee. If an applicant contests any requirements imposed by the DRC as part of the Final Plat approval, the applicant may request that the application be referred to the City Council for a final decision.

17.03.090: REQUIRED IMPROVEMENTS:

Improvements shown on the approved plat shall be completed in a manner consistent with section [17.16.010](#) of this title. (Ord. 2014-04, 3-19-2014, eff. 4-13-2014)

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)

Chapter 17.04 PROCEDURE FOR APPROVAL OF A SUBDIVISION

- 17.04.010: DEVELOPMENT REVIEW COMMITTEE CONFERENCE:
- 17.04.020: PREPARE AND SUBMIT PLANS TO CITY:
- 17.04.030: ~~COMMITTEE CONDUCTS APPLICATION CONFERENCE (REP. BY ORD. 2007-10, 5-15-2007):~~ SUBMISSION OF PRELIMINARY PLAT APPLICATION:
- 17.04.040: ~~SUBMISSION OF PRELIMINARY PLAN APPLICATION:~~ PLANNING COMMISSION REVIEW OF PRELIMINARY PLAT:
- 17.04.050: ~~OBTAIN PLANNING COMMISSION APPROVAL OF PRELIMINARY PLAN CITY COUNCIL REVIEW:~~
- 17.04.060: PREPARE AND SUBMIT FINAL PLAT, ENGINEERING DRAWINGS, AND DOCUMENTS TO ~~PLANNING COMMISSION~~ THE DEVELOPMENT REVIEW COMMITTEE (DRC):
- 17.04.070: ~~PLANNING COMMISSION TAKES ACTION ON FINAL PLAT~~ RESERVED:
- 17.04.080: ~~CITY COUNCIL TAKES ACTION ON FINAL PLAT~~ RESERVED:
- 17.04.090: AMENDING AND VACATING A SUBDIVISION PLAT:
- 17.04.100: NUISANCE STRIPS AND REMNANT PARCELS:
- 17.04.110: APPLICANT COMPLETES IMPROVEMENTS OR SUBMITS PERFORMANCE GUARANTEE:
- 17.04.120: FINAL PLAT RECORDED IN OFFICE OF COUNTY RECORDER:
- 17.04.130: AVAILABILITY OF ADEQUATE PUBLIC FACILITIES:
- 17.04.140: UNAVAILABILITY OF ADEQUATE PUBLIC FACILITIES:

17.04.010: DEVELOPMENT REVIEW COMMITTEE CONFERENCE:

The Development Review Committee (DRC) is an internal City committee made up of staff representatives of the Community Development Department and the Public Works and Engineering Department. Staff from other City departments may also attend as needed. The responsibilities of the DRC include, but are not limited to, the following:

- A. To establish subdivision application forms and checklists;
- B. To review development applications including concept plans, subdivisions, commercial site plans and project plans;
- C. To provide recommendations to the planning commission and/or city council regarding development applications that require their approval;
- D. To review subdivision final plats and construction drawings, and to approve, approve with conditions or deny final plats and construction drawings; and
- E. To hold preconstruction meetings for approved subdivision plats and other applicable development projects.

~~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)~~

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 plat 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 in the Concept Plan application maintain by the Community Development Department ~~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, utilities and facilities.
3. An applicant may submit a concept plan if the applicant desires to obtain input from city staff or the ~~planning commission~~ City Council 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~~ City Council at the concept plan stage, he may direct that the plan be forwarded for review by the City Council ~~commission~~ prior to the preparation of the preliminary plan. (Ord. 2007-10, 5-15-2007)
5. Any review of a concept plan by the City Council ~~planning commission~~ shall be considered as advisory only and shall not constitute a commitment of approval of a subsequent preliminary plat or final plat.

B. Preliminary Plat:

1. The preliminary plat shall include the drawings and documentation set forth in the application form provided by the Community Development Department as well as the requirements set forth in this title. 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 ~~17.12.040~~ 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 or as future development. A future development parcel must be developable into multiple lots meeting the area standards for the applicable zone.

~~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)~~

~~17.04.030: COMMITTEE CONDUCTS APPLICATION CONFERENCE:~~

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

~~17.04.0340: SUBMISSION OF PRELIMINARY PLAT APPLICATION:~~

~~A. An applicant shall submit a Preliminary Plat application to the Community Development Department.~~

~~B. The application will then be reviewed by the DRC for completeness and consistency with Mapleton City standards. Multiple reviews and submittals may be required based on the completeness and accuracy of the application.~~

~~C. Upon a determination that the application is complete, the DRC shall schedule the application for review by the Planning Commission.~~

~~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)~~

17.04.0450: OBTAIN PLANNING COMMISSION REVIEW APPROVAL OF PRELIMINARY PLAT~~N~~:

A. The city shall provide notification to all property owners within three hundred (300) feet of the proposed subdivision. The city may require the applicant to reimburse the city for any expenses incurred by the notification.

BA. The Planning Commission shall be the final decision-making body for all preliminary plat applications of five lots or less (including all proposed phases) that do not include 1) a legislative request (rezone, general plan amendment, TDR-overlay, etc.), and/or 2) a request to amend or waive certain public improvement requirements per section 17.12.040.B of this title. For all other subdivisions, the Planning Commission shall make a recommendation to the City Council to 1) approve the plat, 2) approve the plat with conditions, or 3) deny of the plat. The Commission may also continue review of the plat with a request for changes and/or additional information.

~~The planning commission shall review submitted preliminary plans and city staff recommendations thereon and shall: 1) recommend approval of the plat to the City Council, 2) recommend approval of the plat to the City Council with conditions, 3) continue the review of the plat with a request for changes, or 4) recommend denial of the plat to the City Council.~~

CB. 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 plat 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?

~~D.~~ D. 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 and other utilities if necessary for the proposed development or future development.

~~E.~~ E. ~~The action of the planning commission shall be entered in the commission minutes. All preliminary plat approvals shall be valid for two (2) years unless otherwise specified by the final decision making body.~~

~~F.~~ F. ~~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.~~

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

17.04.050: CITY COUNCIL REVIEW

A. After the Planning Commission has made a formal recommendation, the Preliminary Plat shall be scheduled for review by the City Council.

B. The City Council shall consider the recommendations from the DRC and the Planning Commission and shall review the application for consistency with applicable federal, state and local standards.

C. The City Council shall take action to 1) approve the preliminary plat, 2) approve the preliminary plat with conditions, 3) continue review of the plat with a request for changes and/or additional information, or 4) deny the preliminary plat.

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

A. After receiving Preliminary Plat approval, the applicant shall submit a Final Plat and construction

drawings consistent with the Final Plat application checklist provided by the Community Development Department.

B. The DRC shall review the Final Plat and engineering drawings for consistency with applicable standards and with any conditions required by the final decision making body for the Preliminary Plat.

C. Upon a determination that the application is consistent with applicable standards and conditions, the DRC shall provide a written letter of approval to the applicant.

D. If an applicant is proposing substantial changes to the preliminary plat, the applicant shall be referred to the decision making body that approved the preliminary plat for final approval. Substantial changes shall include an increase in the number of proposed lots, changes to the location and/or configuration of streets including stub streets, and/or other changes deemed substantial by the DRC.

E. If an applicant contests any requirements imposed by the DRC as part of the Final Plat approval, the applicant may request that the application be referred to the City Council for a final decision.

~~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)~~

17.04.070: RESERVED 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)~~

17.04.080: RESERVED 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. Unless otherwise authorized by the city council, any final plat which has not been recorded within two (2) years of final plat approval by the land use authority shall become null and void. (Ord. 2014-04, 3-19-2014, eff. 4-13-2014)~~

~~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)~~

~~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.~~

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 community development planning and zoning director, and the plat shall be signed by the planning commission chairperson, mayor ~~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)

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 the minimum lot size for the zone in which it is located. If a remnant parcel is proposed, a phasing plan must be submitted demonstrating how the remnant parcel can be developed in the future. 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)~~

17.04.110: APPLICANT COMPLETES IMPROVEMENTS OR SUBMITS PERFORMANCE GUARANTEE:

After final plat approval by the appropriate land use authority, the applicant shall either complete the required improvements or post a performance guarantee in accordance with section 17.16.010 of this title. (Ord. 2014-04, 3-19-2014, eff. 4-13-2014) A preconstruction meeting with the DRC shall be required prior to the commencement of construction.

17.04.120: FINAL PLAT RECORDED IN OFFICE OF COUNTY RECORDER:

The final plat shall be recorded in the office of the county recorder when either:

- A. The required improvements have been completed in accordance with section 17.16.010 of this title; or
- B. A performance guarantee and a durability bond have been submitted in accordance with chapter 17.20 of this title. (Ord. 2014-04, 3-19-2014, eff. 4-13-2014)

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 based on adopted utility master plans. Additional evaluation may be required for areas not covered in the master plans. ~~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)~~

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 and/or reimbursement agreement consistent with title 13.20.060 of this code, 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)

Chapter 17.08 DOCUMENTATION REQUIREMENTS

17.08.010: CONCEPT PLAN DOCUMENT SUBMITTAL REQUIREMENTS:

17.08.020: PRELIMINARY PLAN:

17.08.030: FINAL PLAT AND ENGINEERING DRAWINGS:

17.08.020040: TECHNICAL REPORTS REQUIRED; CE-1 ZONE AND OTHER ZONES AS MAY BE REQUIRED:

17.08.010: CONCEPT PLAN DOCUMENT SUBMITTAL REQUIREMENTS:

All subdivision applications shall include the documents identified in the subdivision application packet provided by the Community Development Department.

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)

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.~~

~~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)~~

~~17.08.030: FINAL PLAT AND ENGINEERING DRAWINGS:~~

~~The final plats and plans shall consist of the following:~~

- 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.~~
- 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)~~

17.08.0240: 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 for 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. Storm water, 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)

Chapter 17.12 DESIGN STANDARDS AND CRITERIA

17.12.010: SUBDIVISION DESIGN TO CONFORM TO STANDARDS:

17.12.020: STREETS AND ROADS; GENERAL CRITERIA:

17.12.030: STREETS AND ROADS; RIGHT OF WAY WIDTH:

17.12.040: STREETS AND ROADS; WIDTH OF PAVEMENT; OTHER IMPROVEMENTS:

17.12.050: STREETS AND ROADS; DESIGN STANDARDS:

17.12.055: ALL LOTS TO ABUT ON AN APPROVED STREET:

17.12.060: BLOCKS; DESIGN STANDARDS:

17.12.070: LOTS; DESIGN STANDARDS:

17.12.080: SPECIAL DESIGN STANDARDS FOR SUBDIVISIONS IN THE CE-1 ZONE:

17.12.090: DESIGN STANDARDS FOR MULTI-FAMILY AND SPECIFIC DEVELOPMENT PLAN (SDP) ZONES:

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)

17.12.020: STREETS AND ROADS; GENERAL CRITERIA:

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. Subdivisions may include modifications to the locations and designations of streets shown on the Transportation Plan provided the modifications do not inhibit the implementation of the goals and policies of the Plan. ~~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)

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 and/or based on the approved street cross sections for the subdivision.

B. ~~The minimum right of way width for streets not shown on the plan shall be as follows:~~

<u>Class Of Street</u>	-	<u>Right Of Way Width</u>
-	-	-
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)~~

17.12.040: STREETS AND ROADS; WIDTH OF PAVEMENT; OTHER IMPROVEMENTS:

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)

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.
- 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: Cul-de-sacs shall be discouraged. Cul-de-sacs may be appropriate in cases where the possibility of future adjacent development does not exist due to topography or existing development, where an additional through street would be unnecessary, or other special circumstances as determined appropriate by the final decision-making body. When permitted, permanent cul-de-sacs shall be designed ~~allowed upon the recommendation of the planning commission and the approval of the city council as the most desirable design.~~ in accordance with adopted 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. 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.
- 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 minimum of three two and one-half inch (23¹/₂") bituminous coat even with the lip of the curb applied over eight inches (8") of road base consistent with the Mapleton City Addendum to APWA Standard Drawings and Specifications 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 for a slurry seal. The city will then be responsible for the application of the slurry seal. one inch (1") overlay, including the use of a roto mill on the edge and a tack coat. (Ord. 2002-04, 3-20-2002)

K. Subdivision projects of thirty (30) lots or more shall provide at least two points of vehicular access.

17.12.055: ALL LOTS TO ABUT ON AN APPROVED STREET:

A. Each lot in a subdivision shall abut upon and have access to a street which is:

- 1) dedicated to the city by the subdivision plat, or
- 2) an existing publicly dedicated street, or
- 3) an existing private street that has been approved by the city prior to 2016, or
- 4) A private street that has been approved under the criteria outlined in subsection B.

B. The city council may approve a request for a private street that complies with the following criteria:

- 1) The street must be part of a planned unit development in the Planned Development (PD), Specific Development Plan (SDP), Planned Residential Community (PRC), Residential (R-2), or Residential (R-3) zones.
- 2) Private streets will only be allowed for streets that have no public interest for traffic circulation and connectivity.
- 3) The final design and cross section of any private street shall be determined by the city council based on recommendations from the DRC and planning commission. However, at no time shall a private street be less than twenty feet (20') in width.
- 4) The maximum length of a dead end private street shall not exceed 500 feet.
- 5) A note on the plat shall be included indicating that Mapleton City has no responsibility to improve or maintain the private streets contained within, or private streets providing access to, the property described in the plat, nor does the city have responsibility for any of the infrastructure associated with the roadway such as sidewalks, drainage facilities, street lights, curbs, and/or landscaping.
- 6) The applicant shall provide a maintenance plan outlining how the private streets will be maintained.

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. Double frontage lots, except for corner lots, shall be discouraged.
- 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)

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~~ should 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)

17.12.080: SPECIAL DESIGN STANDARDS FOR SUBDIVISIONS IN THE CE-1 ZONE:

(no change to this section)

17.12.090: DESIGN STANDARDS FOR MULTI-FAMILY AND SPECIFIC DEVELOPMENT PLAN (SDP) ZONES:

(no change to this section)

**Chapter 17.14
STANDARD SPECIFICATIONS AND DRAWINGS**

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)

**Chapter 17.15
LANDSCAPE STANDARDS**

**(This section moved to 18.86.470
All references in the Mapleton City Code to the
landscape standards will be amended to 18.86.470)**

**Chapter 17.16
SUBDIVISION IMPROVEMENTS**

- 17.16.010: IMPROVEMENTS REQUIRED:**
- 17.16.020: STREETS AND ROADS:**
- 17.16.025: ~~STREET OVERLAY FEE~~ STREETS TO BE DEDICATED; PARTIAL WIDTH STREETS; RETAINER STRIPS NOT PERMITTED:**
- 17.16.030: CULINARY WATER:**
- 17.16.035: PRESSURIZED IRRIGATION:**
- 17.16.040: FIRE HYDRANTS:**
- 17.16.050: SEWAGE DISPOSAL:**
- 17.16.060: PERMANENT SURVEY MONUMENTS:**
- 17.16.070: ELECTRIC POWER, TELEPHONE AND NATURAL GAS:**
- 17.16.080: STREET SIGNS:**
- 17.16.085: STREET LIGHTING:**
- 17.16.090: ENVIRONMENTAL HAZARDS:**
- 17.16.100: IRRIGATION WATER SYSTEM:**
- 17.16.110: MAIL DELIVERY BOXES:**

17.16.010: IMPROVEMENTS 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.
- B. The following two (2) options are available to an applicant regarding the installation of the improvements required by this chapter:
1. The improvements shall be completed prior to the plat being recorded in the office of the county recorder. The following requirements apply to this option:
 - a. No construction activity shall begin until:
 - (1) Final construction drawings have been approved by the city engineer that address any and all outstanding issues as identified by the development review committee and any and all conditions of approval as adopted by the land use authority;
 - (2) A preconstruction meeting to include the city engineer and the applicant has been held. During the preconstruction meeting the city engineer shall outline the city standards that will be used during the inspection of the improvements;
 - (3) The applicant has submitted the following bonds:
 - (A) A site restoration bond shall be in cash equal to the amount of the durability bond. This bond shall be released upon plat recording.
 - (B) A right of way (ROW) excavation bond for any work that may be required in an existing city ROW. The amount shall be based on the city engineer's estimate for the work to be done in the ROW. This bond shall be released upon acceptance of the work by the city.
 - (4) All engineering inspection fees have been paid; and
 - (5) The applicant has obtained approval of a stormwater pollution prevention plan and a land disturbance permit.
 - (6) The applicant has submitted a utility notification form signed by all applicable utility companies.
 - b. If the improvements do not comply with city standards, the plat shall not be recorded in the office of the county recorder until such time as all deficiencies are corrected.
 - c. A durability bond in accordance with the provisions of section [17.20.050](#) of this title shall be established prior to plat recording.
 - d. Prior to plat recording, the applicant has submitted a lien waiver release for each contractor, subcontractor and supplier.

2. A performance guarantee and a durability bond securing the installation of any required improvements shall be submitted to the city in accordance with the provisions of [chapter 17.20](#) of this title prior to recording of the final plat at the office of the county recorder. The following requirements apply to this option:

a. No construction activity shall begin until:

(1) Final construction drawings have been approved by the city engineer that address any and all outstanding issues as identified by the DRC and any and all conditions of approval as adopted by the decision making body;

(2) A preconstruction meeting to include the city engineer and the applicant has been held. During the preconstruction meeting the city engineer shall outline the city standards that will be used during the inspection of the improvements;

(3) All project fees have been paid; and

(5) The applicant has obtained approval of a stormwater pollution prevention plan and a land disturbance permit.

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)

~~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)~~

17.16.025: STREETS TO BE DEDICATED; PARTIAL WIDTH STREETS; RETAINER STRIPS NOT PERMITTED: (this section was previously located in 17.24.020)

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 a 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 ($\frac{1}{2}$) of the total width for the class of road, plus an additional seven feet (7') 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 ($\frac{1}{2}$) that required for the specific road classification plus an additional seven (7') feet

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; and

F. 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.

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.

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)

F. Prior to final plat approval, the project plans shall be submitted to the city engineer or designee to be included in the city's water model. Based on the water model results, the applicant may be required to make system upgrades to ensure reliable water service.

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 eight ~~six~~ inches (86") 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)

17.16.040: FIRE HYDRANTS:

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)

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)

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)~~

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)

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)

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. Prior to plat recording, the applicant shall pay a street light fee based on the adopted fee schedule to allow for the installation of street lights within the subdivision. The city will coordinate the purchase and installation of the street lights with the applicable power company.~~

~~B. At each intersection. Street lights will typically be installed at the entrances to the subdivision, at street intersections, at mid block, within a cul-de-sac and other locations deemed appropriate by the city engineer and the power company.~~

~~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)~~

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~~ Storm Water Disposal:

1. To the maximum extent possible ~~surface~~ storm 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:

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)

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.
- 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 to irrigation system owned and operated by Mapleton

City, 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)

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)

Chapter 17.18

TRAIL LOCATION AND CONSTRUCTION STANDARDS

(no change to this section)

Chapter 17.20

PERFORMANCE GUARANTEES

[17.20.010: PERFORMANCE GUARANTEE REQUIRED:](#)

[17.20.020: TYPE AND AMOUNT OF GUARANTEE:](#)

[17.20.030: FINAL DISPOSITION AND RELEASE:](#)

[17.20.040: DEFAULT:](#)

[17.20.050: DURABILITY BOND:](#)

17.20.010: PERFORMANCE GUARANTEE REQUIRED:

Wherever a performance guarantee is required under the terms of this title, the performance guarantee shall be submitted:

- A. In conformance with this chapter; and
- B. Prior to the commencement of any improvements. (Ord. 2014-04, 3-19-2014, eff. 4-13-2014)

17.20.020: TYPE AND AMOUNT OF GUARANTEE:

- A. The amount of the performance bond for street, grading, or utility improvements shall be established by the city engineer's original estimated cost of completion.
- B. The amount of the performance bond for landscaping improvements, driveway installation, and early occupancy shall be established by the community development director or his designee as follows:
 - 1. 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 dollars (\$2,000.00).
- C. The performance bond shall be in the form of cash and/or an irrevocable letter of credit, ~~with:~~
 - ~~1. Ten percent (10%) 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.~~
- D. 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.
- E. 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. 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.
- F. The community development director 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. 2014-04, 3-19-2014, eff. 4-13-2014)

17.20.030: FINAL DISPOSITION AND RELEASE:

- 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 community development director setting forth the condition of the facilities.
- C. The community development director shall receive ~~accept~~ the report and authorize release of the remainder of the performance bond except for that portion to be held as a durability bond 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. 2014-04, 3-19-2014, eff. 4-13-2014)

17.20.040: DEFAULT and 17.20.050: DURABILITY BOND:

(No change to these sections)

**Chapter 17.24
GENERAL REQUIREMENTS**

- 17.24.010: STREETS TO BE EXCAVATED TO THE FULL WIDTH:**
- 17.24.020: ~~STREETS TO BE DEDICATED; PARTIAL WIDTH STREETS; RETAINER STRIPS NOT PERMITTED~~ RESERVED:**
- 17.24.030: ~~ALL LOTS TO ABUT ON PUBLIC STREETS~~ RESERVED:**
- 17.24.040: ~~AMENDED PLATS~~ RESERVED:**
- 17.24.050: WORK TO BE DONE BY ENGINEER OR SURVEYOR:**
- 17.24.060: AS BUILT DRAWINGS OF RECORD REQUIRED:**
- 17.24.070: RESERVED:**
- 17.24.080: DEDICATION OF WATER RIGHTS TO THE CITY:**
- 17.24.090: AMENDMENTS TO SUBDIVISION ORDINANCE:**
- 17.24.100: LEVEL OF IMPROVEMENTS TO BE INSTALLED BEFORE BUILDING PERMITS MAY BE ISSUED:**

17.24.010: STREETS TO BE EXCAVATED TO THE FULL WIDTH:

All streets shall be excavated to the full width shown on the ~~preliminary~~ final 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)

~~17.24.020: STREETS TO BE DEDICATED; PARTIAL WIDTH STREETS; RETAINER STRIPS NOT PERMITTED: (this section moved to 17.16.025 with modifications)~~

~~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 ($\frac{1}{2}$) 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 ($\frac{1}{2}$) 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)~~

~~17.24.030: ALL LOTS TO ABUT ON PUBLIC STREET: (moved to 17.12.055 with amendments)~~

~~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)~~

~~17.24.040: AMENDED PLATS:~~

~~No change shall be made in a plat which has received final approval by the city council within the last two (2) 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 two (2) years of final plat approval by the city council shall become null and void. (Ord. 2002-04, 3-20-2002; amd. Ord. 2014-04, 3-19-2014, eff. 4-13-2014)~~

- 17.24.050: WORK TO BE DONE BY ENGINEER OR SURVEYOR:**
- 17.24.060: AS BUILT DRAWINGS OF RECORD REQUIRED:**
- 17.24.070: RESERVED:**
- 17.24.080: DEDICATION OF WATER RIGHTS TO THE CITY:**
- 17.24.090: AMENDMENTS TO SUBDIVISION ORDINANCE:**

(No changes to these sections)

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 and fire hydrants where applicable.
 - 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)

**Chapter 17.28
FEES AND CHARGES**

(No changes to this section)

**Chapter 17.32
DEFINITIONS**

(No changes to this section)

**Chapter 17.36
ADMINISTRATION AND ENFORCEMENT**

(No changes to this section)

**Chapter 17.37
CONSTITUTIONAL TAKINGS APPEAL PROCEDURE**

(No changes to this section)

**Chapter 17.42
CLEANUP, PUBLIC RIGHTS OF WAY**

(no change to this section)