

## Title 18: DEVELOPMENT CODE

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## Chapter 18.04: TITLE – INTENT AND PURPOSE – ADMINISTRATION

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### 18.04.010 Title.

This title shall be entitled and known as the development code of Mayfield Town, Utah.

[Ord. 1998- 99-A § 10-1-1.]

### 18.04.020 Intent and purpose.

It is the intent and purpose of the town council of Mayfield Town, Utah, to comply with Utah Code, to avail itself of the powers granted under Chapter 10-9a; 57-5-1 et seq., 57-8-35; and 10-2-401 et seq., Utah Code Annotated 1953, as amended, to establish an efficient method for reviewing subdivision applications, and to do so in a manner that will promote the health, safety, morals, convenience, order, prosperity, and general welfare of the present and future inhabitants of the town, and to this end:

- A. To encourage and facilitate orderly growth and development within the town.
- B. To secure economy in municipal expenditures and to facilitate adequate provision for transportation, water, sewage, parks, schools and other public requirements.
- C. To lessen congestion in the streets, prevent the overcrowding of land and provide adequate light and air.
- D. To secure safety from fires, floods, traffic hazards, and other dangers.
- E. To stabilize and improve property values.
- F. To protect the tax base.
- G. To promote the development of a more attractive, wholesome and serviceable town.
- H. To create conditions favorable to prosperity, civic activities, and recreational, educational and cultural opportunities. [Amended during 2010 recodification; Ord. 1998-99-A § 10-1-2.]

**18.04.030 Interpretation.**

In interpreting and applying the development code, where any provision of this Title conflicts with state law, state law shall prevail. Where any provision in this Title conflicts with other ordinances enacted by the Town, the provisions in this Title shall prevail unless the Town intended such conflicting ordinances not in this Title to amend this Title. The provisions of this Title shall be held to be the minimum requirements needed to promote the public health, safety, morals, convenience, order, prosperity, and general welfare of the present and future inhabitants of the town. Where the provisions of the code impose a greater restriction than is required by any easement, covenant or private agreement, the provisions of the code shall govern. [Ord. 1998-99-A § 10-1-3.]

## Chapter 18.08: DEFINITIONS

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### 18.08.010 Intent.

For the purposes of this code, certain words and terms are defined as hereinafter set forth:

Words in the present tense include the future and the future includes the present; the singular number includes the plural and the plural the singular; the word “lot” includes the words “tract” or “parcel of land”; the term “erected” means “constructed, altered, moved, or repaired”; the words “shall” and “must” are always mandatory. The term “district” is synonymous with the term “zone”; the term “ordinance” is synonymous with the term “code.” Words not included herein, but which are defined in the building code, shall be construed as defined therein. [Ord. 1998-99-A § 10-11-1.]

### 18.08.020 List of definitions.

“Accessory building” means a building located on a lot or parcel of land, the use of which is appropriate, subordinate, and customarily incidental to that of the main building and/or principal use of the land.

“Animal unit” shall be one or a proportionate combination of the following:

1. One cow (bovine), horse (equine), or similar large animal;
2. Four adult sheep or feeder lambs;
3. Four goats;
4. Twenty chickens;
5. Thirty pigeons or similar small fowl;
6. Thirty rabbits or similar small animals.

For types of animals not specified above, the board of appeals shall determine the number which shall constitute an animal unit; except that, for purposes of compliance with this code, porcine (pig) and mink are specifically excluded from consideration as part of an animal unit.

For the purpose of determining compliance, said definition shall not include the unweaned offspring less than six months old of any residing animal.

“Association” means the same as that term is defined in Utah Code Section 57-8a-102, as

amended.

**“Buildable area”** means a portion of a site which conforms to all minimum criteria required for placement of a structure.

**“Building”** means any structure built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind, but not including fences or corrals.

**“Common area”** means property that an Association owns, maintains, repairs, or administers.

**“Comprehensive plan (master plan)”** means a coordinated plan which has been prepared and adopted for the purpose of guiding development, including but not limited to a plan or plans of land use, resources, circulation, housing, and public facilities and grounds.

**“Condominium”** means the ownership of a single unit in a multi-unit project together with an undivided interest in common in the common areas and facilities of the property.

**“Condominium project”** means a development project whereby two or more units, together with an undivided interest in the common area or facility, are separately offered or proposed to be offered for sale. This definition shall apply to existing or proposed apartments, commercial or industrial buildings or structures. **“Condominium project”** shall also mean the property when the context so requires.

**“Corral”** means a fence or other barrier used for the confinement of livestock for which the primary source of food is provided from other than grazing of grass or herbage growing on the site.

**“Customary residential accessory structure”** means a structure constructed on the same zoning lot as a dwelling and which is intended for the incidental and exclusive use of the residents of said dwelling, including but not limited to detached garages, carports, swimming pools, tennis courts, greenhouses, storage buildings, and satellite dishes.

**“Day-care center”** means a dwelling unit wherein ordinary care and supervision are provided during customary daytime periods by the resident family to nonrelated persons. To qualify, said dwelling must be approved by the State Division of Social Services or other appropriate state agency.

**“Declarant”** means the person who executes a declaration and submits it for recording in the office of the recorder of the county in which the property described in the declaration is located; **“declarant”** includes the person’s successor and assignee.

**“Declaration”** means the instrument by which the property is submitted to the provisions of this act, as it from time to time may be lawfully amended.

**“Density”** shall mean the number of dwelling units per acre of land.

“Designated Town street” means a federal or state highway or Town street as shown on the official street map of the Town.

“Documentation-declaration” means the legal instruments required under the provisions of this code and applicable state law for approval of large-scale development or subdivisions.

Dwelling.

1. “Dwelling unit” means one or more rooms in a building designed for living purposes (bathing, eating, and sleeping) and occupied by one family.
2. “Dwelling, one-family” means a detached residence designed for or occupied by one family.
3. “Dwelling, two-family” means a building containing two dwelling units.
4. “Dwelling, multiple-family” means a building containing three or more dwelling units.
5. “Dwelling, caretakers” means a dwelling which is occupied by an individual or family whose livelihood is derived primarily from watching or taking care of a farm, industry or other use which is located on the same premises as the dwelling.
6. “Dwelling, conventional construction” means a dwelling which is constructed in compliance with the provisions of the Uniform Building Code, Uniform Mechanical Code, National Electric Code, and State Plumbing Code as adopted by the Town.

“Facility owner” means an individual, entity, mutual water company, or unincorporated organization that operates a water conveyance facility; owns any interest in a water conveyance facility; or has a property interest in real property based on the presence of the water conveyance facility located and operating on the real property.

“Family” means an individual or two or more persons related by blood, marriage, or adoption, living together in a single dwelling unit and maintaining a common household. A family may include two, but not more than two, nonrelated persons living with the residing family. The term “family” shall not be construed to mean a group of nonrelated individuals, a fraternity, club, or institutional group.

“Fence, sight-obscuring” means a fence which permits vision through not more than 20 percent of each square foot.

“Final plat, record of survey map” means a plat of survey of land within a subdivision or large-scale development, which has been prepared in accordance with applicable Town standards and/or state statutes for the purposes of recording in the office of the county recorder.

“Floor area” means the sum of the areas of the several floors of the building, including

basements, mezzanines, and penthouses of headroom height (six feet) measured from the exterior walls or from the center line of walls separating buildings. The floor area does not include unoccupied features such as pipe trenches, exterior terraces or steps, chimneys, roof overhangs, etc.

**“Grade of Building”**

1. For buildings fronting one street only, the elevation of the sidewalk or center line of street, whichever is higher, at right angles to the midpoint of the fronting walls.
2. For buildings fronting on more than one street, the average of the elevations of the sidewalk or center line of street out from the midpoint of the fronting wall.
3. For buildings having no walls fronting the streets, the average level of sidewalk or center line or surrounding streets, whichever is higher.

“Grade of streets and driveways” shall mean the ratio of vertical distance along such a street or driveway expressed in either percentage or degree.

“Health agency” means the health department or any representative authorized by the Town council to represent them in matters relating to health and sanitation.

“Height of building” means the vertical distance from the grade to the square of the building.

“Home occupation” means any occupation conducted within a dwelling and carried on by persons residing in the dwelling.

“Household pets” means animals or fowl customarily permitted within the house and/or on the premises and kept for the company or pleasure of the occupants, such as dogs, cats, and canaries, but not including livestock or a sufficient number of dogs to constitute a kennel.

“Improvement plan” means a plan to complete permanent infrastructure on the subdivision that is essential for the public health and safety, that is required for human occupation, or that is required by applicable law and that an applicant must install in accordance with public installation and inspection specifications for public improvements and as a condition of recording a subdivision plat.

“Improvement Warranty” means an applicant’s unconditional warranty that the applicant’s installed and accepted landscaping or infrastructure improvement:

1. Complies with the Town’s written standards for design, materials, and workmanship; and
2. Will not fail in any material respect, as a result of poor workmanship or materials, within the improvement warranty period.



“Improvement Warranty Period” means a period:

1. No later than one year after a Town’s acceptance of required landscaping; or
2. No later than one year after a Town’s acceptance of required infrastructure, unless the town:
  - a. Determines for good cause that a one-year period would be inadequate to protect the public health, safety, and welfare; and
  - b. Has substantial evidence, on record:
    - i. Of prior poor performance by the applicant; or
    - ii. That the area upon which the infrastructure will be constructed contains suspect soil and the Town has not otherwise required the applicant to mitigate the suspect soil.

“Information brochure” means a written statement setting forth the organizational structure of a homeowners’ association, and the rights and obligations of the developers, homeowners’ association, lot owners and the Town.

“Kennel” means the use of land or buildings for the keeping of three or more dogs at least four months old.

“Landscaping” shall mean the use and integration of a combination of planted trees, shrubs, vines, groundcovers, lawns, rocks, foundations, pools, art works, screens, walls, fences, benches, or surfaced walkways set into an aesthetically pleasing arrangement as determined by the Planning Commission or their authorized representatives. However, the use of structures or surfaced walkways alone, in the absence of planted trees, lawns, etc., shall not meet the requirements of this code.

“Livestock management area” means all portions of a lot devoted exclusively to the care and keeping of livestock, including but not limited to barns, sheds, pens, coops, corrals, and pastures, but not including any portion of a parcel devoted to a dwelling, yard, garden, parking area or unutilized open area.

“Local health department” means:

- (a) a single county local health department;
- (b) a multicounty local health department;
- (c) a united local health department; or
- (d) a multicounty united local health department.

Lot.

1. An independently described parcel of land as shown on the records of the county recorder; or
2. Two or more contiguous parcels each of which qualifies under subsection (1) of this

definition and for which a declaration of zoning lot has been approved and filed in the office of the county recorder.

“Lot, corner” means a lot abutting on two intersecting or intercepting streets where the interior angle of intersection or interception does not exceed 135 degrees.

“Lot, interior” means a lot other than a corner lot.

“Lot line, front” means the front boundary line of a lot bordering on the street or in the case of a flag lot the boundary line located closest to and approximately parallel to the street upon which the driveway portion abuts.

“Lot line, rear” means a lot line which is opposite and most distant from the front lot line. In the case of an irregular, triangular, or gore-shaped lot, the rear lot line shall be a line within the lot parallel to and at the maximum distance from the front lot line, having a length of at least 10 feet.

“Lot line, side” means any lot boundary line not a front lot line or a rear lot line.

“Main building” means one or more of the principal buildings upon a lot. Garages, carports and other buildings which are attached to a dwelling or other main building or which are situated closer to the main building than the minimum distance specified in the zone requirements shall be considered as a part of the main building.

“Manufactured housing” means a dwelling constructed in accordance with the HUD code for manufactured housing.

“Minor utility transmission project” means the construction of transmission and distribution facilities for electric power, telephone, gas and oil, water, cable TV, microwave and similar commodities for the purpose of supplying such services or commodities primarily to structures in the immediate vicinity.

“Mobile home” means a dwelling unit which is designed to be transported, after fabrication, on its own wheels or on detachable wheels and which is designed and intended for permanent occupancy as an independent dwelling unit, but which does not comply with the Town’s adopted building, mechanical, electrical, and plumbing codes or the HUD code for manufactured housing. The term “mobile home” shall also include any vehicle meeting the above description which is used for an office, classroom, laboratory, processing, manufacturing, retail sales, or other such use.

“Mobile home park” means an area or tract of land used to accommodate two or more mobile homes.

“Nonconforming lot of record” means a parcel of land which does not conform to the minimum area and/or width requirements for the zone in which it is located, but which was legally created and was shown on the records of the county recorder as a conforming lot of

record prior to the effective date of the now controlling provisions. Substandard lots in illegal subdivisions shall not be considered as nonconforming lots of record.

“Nonconforming use or building” means a building or structure, or portion thereof, or use of a building or land existing at the time of the passage of this code which does not conform to the

zoning regulations as set forth herein but which legally existed prior to the effective date of the now controlling provision.

“Off-street parking” means an area adjoining a building providing for the parking of automobiles which does not include a public street, but has convenient access to it.

“Pasture” means an area confined by wire, wood or other fence structure used for the confinement of livestock for which the primary source of food is obtained from the grazing of grass or herbage growing on the site.

“Period of Administrative Control” means the period in which the person who filed the association’s governing documents or the person’s successor in interest retains authority to appoint or remove members of the association’s board of directors or exercise power or authority assigned to the association under the association’s governing documents.

“Public agency park” means a tract of land which is owned by a governmental agency and which has been partially or totally developed or designated for recreation or open space purposes.

“Public building” means a building owned and operated or owned and intended to be operated by a public agency of the United States of America, of the state of Utah, or any of its subdivisions.

“Public Landscaping Improvement” means landscaping that an applicant is required to install to comply with published installation and inspection specifications for public improvements that (1) will be dedicated to and maintained by the Town or (2) are associated with and proximate to trail improvements that connect to planned or existing public infrastructure.

“Public school” means one or more buildings, together with the appurtenant yards, incidental structures, parking areas, etc., operated by the school district or other public agency for educational purposes.

“Recreation vehicle” means a vehicle used, designed, or maintained primarily as a temporary dwelling for travel, vacation, or recreation purposes, having a width of not more than eight feet and length of not more than 40 feet, and which can be driven or pulled upon the highways without a special permit.

“Recreation vehicle court” means an area or tract of land used to accommodate two or more recreation vehicles or camper units for a short period of time (less than 30 days).

“Review Cycle” means the occurrence of the applicant’s submittal of a complete subdivision application; the Town’s review of that subdivision application; the Town’s response to that subdivision application; and the applicant’s reply to the Town’s response that addresses each of the Town’s required modifications or requests for additional information.

“Setback” means the shortest distance between the property line and the building or part thereof.

“Shipping container” is a container with strength suitable to withstand shipment, storage and handling. Shipping containers range from large reusable steel boxes used for intermodal shipments to the ubiquitous corrugated boxes. Shipping containers are commonly standardized resealable transportation boxes for unitized freight handling with standardized equipment. The most common sizes are 20 feet long or 40 feet long.

“Sign” means any device designed and intended to bring the subject thereof to the attention of the public; provided, however, that the following shall not be included in the application of regulations relating to signs:

1. Flags or insignia of any government except when displayed in connection with a commercial promotion.
2. Legal notices and signs used for regulation, identification, and informational purposes erected by a governmental body.
3. Signs directing and guiding traffic and parking on private property but bearing no advertising matter.
4. Political campaign signs.

“Sign, accessory” means a sign which directs attention to a business or profession conducted on the premises.

“Sign, nonaccessory – billboard” means a sign which directs attention to a business, commodity, service or entertainment which is conducted, sold or offered at a location other than the premises.

“State engineer’s inventory of canals” means the state engineer’s inventory of water conveyance systems established in Utah Code Section 73-5-7.

“Structure” means anything constructed or erected which requires location on the ground, but not including a tent or vehicle.

“Subdivision” means any land that is divided, subdivided, or proposed to be divided into two or more lots or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions.

1. Subdivision includes:
  - a. The division or development of land, whether by deed, metes and bounds description, devise and testacy, map, plat, or other recorded instrument, regardless of whether the division includes all or a portion of a parcel or lot; and
  - b. Except as provided below, divisions of land for residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes.
2. Subdivision does not include:
  - a. A bona fide division or partition of agricultural land for the purpose of joining one of the resulting separate parcels to a contiguous parcel of unsubdivided agricultural land, if neither the resulting combined parcel nor the parcel remaining from the division or partition violates an applicable land use ordinance;
  - b. A boundary line agreement recorded with the Office of the County Recorder between owners of adjoining parcels adjusting the mutual boundary in accordance with §10-9a-524 of Utah State Code (as amended) if no new parcel is created;
  - c. A recorded document, executed by the owner of record revising the legal descriptions of multiple parcels into one legal description encompassing all such parcels or joining a lot to parcel;
  - d. A joining of one or more lots to a parcel;
  - e. A road, street, or highway dedication plat; or
  - f. A deed or easement for a road, street, or highway purpose.

“Subdivision ordinance review” means review by the Town to verify that a subdivision application meets the criteria of the Town’s ordinances.

“Tepee” is a tent, traditionally made of animal skins upon wooden poles. Modern tepees usually have a canvas covering.

“Underground facility” means personal property that is buried or placed below ground level for use in the storage or conveyance of any of the following:

- (a) water;
- (b) sewage, including sewer laterals
- (c) communications, including electronic, photonic, telephonic, or telegraphic communications;
- (d) television, cable television, or other telecommunication signals, including transmission to subscribers of video or other programming;
- (e) electric power;
- (f) oil, gas, or other fluid and gaseous substances;

- (g) steam;
- (h) slurry; or
- (i) dangerous materials or products.

“Water conveyance facility” means a ditch, canal, flume, pipeline, or other watercourse used to convey water used for irrigation or storm water drainage and any related easement for the ditch, canal, flume, pipeline, or other watercourse. It DOES NOT mean a ditch, canal, flume, pipeline, or other watercourse used to convey water used for culinary or industrial water, or any federal water project facility.

“Yard” means any space on a lot other than a court, which is open and unobstructed from the ground to the sky.

“Yard, front” means a yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the main building and the front of the lot.

“Yard, required” means the open space around buildings which is required by the terms of this code.

“Yurt” is a portable, round tent covered with skins or felt and used as a dwelling by several distinct nomadic groups in the steppes of Central Asia. The structure comprises an angled assembly or latticework of pieces of wood or bamboo for walls, a door frame, ribs (poles, rafters), and a wheel (crown, compression ring) possibly steam-bent. The roof structure is often self-supporting, but large yurts may have interior posts supporting the crown. The top of the wall of self-supporting yurts is prevented from spreading by means of a tension band which opposes the force of the roof ribs. Modern yurts may be permanently built on a wooden platform; they may use modern materials such as steam-bent wooden framing or metal framing, canvas or tarpaulin, Plexiglas dome, wire rope, or radiant insulation.

“Zoning lot” means a unit of land composed of one or more parcels which:

1. Meets all existing area, width, access and other applicable requirements for lots within the zone in which it is located; and
2. Is shown as a separate lot in a subdivision or large-scale development which has been approved in accordance with the applicable ordinance or is legally exempted from compliance with said ordinances. A parcel which is part of an unapproved or illegal subdivision shall not qualify as a zoning lot. [Ord. 2023-4 §§ 1, 3; Ord. 1998-99-A § 10-11-2.]

## Chapter 18.12: MUNICIPAL PLANNING

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Article I. Town Council – Powers and Duties with Respect to Planning

**18.12.010 Appointments.**

A. Planning Commission. The mayor, with the advice and consent of the council, shall appoint a Planning Commission for the town of Mayfield. The number of members, terms of office, mode of appointment and other details relating to the organization and procedure of the commission shall be as set forth under Chapters [18.20](#), [18.48](#) and [18.52](#) MMC. (UCA 10-9-4 and 10-9-19)

B. Board of Appeals. The mayor, with the advice and consent of the council shall appoint a board of appeals; the number of members, terms of office, and other details relating to powers and duties of said board shall be the same as set forth under MMC [18.20.050](#), [18.20.060](#) and [18.20.070](#). The town council may also fix per diem compensation for members of the board of appeals based on necessary and reasonable expenses and meetings actually attended. (UCA 10-9-6 and 10-9-18)

C. Zoning Administrator. The town council may appoint and fix compensation for a zoning administrator. The powers and duties of said administrator shall be the same as set forth under Chapters [18.24](#), [18.28](#), [18.32](#), [18.36](#), [18.40](#) and [18.44](#) MMC. (UCA 10-9-8 and 10-9-18) [Ord. 1998-99-A § 10-2-1.1.]

**18.12.020 Adoption of comprehensive plan – Effect of adoption.**

The town council may adopt a comprehensive plan of the town or any part thereof.

Upon the adoption of such plan, any acceptance, widening, removal, extension, relocation, narrowing, vacation, abandonment, change of use, acquisition of land for, or sale or lease of



any street or other public way, ground, place, property, or structure; or any authorization or construction of any street, park or other public way, ground, place or space, or any public building or structure, or public utility, whether publicly or privately owned, shall either (A) conform to said plan, as to the location and extent thereof, or (B) shall have been submitted to and approved by the planning commission, or in the instance of a disapproval by such commission, overruled by the council, all in accordance with Section 10-9a-302, Utah Code Annotated 1953. (UCA 10-9-21) [Amended during 2010 recodification; Ord. 1998-99-A § 10-2-1.]

**18.12.030 Adoption and implementation of official map.**

The town council may establish an official map of streets for the whole or any part or parts of the town and may adopt such map by ordinance. The content of such map and all actions relating to the preparation, adoption and enforcement shall be in accordance with Sections 10-9a-502 and 10-9a- 503, Utah Code Annotated 1953, and any other applicable provisions of state law. (UCA 10-9-23 and 10-9-24) [Amended during 2010 recodification; Ord. 1998-99-A § 10-2-1.3.]

**18.12.040 Adoption and administration of zoning regulations.**

The Town council, upon: (A) the receipt of proposed regulations for the zoning of the Town (and any subsequent amendment to such regulations) from the Planning Commission, and (B) the holding of a public hearing thereon in accordance with the provisions of UCA 10-9-5, may, by ordinance, enact zoning regulations within the Town for the purpose of promoting health, safety, morals, and the general welfare of the community.

Such regulations shall be made in accordance with a comprehensive zoning plan designed to lessen congestion in the streets, to secure safety from fire, panic and other danger, to promote health and the general welfare, to encourage energy-efficient patterns of development, the use of energy conservation, solar, and renewable energy sources, and to assure access to sunlight for solar energy devices, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, to facilitate adequate provision for transportation, water, sewage, schools, parks and other public requirements. Such regulations shall be made with reasonable consideration, among other things, to the character of the zone and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the Town.

In order to accomplish the above-stated purposes, the zoning ordinance may divide the Town into districts or zones and may regulate the location and use of buildings, structures, and land for trade, industry, residence, or other purposes, the erection, construction or reconstruction of buildings and structures, the height, number of stories and size of buildings and other structures, the height and location of trees and other vegetation, the percentage of lots that may be occupied, the size of yards, courts and other open spaces,

the density of population and such other characteristics as may be permitted by law. Thereafter all construction or change in use of land or buildings shall conform with the applicable provisions of the adopted ordinance. (UCA 10-9-1, 10-9-2, 10-9-3 and 10-9-4) [Ord. 1998-99-A § 10-2-1.4.]

**18.12.050 Adoption and administration of subdivision regulations.**

As per Utah State code §10-9a-602(1)-(2), the Town Council may adopt, modify, or reject proposed subdivision regulations after (A) the Planning Commission provides notice of the regulation as per Utah State code §10-9a-205; (B) within thirty days of providing notice, the Planning Commission holds a public hearing on the proposed ordinance or ordinance amendment; (C) the Planning Commission makes a recommendation to the Town Council.

Thereafter, no plat of a subdivision of land within the Town shall be filed or recorded until it shall have been submitted to and approved by the Town council, in accordance with the terms of said subdivision regulations, and such approval entered in writing on the plat. The approval by the Town council shall be in addition to that required by the Planning Commission. The filing or recording of a plat of a subdivision without such approval shall be null and void and the sale of lots in any such unapproved subdivision shall be considered a violation for each lot sold. (UCA 10-9-25 and 10-9-26) [Ord. 1998-99-A § 10-2-1.5.]

**18.12.060 Adoption and administration of regulations relating to condominium projects.**

Upon receipt of proposed condominium regulations as prepared by the Planning Commission, the Town council may adopt such regulations by ordinance.

No condominium project or any record of survey map, declaration or other required material shall be recorded until it shall have been submitted to and approved by the Town council. The approval by the Town council shall be in addition to the approval required by the Planning Commission. (UCA 57- 8-35) [Ord. 1998-99-A § 10-2-1.6.]

**18.12.070 Enforcement of development regulations.**

The Town council shall have the authority and responsibility for ensuring compliance with the adopted zoning, subdivision and official map ordinances, and in carrying out such responsibility may:

A. Withhold the issuance of building permits when the proposed development is not in conformance with the adopted regulations. (UCA 10-9-18)

B. Prosecute any violation of such regulations as a misdemeanor. (UCA 10-9-30)

C. Institute injunction, mandamus, abatement or any other appropriate action to prevent, enjoin, abate, or remove any unlawful building, use or act. (UCA 10-9-30) [Ord. 1998-99-A

§ 10-2-1.7.]

## **Article II. Planning Commission**

### **18.12.080 Establishment – Composition – Appointment of members.**

Pursuant to authority granted in Section 10-9-19 UCA 1953, as amended, the Town council hereby creates a Planning Commission within and for the Town to be known as the Mayfield Town Planning Commission. The Planning Commission shall consist of five regular members and up to two alternate members. One regular member shall be appointed by the Town council from its own members, with the remaining regular and alternate members to be appointed by the mayor with the advice and consent of the Town council from among the residents of the Town. The members shall be selected without respect to political affiliations and shall serve without compensation except for reasonable expenses. (UCA 10-9-19) [Ord. 1998-99-A § 10-2-2.1.]

### **18.12.090 Terms of office of members – Filling vacancies – Removal of members.**

The term of office of the Town council representative shall be as determined by action of the council.

The terms of the appointive members shall be for four years and until their successors have been appointed; provided, that the terms of the members holding office at the time of passage of this code shall be arranged such that the term of one member shall expire each year. Appointments made thereafter will be made for a full three-year term.

The terms of the alternate members shall be for a period of one year and until their successors have been appointed. Alternate members shall be designated as first and second alternate, in accordance with their respective time of appointment.

Vacancies occurring otherwise than through the expiration of terms shall be filled for the remainder of the unexpired term.

Members may be removed after a public hearing by a majority vote of the Town council. [Ord. 1998- 99-A § 10-2-2.2.]

### **18.12.100 Organization – Adoption of rules – Record of proceedings.**

At the first meeting of each year, the Planning Commission shall elect from its membership a chairman who shall serve for a term of one year and until a new chairman is elected. It shall be the duty of the chairman to preside over and conduct all meetings of the commission. The chairman, with the consent of the commission, shall make such assignments and delegations to the members of the commission and the staff and consultants as are deemed necessary or desirable for the carrying out of the commission's

business.

The commission shall adopt rules for its own organization and for the transaction of its business not in conflict with this section or other ordinances, and shall keep an accurate record of disposition of all matters coming before it. [Ord. 1998-99-A § 10-2-2.3.]

**18.12.110 Quorum defined – Minimum vote required – When alternate members to act.**

A minimum of four regular and/or alternate members in attendance at the meeting is required to constitute a quorum. The minimum number of “yes” votes necessary to carry an action of the commission shall be a majority of the members of the quorum in attendance, but shall never be less than three.

All regular members shall be entitled to vote on matters coming before the commission. Alternate members shall be designated to sit as voting members of the commission at any time one or more regular members are absent from the meeting. The designation of the alternate member to voting status shall be made by the chairman at the commencement of the meeting in accordance with the seniority of the alternate members in attendance at the time, and any alternate so designated shall serve as a voting member until the conclusion of the meeting. If during the course of a meeting the number of voting members and alternate members designated to voting status in attendance exceeds five, the membership of the commission shall, until the conclusion of the meeting, be expanded to the number of voting members and designated alternate members in attendance. [Ord. 1998-99-A § 10-2-2.4.]

**18.12.120 Employees – Expenditures.**

The Planning Commission may appoint such other employees and staff as it may deem necessary for its work and may contract with Town planners and other consultants, provided its expenditures, exclusive of gifts, shall be within the amounts appropriated for that purpose by the Town council. [Ord. 1998-99-A § 10-2-2.5.]

**18.12.130 Duties and powers.**

The Town Planning Commission shall have such powers as may be necessary to enable it to perform its functions and promote municipal planning as follows:

A. Preparation of Comprehensive Plan. It shall be the function and duty of the Planning Commission, after holding public hearings, to make and adopt and certify to the Town council a comprehensive plan for the physical development of the Town including any areas outside of its boundaries which, in the commission’s judgment, bear relation to the planning of the Town. The comprehensive plan, with the accompanying maps, plats, charts and descriptive and explanatory matter, shall show the Planning Commission’s recommendations for the physical development of the Town and may include, among other

things, the general location and extent of street and other methods of circulation and transportation; the general location and extent of public utilities for water, power, sanitation, or other purposes; the general location and extent of parks, playgrounds, and drainage facilities; and the use of land whether for residences, commerce, industry, agriculture, flood channels, or open space. (UCA 10-9-20)

**B. Prepare Reports and Recommendations – Entry Upon Land.** The Planning Commission may make reports and recommendations relating to the planning and development of the Town to public officials and agencies, other organizations and citizens. It may recommend to the executive or legislative officials programs for public improvements and the financing thereof. The Planning Commission, its members, and employees, in the performance of its functions, may enter upon any land at reasonable times to make examinations and surveys and place and maintain necessary monuments and marks thereon. (UCA 10-9-22)

**C. Regulations Governing Subdivision of Land.** It shall be the duty of the Planning Commission to prepare regulations governing the subdivision of land within the Town or amendment to such regulations and to submit said regulations or amendments to the Town council for public hearing and adoption. (UCA 10-9-25) Approve Subdivision Plans and Plats. It shall be the duty of the Planning Commission to review and approve all subdivision developments. No plat of a subdivision of land within the Town shall be filed or recorded in the county recorder's office until it shall have been submitted to and approved by the Planning Commission and such approval entered in writing on the plat. The approval by the Planning Commission shall be in addition to the approval required from the Town council. The filing or recording of a plat of a subdivision without approval of the Planning Commission shall be null and void and the sale of lots in any such unapproved subdivision shall be considered a violation of the subdivision ordinance for each lot sold. (UCA 10-9-25, 10-9-26 and 10-9-30)

**D. Prepare and Recommend Amendments to the Zoning Regulations.** The Planning Commission through its own initiative may, or upon receipt of a petition from an affected property owner, or by order of the Town council, shall make and certify to the Town council recommendations for the amendment of the zoning regulations and map. No amendment to the text or map may be adopted by the Town council unless the Planning Commission has reviewed and made recommendations to the council regarding that amendment. The Planning Commission shall have 30 days from the date the request is made to the chairman to respond to any request from the council for recommendation. (UCA 10-9-4 and 10-9-5)

**E. Conducting Hearings and Meetings.** The Planning Commission may conduct hearings and meetings with interested property owners, officials and citizens in the process of carrying out the functions and duties of their office. (UCA 10-9-22)

**F. Preparation of a Capital Improvement Program.** The Planning Commission through its own initiative may, or by order of the Town council shall, make and recommend to the Town

council a capital improvement program which shall set forth an orderly program for the acquisition of land, and/or the construction of buildings, utilities and other facilities needed for Town purposes. (UCA 10- 9-22) [Ord. 1998-99-A § 10-2-2.6.]

### **Article III. Board of Appeals**

#### **18.12.140 Establishment – Appointment – Composition – Vacancies.**

Pursuant to authority granted in Section 10-9-6 UCA 1953, as amended, the Town council hereby creates a board of appeals within and for the Town. Said board of appeals shall consist of five members and such alternate members as the mayor with the advice and consent of the council deems appropriate, each to be appointed by the mayor with the advice and consent of the council for a term of five years; provided, that the terms of the members appointed shall be such that the term of one member shall expire each year. Alternate members shall serve in the absence of a member under rules established by the council; provided, that no more than two alternate members shall sit at any meeting of the board at any one time. One member, but not more than one member, of the Planning Commission shall be a member of the board of appeals. Any member of the board of appeals may be removed for cause by the Town council upon written charges and after public hearing, if such public hearing is requested by the member. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. (UCA 10-9-7) [Ord. 1998-99-A § 10-2- 3.1.]

#### **18.12.150 Organization of board – Meetings – Duties of members.**

The board of appeals shall organize and elect a chairman and adopt rules for its proceedings. Meetings of the board shall be held at the call of the chairman and at such other times as the board may determine.

The chairman or, in his absence, the acting chairman may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote indicating such fact, and shall keep records of its examinations and other official actions; all of which shall be immediately filed in the office of the board and shall be public record. (UCA 10-9-8) [Ord. 1998-99-A § 10-2-3.2.]

#### **18.12.160 Powers and duties of board.**

The board of appeals shall have the following powers:

**A. Appeal of an Administrative Ruling.** To hear and decide appeals where it is alleged that there is error in any order, requirement, decision or determination made by the zoning administrator or other official responsible for the enforcement of the zoning regulations.

**B. Special Exception.** To hear and decide appeals for approval of special exceptions to the

terms of the zoning regulations. The board shall not authorize a special exception unless specifically granted authority to do so under the terms of the zoning regulations.

C. Variances. To authorize upon appeal such variance from the terms of the zoning regulations as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the applicable provision will result in unnecessary hardship; provided, that the spirit of the ordinance shall be observed and substantial justice done.

~~Variances will be considered and granted only according to the criteria established by UCA 10-9a-702 (as amended). Before any variance may be authorized, however, it shall be shown that:~~

1. The variance will not substantially affect the comprehensive plan or zoning regulations of the Town and that adherence to the strict letter of the zoning regulations will cause difficulties and hardships, the imposition of which upon the petitioner is unnecessary in order to carry out the general purpose of the plan.

2. There are special circumstances attached to the property covered by the application which do not generally apply to the other property in the same zone.

3. That because of said special circumstances, the property covered by the application is deprived of privileges possessed by other properties in the same zone; and that the granting of the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone. (UCA 10-9-12)

4. The appeal authority may grant a variance only if:

i. literal enforcement of the ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the land use ordinances;

ii. there are special circumstances attached to the property that do not generally apply to other properties in the same zone;

iii. granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone;

iv. the variance will not substantially affect the general plan and will not be contrary to the public interest; and

v. the spirit of the land use ordinance is observed and substantial justice done.

D. Interpretation of Text or Map. To make, upon appeal, an interpretation of the zone map regarding the location of zone boundary lines, or decide the meaning of disputed terms or phrases within the text of the zoning regulations.

E. Approval of Building Zoning Permit within Proposed Street on Official Map. To authorize

upon appeal the grant of a permit for a building or structure or part thereof within any mapped street location in any case in which the board of appeals, upon the evidence, finds:

1. That the property of the appellant of which such mapped street location forms a part will not yield a reasonable return to the owner unless such permit be granted; or
2. That, balancing of interest of the Town in preserving the integrity of the official map and the interest of the owner in the use and benefits of the property, the grant of such permit is required by consideration of justice and equity.

In the event that the board of appeals decides to authorize a building permit, it shall have the power to specify the exact location, ground area, height, and other details and conditions of extent and character and also the duration of the building, structure, or part thereof to be permitted. (UCA 10- 9-24) [Ord. 1998-99-A § 10-2-3.3.]

**18.12.170 Power of board limited.**

The powers and duties of the board are limited to the judicial and administrative actions specifically authorized in the zoning regulations. The board shall not have the authority to amend this title or to act outside the rules governing the activities of the board as set forth in the zoning regulations; and all decisions shall be made in such a way so as not to destroy the intent and purpose of this title. [Ord. 1998-99-A § 10-2-3.4.]

**18.12.180 Appeals to the board – Time limit – Persons entitled to appeal – Transmission of records.**

Any person, organization, corporation or unit or department of government which has been aggrieved by a decision allegedly made in error by the zoning administrator or is requesting approval of a special exception, variance or other action upon which the board is authorized to act may do so by filing a formal request in writing with the board; provided, any appeal from a decision made by the zoning administrator shall be made by filing an application with the board within a period not to exceed 45 days from the date of the contested action. (UCA 20-9-9) [Ord. 1998-99-A § 10-2-3.5.]

**18.12.190 Stay of proceedings pending appeal.**

An appeal stays all proceedings in furtherance of the action appealed from, unless the zoning administrator certifies to the board of appeals after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause eminent peril of life or property. In such case proceedings shall not be stayed otherwise than by restraining order which may be granted by the board of appeals or by the district court on application and notice and on due cause shown. (UCA 10-9-10) [Ord. 1998-99-A § 10-2-3.6.]



**18.12.200 Notice of appeal – Right of appearance.**

The board of appeals shall fix a reasonable time for the hearing of the appeal or request, give public notice thereof as well as due notice to the parties in interest, and shall decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney. (UCA 10-9-11) [Ord. 1998-99-A § 10-2-3.7.]

**18.12.210 Decision on appeal.**

In exercising the above-mentioned powers such board may, in conformity with the provisions of the zoning regulations, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the zoning administrator and such other powers as herein provided. (UCA 10-9-13) [Ord. 1998-99-A § 10-2- 3.8.]

**18.12.220 Vote necessary for reversal.**

The concurring vote of three members of the board shall be necessary to reverse any order, requirement, or determination of any such administrative official, or to decide in favor of the appellant on any matter upon which it is required to pass under any such ordinance, or to affect any variation in the provision of such regulations. (UCA 10-9-14) [Ord. 1998-99-A § 10-2-3.9.]

**18.12.230 Judicial review of board decisions.**

The Town or any person aggrieved by any decision of the board of appeals may have and maintain a plenary action for relief therefrom in any court of competent jurisdiction; provided, petition for such relief is presented to the court within 30 days after the filing of such decision in the office of the board. (UCA 10-9-15) [Ord. 1998-99-A § 10-2-3.10.]

**Article IV. Zoning Administrator**

**18.12.240 Zoning administrator appointed.**

There is hereby created the office of zoning administrator. The mayor, with the advice and consent of the council, shall appoint a person to act as zoning administrator. Said administrator is hereby charged with the administration and enforcement of the development code and such other duties as are set forth in MMC [18.12.250](#). [Ord. 1998-99-A § 10-2-4.1.]

**18.12.250 Powers and duties of zoning administrator.**

It shall be the duty of the zoning administrator:

- A. To review all applications for building permits and certificates of zoning compliance.**
- B. To refuse to issue any permit unless the plans of and for the proposed erection, construction, or use fully conform to all regulations in effect within the Town.**
- C. To enforce the provisions of the zoning regulations and, wherever violations occur, to consult with the Town attorney, to post or issue citations, to prepare exhibits, testimony, and other data which may be needed in such enforcement.**
- D. To render administrative decisions on those certain routine and uncontested matters as are delegated to him by the council or board of appeals and pursuant to established guidelines relating thereto. [Ord. 1998-99-A § 10-2-4.2.]**

## Chapter 18.16: AMENDMENT

Sections:

[18.16.010 Development code and zoning map may be amended – Procedure.](#)

[18.16.020 Written petition required – Town-initiated amendments permitted.](#)

[18.16.030 Planning commission to make recommendation – Time limit.](#)

[18.16.040 Public hearing required before amending – Notice of hearing to be published.](#)

[18.16.050 Amendments to be adopted by ordinance – Public notice of adoption required.](#)

[18.16.060 Intent with respect to amendments.](#)

### **18.16.010 Development code and zoning map may be amended – Procedure.**

This development code, and the zoning map adopted as a part thereof, may be amended from time to time by the Town council, but all proposed amendments must first be submitted to the Planning Commission for its recommendation. The procedure to be followed in amending the code and map shall be as set forth in this chapter. [Ord. 1998-99-A § 10-10-1.]

### **18.16.020 Written petition required – Town-initiated amendments permitted.**

Any person seeking an amendment of the development code or zoning map shall submit to the Planning Commission a written petition designating the change desired and the reasons therefor, and shall pay a nonrefundable filing fee in an amount established by resolution of the Town council.

Amendments to the code and map may also be initiated by action of the Planning Commission or upon request of the Town council. [Ord. 1998-99-A § 10-10-1.1.]

### **18.16.030 Planning commission to make recommendation – Time limit.**

Upon receipt of the petition, the Planning Commission shall consider the request and shall submit its recommendations with respect thereto to the Town council.

The Planning Commission shall submit its recommendations to the council within 30 days from the date of the next regularly scheduled meeting occurring after receipt of the request. Failure of the Planning Commission to submit its recommendations to the Town council within said 30-day period shall be deemed to constitute a recommendation of approval unless a longer period is granted by the petitioner. [Ord. 1998-99-A § 10-10-1.2.]

### **18.16.040 Public hearing required before amending – Notice of hearing to be**

**published.**

No amendment to the map or code may be adopted by the Town council unless and until the council shall have advertised and held a public hearing thereon at which parties in interest and citizens shall have an opportunity to be heard.

Notice of the time, place and purpose of such hearing shall be published in a newspaper of general circulation within the Town at least 15 days prior to the date of the hearing.

No material change in or departure from the amendment as recommended by the Planning Commission shall be made after the hearing unless such proposed change or departure shall have been first resubmitted to the Planning Commission for its consideration and recommendation with respect thereto. [Ord. 1998-99-A § 10-10-1.3.]

**18.16.050 Amendments to be adopted by ordinance – Public notice of adoption required.**

All amendments to the code and map shall be adopted, published or posted and recorded in accordance with the applicable provisions of UCA 10-3-701 et seq. [Ord. 1998-99-A § 10-10-1.4.]

**18.16.060 Intent with respect to amendments.**

All amendments to this code shall be made in accordance with the comprehensive plan of land use. It is hereby declared to be public policy that this code shall not be amended unless it can be shown that changed or changing conditions make the proposed amendment reasonably necessary to the promotion of the purposes of this code. [Ord. 1998-99-A § 10-10-2.]

## Chapter 18.20: GENERAL PROVISIONS – ZONES ESTABLISHED

**Sections:**

[18.20.010 Uses prohibited in zones unless expressly permitted.](#)

[18.20.020 Status of pre-existing illegal uses.](#)

[18.20.030 Uses on leased land to comply with code.](#)

[18.20.040 Review fees.](#)

[18.20.050 Zones established.](#)

[18.20.060 Location of zones – Adoption of zone map.](#)

[18.20.070 Rules for determining zone boundaries.](#)

[18.20.080 Regulations within zones – Declaration.](#)

**18.20.010 Uses prohibited in zones unless expressly permitted.**

Uses of land which are not expressly permitted within a zone are hereby declared to be expressly prohibited therein, except as may be permitted by action of the Planning Commission or Town council, pursuant to express authority given under terms of this code. Neither the Planning Commission, board of appeals, nor the zoning administrator shall permit a use within a zone which is not expressly permitted by the terms of this code. [Ord. 1998-99-A § 10-3-1.1.]

**18.20.020 Status of pre-existing illegal uses.**

Any building or use of land or any construction thereon, or any subdivision of land, which was not authorized by or under the pre-existing zoning or subdivision regulations, as amended, or which is illegal under such regulations, shall remain unauthorized and illegal unless expressly authorized or permitted in the provisions of this code. [Ord. 1998-99-A § 10-3-1.2.]

**18.20.030 Uses on leased land to comply with code.**

Any person who may obtain state or federal properties by purchase, lease, or other arrangement must utilize such properties in accordance with the provisions of this code. [Ord. 1998-99-A § 10-3- 1.3.]

**18.20.040 Review fees.**

All costs for the processing of applications for subdivision, large-scale developments, zone

changes, board of appeals rulings, and similar actions required under the terms of this code shall be borne by the applicant. The Town council may, by resolution, establish fees for the processing of such applications and the administration of this code and provide for the assessment and collection thereof. [Ord. 1998-99-A § 10-3-1.4.]

**18.20.050 Zones established.**

In order to carry out the purposes of this code, the Town is hereby divided into zones as follows:

- A-1            Agricultural Zone
- RR-1- 20,000 Rural Residential Zone
- R-2-20,000 Residential Zone
- R-1-MHP    Mobile Home  
                 Park Zone
- R&C-1      Residential and  
                 Commercial  
                 (Mixed Use) Zone
- I-1            Light Industrial

Zone [Ord. 1998-99-A § 10-4-1.]

**18.20.060 Location of zones – Adoption of zone map.**

The location and boundaries of each zone shall be as set forth on the official Zone Map of Mayfield, Utah, 1997, Revised, which map is appended hereto and by this reference included as a part of this code. [Ord. 1998-99-A § 10-4-2.]

**18.20.070 Rules for determining zone boundaries.**

Where uncertainty exists with respect to the boundaries of zones as shown on the zone map the following rules shall apply:

- A. Where the indicated boundaries of the zone map are approximately street or land survey lines, said street or land survey lines shall be construed to be the zone boundaries.
- B. Where the indicated boundaries are approximately canals, natural streams, or similar watercourse the center of said canal, natural stream, or watercourse shall be construed to be the zone boundary line.
- C. In the absence of any street, land survey, canal, natural stream, or watercourse as forming the boundaries of any zone, the scale or measurement shown on the map shall be

used to determine the zone boundary line.

D. Where other uncertainty exists, the board of appeals shall interpret the map. [Ord. 1998-99-A § 10-4-3.]

**18.20.080 Regulations within zones – Declaration.**

The specific regulations and restrictions applicable within each zone and governing:

A. The location and use of land, buildings and other structures for residential, commercial, industrial or other purposes;

B. The size of yards, courts and other open spaces;

C. The height, number of stories and size of buildings and other structures;

D. The density of population;

E. The percentage of a lot that may be occupied; and

F. Such other elements of development as authorized by law or court action; shall be as hereinafter set forth. [Ord. 1998-99-A § 10-5-1.]

## Chapter 18.24: A-1 AGRICULTURAL ZONE

Sections:

[18.24.010 Legislative intent.](#)

[18.24.020 Permitted uses.](#)

[18.24.030 Conditional uses.](#)

[18.24.040 Area requirements.](#)

[18.24.050 Access requirements.](#)

[18.24.060 Location requirements.](#)

[18.24.070 Height of building.](#)

[18.24.080 Utility requirements.](#)

[18.24.090 Dwelling requirements.](#)

### **18.24.010 Legislative intent.**

The objective in establishing the A-1 agricultural zone is to provide a location within the community devoted primarily to the raising of livestock and/or the growing of crops, and to preserve and protect the continued use of the property for agricultural purposes by excluding the location of residential and other incompatible development. The zone includes those areas of the Town where the combination of soil quality, size of land parcel, availability of water, historic use of land and lack of urban development activity make the land most suited to agricultural and livestock purposes.

Representative of the uses within the A-1 zone are livestock grazing, dairies, livestock feed yards, and farm caretaker dwellings. Uses which are inconsistent with and tend to militate against the continued use of the land for agriculture and livestock raising are excluded from the zone. [Ord. 1998-99-A § 10-5-2.1.]

### **18.24.020 Permitted uses.**

The following buildings, structures and uses of land shall be permitted upon compliance with the applicable requirements of this code:

- A. The raising of crops in the field.
- B. Grazing of livestock.
- C. Care and keeping of livestock and fowl without restriction as to numbers.



D. Barns, stables, corrals, pens, coops and other buildings for the care and keeping of domestic livestock.

E. Dairy farms, including the facilities and equipment incidental to the operation of the farm unit. Also the storage, packaging and processing of milk produced on the premises.

F. Livestock farm and/or feed yards and the facilities and equipment incidental to the operation of the farm unit (i.e., grain storage, silos, mills).

G. Crop farming operation, including the facilities and equipment incidental to the operation of the farm unit.

H. Electric, water, gas, telephone and similar utility transmission lines and facilities.

I. An accessory sign pertaining to the sale of real property or produce raised on the premises; provided, that such sign shall not exceed 32 square feet.

J. Kennels, when included as part of a designated farm unit.

K. Roping and riding arenas.

L. Foster care homes, when a part of a farm caretaker dwelling, and containing not more than three nonrelated foster care occupants. [Ord. 1998-99-A § 10-5-2.2.]

#### **18.24.030 Conditional uses.**

The following buildings, structures and uses of land may be permitted upon compliance with the requirements of this code and subject to the prior approval of the designated review agency:

A. Farm caretaker dwellings, conventional construction or manufactured housing unit, when located on a designated farm unit, and subject to the provisions of MMC [18.48.220](#).

B. Home occupations subject to the provisions of MMC [18.48.180](#).

C. Residential facility for handicapped persons, when operated as a part of a farm caretaker dwelling and subject to the provisions of MMC [18.48.270](#). [Ord. 1998-99-A § 10-5-2.3.]

#### **18.24.040 Area requirements.**

The minimum lot area and width requirements for a zoning lot shall be as follows:

A. Each crop farm, dairy farm, livestock farm, feed yard, and similar permitted farm operation and each farm caretaker dwelling shall be located upon a designated farm unit.

Each designated farm unit shall contain not less than 40 acres, except that the council may approve a farm unit having less than 40 acres, upon presentation of satisfactory evidence by the applicant and a finding by the council that the proposed farm unit constitutes a bona fide farm operation. [Ord. 1998-99-A § 10-5-2.4.]

**18.24.050 Access requirements.**

Each designated farm unit shall (A) front upon and have direct access to a public street for a distance of not less than 200 feet, or (B) shall have direct and uninterrupted access to a public street over a deeded private travel easement. [Ord. 1998-99-A § 10-5-2.5.]

**18.24.060 Location requirements.**

All dwellings and other main buildings shall be set back not less than 25 feet from the right-of-way line of any public street and not less than 10 feet from any lot line not adjacent to a public street. [Ord. 1998-99-A § 10-5-2.6.]

**18.24.070 Height of building.**

A. The maximum height of any dwelling or other building used for human occupancy shall be 30 feet or two and one-half stories, whichever is higher.

B. The minimum height of a building used as a dwelling shall be not less than eight feet except when approved as an earth shelter home project (see MMC [18.48.210](#)). [Ord. 1998-99-A § 10-5- 2.7.]

**18.24.080 Utility requirements.**

All dwellings and other structures used for human occupancy shall be served by the Town's water and sewer system in accordance with the provisions of MMC [18.48.260](#), except that the requirement for connection to one or more of the above-mentioned systems may be waived by the Town council upon a finding that: (A) connection to one or more of the above utility systems is not reasonably practicable and (B) an alternative method of providing the service to the premises has been secured (i.e., approved domestic well right, septic tank approval by health agency). [Ord. 1998-99-A § 10-5-2.8.]

**18.24.090 Dwelling requirements.**

A. Minimum Area. The ground floor of any dwelling shall contain not less than 850 square feet of living area.

B. Minimum Dimension. The minimum width or length dimension of any dwelling as measured from the outside wall shall be not less than 24 feet. Nonliving spaces such as garages, porches, and sheds shall not be included in determining compliance with this requirement. [Ord. 1998-99-A § 10- 5-2.9.]

## Chapter 18.28: RR-1-20,000 RURAL RESIDENTIAL ZONE

Sections:

[18.28.010 Legislative intent.](#)

[18.28.020 Permitted uses.](#)

[18.28.030 Conditional uses.](#)

[18.28.040 Area and width requirements.](#)

[18.28.050 Access requirements.](#)

[18.28.060 Location requirements.](#)

[18.28.070 Height of building.](#)

[18.28.080 Utility requirements.](#)

[18.28.090 Dwelling requirements.](#)

### 18.28.010 Legislative intent.

The objective in establishing the RR-1 rural residential zone is to provide a location within the Town for a residential and agricultural environment where the residents may engage in significant agricultural pursuits, including the keeping of livestock. A minimum of vehicular traffic and quiet residential conditions favorable to family living and the rearing of children shall also be characteristic of this zone.

Representative of the uses within the RR-1 zone are one-family dwellings, the keeping of domestic livestock, parks, playgrounds, churches and other community facilities designed in harmony with the characteristics of the zone.

Residents and developers within the zone should bear in mind that the proximity of animals to dwellings is an integral part of the zone and should occupy the residences in recognition thereof.

The specific regulations necessary for the accomplishment of the intent of the zone are hereinafter set forth. [Ord. 1998-99-A § 10-5-4.1.]

### 18.28.020 Permitted uses.

The following buildings, structures and uses of land shall be permitted upon compliance with the standards and requirements as set forth in this code:

A. One-family dwellings, conventional construction.

B. One-family dwellings, manufactured housing, subject to the provisions of MMC [18.48.230](#).

C. Customary residential accessory structures.

D. Gardens, orchards and field crops.

E. The number of animal units on a lot of less than one acre will be determined proportionally by the size of the lot; five-acre lots would allow an amount not exceeding four animal units.

F. Corrals and pens for the enclosure of livestock. Also, barns, stables, coops, sheds, hutches or similar buildings used for the housing or confinement of livestock and fowl; provided, that any such corral or pen or any building used for the housing of livestock or fowl shall be located not closer than 75 feet to an existing dwelling or other occupied structure located on an adjacent lot or 40 feet to such dwelling or structure on the same lot.

G. Pastures for the enclosure of livestock; provided, that the fence forming the boundary of a pasture shall be located not less than the minimum side setback distance within the zone from any dwelling or occupied structure located on the same or any adjacent lot. This provision shall apply only as long as the enclosed area qualifies as a pasture. If at any time the enclosed area no longer functions as a pasture, the setback provisions of subsection (F) of this section shall apply.

H. Public agency parks and playgrounds.

I. Churches.

J. Household pets.

K. Minor utility transmission projects.

L. Fences, walls and hedges subject to the requirements of MMC [18.48.140](#).

M. Temporary signs not exceeding 12 square feet advertising the sale of the premises.

N. Foster care homes containing not more than three nonrelated foster care occupants. [Ord. 1998- 99-A § 10-5-4.2.]

**18.28.030 Conditional uses.**

The following buildings, structures and uses of land shall be permitted upon compliance with the requirements set forth in this code and after approval has been given by the designated reviewing agencies (approval of other agencies or levels of government may be required):

A. Home occupations subject to the provisions of MMC [18.48.180](#) and prior approval by the Planning Commission.

B. Earth shelter home projects subject to the provisions of MMC [18.48.210](#) and the prior approval of a site plan in accordance with the provisions of MMC [18.48.200](#).

C. Residential facility for handicapped persons subject to the provisions of MMC [18.48.270](#).

D. Public schools, buildings and grounds, not including storage yards, subject to the conditions of MMC [18.48.190](#). [Ord. 1998-99-A § 10-5-4.3.]

**18.28.040 Area and width requirements.**

The minimum area and width requirements of a zoning lot shall be as follows:

Use	Minimum Area	Minimum Width
A. One- family dwellings	20,000 sq.ft.	100 feet
B. Churches	2.5 acres	200 feet
C. Schools	5 acres	200 feet

[Ord. 1998-99-A § 10-5-4.4.]

**18.28.050 Access requirements.**

Each lot shall abut upon and have direct access to a Town street. The distance of said abutting side shall be not less than the minimum width requirement of the zone except that the length of said abutting side may be reduced to not less than 70 feet when the lot fronts upon a cul-de-sac or curve in a designated Town street and the lot lines radiate in such a manner that the width of the lot will meet or exceed the minimum width requirements of the zone at a distance of 80 feet from the front setback line as measured along the side lot line. [Ord. 1998-99-A § 10-5-4.5.]

**18.28.060 Location requirements.**

A. Main Buildings. All dwellings and other main buildings and structures shall be set back in accordance with the following:

1. Front Setback. All dwellings and other main buildings shall be set back not less than 25 feet from the front lot line; provided, that on lots approved in conformance with the provisions of MMC [18.28.050](#), the front setback shall be the distance from the front lot line at which the minimum width requirements are met, but not less than 25 feet.

2. Side Setback.

a. Interior Lots. All dwellings and other main buildings including any attached carport, garage, or similar structure shall be set back not less than 15 feet from

the side lot line.

b. **Corner Lots – Side Abutting a Street.** All dwellings and other main buildings shall be set back not less than 25 feet from the side lot line which abuts on a street.

**3. Rear Setback.**

a. **Interior Lots.** All dwellings or other main buildings shall be set back not less than 30 feet from the rear lot line.

b. **Corner Lots.** All dwellings and other main buildings shall be set back not less than 30 feet from the rear lot line.

**B. Accessory Buildings.** All accessory buildings shall be located in accordance with the following:

1. **Setback from Main Building and Street Line.** Accessory buildings shall be set back not less than 20 feet from the closest part of the main building and not less than 25 feet from any lot line which abuts on a street. Accessory buildings located 20 feet or closer to a main building shall be considered as part of the main building.

2. **Side and Rear Setback – Interior Lot Line.** Accessory buildings shall be set back not less than five feet from the lot line, except that no minimum side setback shall be required when all the following conditions are met:

- a. The accessory building is located more than 25 feet from any existing dwelling on an adjacent lot;
  - b. The accessory building contains no openings on the side contiguous to the lot line;
  - c. No drainage from the roof will be discharged onto an adjacent lot;
  - d. The accessory building shall be constructed of noncombustive materials or have fire- resistive walls rated at two hours or more; and
  - e. The building will not be placed on land designated as a utility easement upon which any underground utility system or lines shall have been constructed.
- [Amended during 2010 recodification; Ord. 1998-99-A § 10-5-4.6.]

**18.28.070 Height of building.**

A. The maximum height of any building shall be 30 feet or two and one-half stories, whichever is higher. Where the ground is uneven in height, the average elevation thereof shall apply.

Chimneys, flag poles, television antennas, church towers, and similar ancillary structures not used for human occupancy shall be excluded in determining height; provided, that no

such ancillary structure shall extend to a height in excess of 15 feet above the building except when approved by the Planning Commission as set forth under MMC [18.48.200](#). The minimum height of a building used as a dwelling shall be not less than eight feet except when approved as an earth shelter home project (see MMC [18.48.210](#)). [Ord. 1998-99-A § 10-5-4.7.]

**18.28.080 Utility requirements.**

All dwellings and other structures used for human occupancy shall be served by the Town's water and sewer system in accordance with the provisions of MMC [18.48.260](#), except that the requirement for connection to one or more of the above-mentioned systems may be waived by the Town council upon a finding that: (A) connection to one or more of the above utility systems is not reasonably practicable and (B) an alternative method of providing the service to the premises has been secured (i.e., approved domestic well right, septic tank approval by health agency). [Ord. 1998-99-A § 10-5-4.8.]

**18.28.090 Dwelling requirements.**

**A. Minimum Area.** The ground floor of any one-family dwelling shall contain not less than 850 square feet of living area.

**B. Minimum Dimension.** The minimum width or length dimension of any dwelling as measured from the outside wall shall be not less than 24 feet. Nonliving spaces such as garages, porches, and sheds shall not be included in determining compliance with this requirement. [Ord. 1998-99-A § 10-5-4.9.]

## Chapter 18.32: R-2-20,000 RESIDENTIAL ZONE

Sections:

[18.32.010 Legislative intent.](#)

[18.32.020 Permitted uses.](#)

[18.32.030 Conditional uses.](#)

[18.32.040 Area and width requirements.](#)

[18.32.050 Access requirements.](#)

[18.32.060 Location requirements.](#)

[18.32.070 Height of building.](#)

[18.32.080 Utility requirements.](#)

[18.32.090 Dwelling requirements.](#)

### 18.32.010 Legislative intent.

The R-2-20,000 residential zone covers the portion of the town which is primarily suited for residential development represented by one-family dwellings, limited agricultural activities and parks, playgrounds, schools, churches, and other community facilities designed to serve the residents of the town. The zone is characterized by spacious lots, uncrowded buildings, and quiet residential conditions favorable to the rearing of children. Owners and developers of property within this zone should bear in mind that privacy is given to residential development and maintain their properties in recognition thereof. [Ord. 2018-19-2 § 1; Ord. 1998-99-A § 10-5-6.1.]

### 18.32.020 Permitted uses.

The following buildings, structures and uses of land shall be permitted upon compliance with the applicable requirements of this code:

- A. One-family conventional construction.
- B. One-family dwellings, manufactured housing, subject to the provisions of MMC [18.48.230](#).
- C. Customary residential accessory structures.
- D. Public agency parks and playgrounds.
- E. Churches.



F. Household pets, but not including kennels.

G. Minor utility transmission projects.

H. Gardens, orchards, and field crops.

I. Fences, walls, and hedges subject to the requirements of MMC [18.48.140](#).

J. Temporary signs advertising the sale of the premises not exceeding 12 square feet.

K. Foster care homes containing not more than three unrelated foster care occupants.  
[Ord. 2018- 19-2 § 1; Ord. 1998-99-A § 10-5-6.2.]

#### **18.32.030 Conditional uses.**

The following buildings, structures, and uses of land shall be permitted upon compliance with the applicable requirements of this code and after approval has been given by the designated review agency.

A. Home occupations subject to the provisions of MMC [18.48.180](#) and prior approval by the Planning Commission.

B. Public schools, buildings and grounds, not including storage yards, subject to the conditions of MMC [18.48.190](#).

C. The raising, care and keeping of limited numbers of animals and fowl for family food or recreation subject to the following:

1. Each lot or parcel upon which livestock or fowl are to be kept shall contain a designated livestock management area as defined in this code.

2. The total number of animals or fowl kept on any lot shall not exceed five animal units. (See MMC [18.08.020](#) for the complete definition; briefly, an animal unit equals one horse, one cow, four sheep, four goats, 20 chickens, 30 rabbits.) Twenty-nine thousand square feet shall be required for the first animal unit and a minimum of 20,000 square feet shall be required for each additional animal unit.

3. On any lot which contains a dwelling, the livestock management area shall not include territory required to meet the area or setback requirements for an appurtenant dwelling (i.e., the first 10,000 square feet for a one-family dwelling).

4. All corrals and pens for the enclosure of livestock and all barns, stables, coops, sheds, hutches or similar building used for the housing or confinement of livestock or fowl need to be located behind the frontal plane of the home. Also, they shall be located not closer than 75 feet to an existing dwelling or other occupied structure located on an adjacent lot or 40 feet to such dwelling or structure on the same lot. Manure has to also be removed regularly and strictly managed to control offensive odors.

5. Where the livestock management area includes a pasture, the fence forming the boundary of the pasture shall be located not less than the minimum side setback distance of the zone from any dwelling or occupied structure located on the same or any adjacent lot. This provision shall apply only as long as the enclosed area no longer functions as a pasture; the setback provisions of subsection (C)(4) of this section shall apply.

6. The parcel or any portion thereof proposed to be used for livestock raising purposes shall be first approved by the zoning administrator as a qualified livestock management area.

7. For animals other than bovine or equine, partial animal units shall be permitted, to be prorated in accordance with the amount of territory within the livestock management area.

D. Residential treatment centers. [Ord. 2018-19-2 § 1; Ord. 2017-18-1; Ord. 2009-10-1 § 1; Ord. 2004-2005-2; Ord. 1998-99-A § 10-5-6.3.]

**18.32.040 Area and width requirements.**

The minimum area and width requirements for a zoning lot shall be as follows:

Use	Minimum Area	Minimum Width (in ft.)
One-family dwellings	20,000 sq.ft.	100
Churches	2 acres	200
Schools	5 acres	200

[Ord. 2018-19-2 § 1; Amended during 2010 recodification; Ord. 1998-99-A § 10-5-6.4.]

**18.32.050 Access requirements.**

Each lot shall abut upon and have direct access to a town street. The distance of said abutting side shall be not less than the minimum width requirement of the zone except that the length of said abutting side may be reduced to not less than 60 feet when the lot fronts upon a cul-de-sac or curve in a designated town street and the lot lines radiate in such a manner that the width of the lot will meet or exceed the minimum width requirements of the zone at a distance of 40 feet from the front setback line as measured along the side lot line.

[Ord. 2018-19-2 § 1; Ord. 1998-99-A § 10-5-6.5.]

**18.32.060 Location requirements.**

**A. Main Buildings.** All dwellings and other main buildings and structures must be facing the road and set back in accordance with the following:

~~1.~~ **Front Setback.** All dwellings and other main buildings must face the road and shall be set

~~2.1.~~ **\_\_\_\_\_** back not less than 25 feet from the front lot line; provided, that on lots approved in conformance with the provisions of MMC [18.32.050](#), the front setback shall be the distance from the front lot line at which the minimum width requirements are met, but not less than 25 feet.

~~3.2.~~ **\_\_\_\_\_ Side Setback.**

a. Interior Lots. All dwellings and other main buildings, including any attached carport, garage, or similar structure, shall be set back not less than eight feet from either side lot line and the combined total distance of the two side setbacks shall be not less than 20 feet.

b. Corner Lots – Side Abutting a Street. All dwellings and other main buildings shall be set back not less than 25 feet from the side lot line which abuts on a street.

~~4.3.~~ **\_\_\_\_\_ Rear Setback.**

a. Interior lots, all dwellings or other main buildings shall be set back not less than 20 feet from the rear lot line.

b. Corner Lots. All dwellings and other main buildings shall be set back not less than ~~25~~30 feet from the rear lot line, except that where a carport or garage is attached to the rear of the dwelling, the required rear setback for said carport or garage may be reduced to not less than 12 feet as measured from the rear lot line to the closest part of the building.

**B. Accessory Buildings.** All accessory buildings shall be located in accordance with the following:

1. **Set Back from Main Building – Front Setback.** Accessory buildings shall be set back not less than 12 feet to the rear of the closest rear wall of the main building, and not less than 12 feet from the closest side wall on the main building. Accessory buildings which are located 12 feet or closer to a main building shall be considered as part of the main building. Where no main building exists on a lot, a detached accessory building shall be set back not less than 75 feet from the front lot line.

2. **Side Setback – Corner Lot, Side Abutting a Street.** Accessory buildings shall be set back not less than 40 feet from the side lot line which abuts on a street.

~~3.~~ **Side and Rear Setback – Interior Lot Line.** Accessory buildings shall be set back not less than five feet from the lot line, except that ~~no~~

a. Accessory buildings cannot be placed over a utility easement or on the primary septic sewage system on drain field or the replacement area.

a.b. No minimum side setback shall be required when all the following conditions are met:

- i. The accessory building is located more than 12 feet from an existing dwelling on the same or an adjacent lot;
- ii. The accessory building contains no openings on the side contiguous to the lot line;

iv-iii. No drainage from the roof will be discharged onto an adjacent lot;

vi-iv. The accessory building shall be constructed of noncombustible materials or have fire- resistive walls rated at two hours or more; and

vii-y. The building will not be placed on land designated as a utility easement upon which any underground utility system or lines shall have been constructed. [Ord. 2018-19-2 § 1; Ord. 2004-2005-2; Ord. 1998-99-A § 10-5-6.6.]

#### **18.32.070 Height of building.**

A. The maximum height of any building shall be 30 feet or two and one-half stories, whichever is higher. Where the ground is uneven in height, the average elevation thereof shall apply.

Chimneys, flagpoles, television antennas, and similar ancillary structures not used for human occupancy shall be excluded in determining height; provided, that no such ancillary structure shall extend to a height in excess of 15 feet above the building except when approved by the Planning Commission as set forth under MMC [18.48.200](#).

B. The minimum height of a building used as a dwelling shall be not less than eight feet. [Ord. 2018- 19-2 § 1; Ord. 1998-99-A § 10-5-6.7.]

#### **18.32.080 Utility requirements.**

All dwellings and other structures to be used for human occupancy shall be served by the town's water and sewer system in accordance with the provisions of MMC [18.48.260](#). [Ord. 2018-19-2 § 1; Ord. 1998-99-A § 10-5-6.8.]

#### **18.32.090 Dwelling requirements.**

A. Area of Dwellings. The ground floor of any one-family dwelling shall contain not less than 850 square feet of living area.

**B. Minimum Dimension.** The minimum width or length dimension of any dwelling as measured from the outside wall shall be not less than 24 feet. Nonliving spaces such as garages, porches, and sheds shall not be included in determining compliance with this requirement. [Ord. 2018-19-2 § 1; Ord. 1998-99-A § 10-5-6.9.]

## Chapter 18.36: R-1-MHP MOBILE HOME PARK ZONE

### Sections:

[18.36.010 Legislative intent.](#)

[18.36.020 Permitted uses.](#)

[18.36.030 Conditional uses.](#)

### 18.36.010 Legislative intent.

The intent in establishing the R-1-MHP mobile home park zone is to provide a location where mobile home parks can be located within the Town in a manner which will provide a suitable residential environment for both the occupants of the park and the surrounding residents. [Ord. 1998-99-A § 10-5-10.1.]

### 18.36.020 Permitted uses.

The following buildings, structures and uses of land shall be permitted in the R-1-MHP zone:

A. Any uses permitted in the R-2-20,000 zone subject to the requirements of said zone. [Ord. 1998- 99-A § 10-5-10.2.]

### 18.36.030 Conditional uses.

The following buildings, structures and uses of land shall be permitted upon compliance with the applicable requirements of this code and after approval has been given by the designated review agency:

A. Mobile home parks subject to the provisions of Chapter [18.64](#) MMC.

B. Any use permitted in the R-2-20,000 zone subject to the requirements of said zone. [Ord. 1998- 99-A § 10-5-10.3.]

**Commented [HW1]:** No area in Mayfield is designated for this zone, so this can be deleted.

Unless the Town anticipates it will one day want to make us of this zone type.

## Chapter 18.40: R&C-1 RESIDENTIAL AND COMMERCIAL (MIXED USE) ZONE

Sections:

[18.40.010 Legislative intent.](#)

[18.40.020 Permitted uses.](#)

[18.40.030 Conditional uses.](#)

[18.40.040 Area and width requirements.](#)

[18.40.050 Access requirements.](#)

[18.40.060 Location requirements.](#)

[18.40.070 Height of building.](#)

[18.40.080 Utility requirements.](#)

[18.40.090 Minimum building size requirements.](#)

[18.40.100 Special provisions.](#)

### **18.40.010 Legislative intent.**

It is the intent of this zone to provide a location within the town allowing a mixture of residential and office, retail and service commercial activities under conditions not unfriendly to either residential living or the reasonable conduct of commerce.

The zone is to be applied from 2nd South to Highway 137 towards Gunnison, Utah, and to Highway 137 towards Manti, Utah. Any commercial business must have access directly to the main road.

The zone is characterized by a mixture of one-family dwellings which can be interspersed with relatively small office buildings and retail and service/commercial structures in pleasant, landscaped settings typical of low-density residential areas.

All parking within this zone is subject to minimum off-street parking requirements set according to policy outlined in MMC [18.48.290](#).

No portion of any front setback area shall be devoted to off-street parking for any commercial or mixed use. No off-street parking area which requires backing onto the street right-of-way in order to exit shall be permitted. All ingress and egress shall be by forward motion only.

Garbage services will be provided for the residential home; commercial garbage is the

responsibility of the business.

Noise restrictions, delivery restrictions, and light restrictions may be put into effect. Any possible nuisance to the residential nature of the location may be a consideration for approval. [Ord. 2018- 19-2 § 1; Ord. 1998-99-A § 10-5-12.1.]

**18.40.020 Permitted uses.**

The following buildings, structures and uses of land shall be permitted upon compliance with the requirements set forth in this code:

- A. One-family dwellings, conventional construction.
- B. One-family dwellings, manufactured housing, subject to the provisions of MMC [18.48.230](#).
- C. Customary residential accessory structures.
- D. Public agency parks and playgrounds.
- E. Churches.
- F. Household pets, not including kennels.
- G. Minor utility transmission projects.
- H. Gardens, orchards, and field crops.
- I. Privacy fences, walls and hedges subject to the requirements of MMC [18.48.140](#), as approved by the Planning Commission.
- J. Temporary signs advertising the sale of the premises not exceeding 12 square feet.
- K. Foster care homes containing not more than four foster children in a single home with only a few exceptions that relate to sibling groups or previous placement according to Section 62A-2-116.5, Utah Code Annotated 1953.
- L. General retail stores and shops providing goods and services for sale at retail in the customary manner. Also, manufacturing and processing activities which are an integral part of and incidental to a permitted retail establishment.
- M. Office buildings are permitted with a minimum size of 850 square feet.
- N. Commercial recreation enterprises, including movie theaters, bowling alleys, recreation centers, athletic clubs, etc.
- O. Accessory signs in accordance with the provisions of MMC [18.48.300](#).
- P. Preschools and day-care nurseries subject to approval of a site plan in accordance with the provisions of MMC [18.48.200](#).

**Commented [HW2]:** The Town is wondering where they could do duplexes or four-plexes.

Duplexes could be put in 1-2 family residential zoning. Four-plexes would likely not meet those requirements and would have to be put in a condominium or apartment type of zone.

**Commented [HW3R2]:** As long as the 1-2 family residential zoning permits multi-family dwellings (which it should).



Q. Long-term care center subject to approval of a site plan in accordance with the provisions of MMC [18.48.200](#). [Ord. 2018-19-2 § 1; Ord. 1999-2000-I § 1; Ord. 1998-99-A § 10-5-12.2.]

**18.40.030 Conditional uses.**

The following buildings, structures, and uses of land shall be permitted upon compliance with the applicable requirements of this code and after approval has been given by the designated review agency:

A. Home occupations subject to the applicable provisions of MMC [18.48.180](#) and prior approval by the Planning Commission.

B. The raising, care and keeping of limited numbers of animals and fowl for family food or recreation subject to the following:

1. Each lot or parcel upon which livestock or fowl are to be kept shall obtain a designated livestock management area as defined in this code.
2. The total number of animals or fowl kept on any lot shall not exceed five animal units. (See MMC [18.08.020](#) for the complete definition; briefly, an animal unit equals one horse, one cow, four sheep, four goats, 20 chickens, 30 rabbits.) Twenty-nine thousand square feet shall be required for the first animal unit and a minimum of 20,000 square feet shall be required for each additional animal unit.
3. On any lot which contains a dwelling, the livestock management areas shall not include territory required to meet the area or setback requirements for an appurtenant dwelling (the first 10,000 square feet for a one-family dwelling).
4. All corrals and pens for the enclosure of livestock and all barns, stables, coops, sheds, hutches or similar buildings used for the housing or confinement of livestock or fowl need to be located behind the frontal plane of the home. Also they shall be located not closer than 75 feet to an existing dwelling or other occupied structure located on an adjacent lot or 40 feet to such dwelling or structure on the same lot. Manure has to also be removed regularly and strictly managed to control offensive odors.
5. Where the livestock management area includes a pasture, the fence forming the boundary of the pasture shall be located not less than the minimum side setback distance of the zone from any dwelling or occupied structure located on the same or any adjacent lot. This provision shall apply only as long as the enclosed area qualifies as a pasture. If at any time the enclosed area no longer functions as pasture, the setback provisions of subsection (B)(4) of this section shall apply.
6. The parcel or any portion thereof proposed to be used for livestock raising

purposes shall be first approved by the zoning administrator as a qualified livestock management area.

7. For animals other than bovine or equine, partial animal units shall be permitted, to be prorated in accordance with the amount of territory within the livestock management area.

C. Combined residential and commercial projects (separate commercial and residential structures located on the same parcel), subject to the approval of a site plan in accordance with the provisions of MMC [18.48.200](#).

1. Minimum lot requirement for a combined residential and commercial project will be set as three-quarters of an acre.

D. Recreation vehicle courts subject to the provisions of MMC [18.48.240](#), and the approval of a site plan in accordance with the provisions of MMC [18.48.200](#).

E. Residential facility for handicapped persons subject to the provisions of MMC [18.48.270](#).

F. Public schools, buildings, and grounds not including storage yards, subject to the conditions of MMC [18.48.190](#). [Ord. 2018-19-2 § 1; Ord. 2017-18-1; Ord. 1998-99-A § 10-5-12.3.]

**18.40.040 Area and width requirements.**

A. For churches, schools, general retail, office and commercial uses, there shall be a minimum lot area or width requirement that will be the same as the R-2-20,000 zone. The parcel shall have a width sufficient to provide reasonable and safe vehicular ingress and egress to the use and an area sufficient to accommodate the structure, landscape areas, minimum setback, required off-street parking, lot requirements, loading and unloading, all as provided on the site plan provided in accordance with the provisions of MMC [18.48.200](#).

Use	Minimum Area	Minimum Width (in ft.)
One-family dwellings	20,000 sq.ft.	100
Churches	2 acres	200
Schools	5 acres	200
<a href="#">Commercial</a>	<a href="#">¼ acre</a>	<a href="#">125</a>
<a href="#">Residential</a>	<a href="#">¾ acre</a>	<a href="#">125</a>

Commented [HW4]: Is this what the handwriting on the PDF sent over says? Please confirm.

[Ord. 2018-19-2 § 1; Ord. 1998-99-A § 10-5-12.4.]

**18.40.050 Access requirements.**

A. All dwellings and mixed-use structures shall conform to the access requirements of the R-2- 20,000 zone.

B. Each lot occupied by a retail business, office, or similar commercial use or a combined residential and commercial project shall abut upon and have direct access to a town street. The width of the abutting side shall be as shown on the approved site map. [Ord. 2018-19-2 § 1; Ord. 1998-99- A § 10-5-12.5.]

**18.40.060 Location requirements.**

All dwellings, retail, office and similar commercial structures shall conform to the side and front setback requirements of 30 feet and frontage requirement of 125 feet. [Ord. 2018-19-2 § 1; Ord. 1998-99-A § 10-5-12.6.]

**18.40.070 Height of building.**

A. The maximum height of any building shall be 35 feet or two and one-half stories, whichever is higher. Where the ground is uneven in height, the average elevation thereof shall apply. Chimneys, flagpoles, television antennas, and similar ancillary structures not used for human occupancy shall be excluded in determining height; provided, that no such ancillary structure shall extend to a height in excess of 15 feet above the building except when approved by the Planning Commission as set forth under MMC [18.48.200](#).

B. The minimum height of a building used as a dwelling shall be not less than 12 feet. [Ord. 2018- 19-2 § 1; Ord. 1998-99-A § 10-5-12.7.]

**18.40.080 Utility requirements.**

All dwellings and other structures to be used for human occupancy shall be served by the town's water and sewer system, or the town's water system and a private owner's septic system that is compliant with Central Utah Health Department guidelines, in accordance with the provisions of MMC [18.48.260](#), except in the instance of a commercial building not requiring water for nonculinary purposes. In the instance of combined residential and commercial projects, the town will require separate connections and impact fees for the commercial and residential component. [Ord. 2018-19-2 § 1; Ord. 1998-99-A § 10-5-12.8.]

Commented [HW5]: Added per Town Notes.

**18.40.090 Minimum building size requirements.**

A. Area of Dwellings. The ground floor of any one-family dwelling shall contain not less than 850 feet square feet of living area.

B. Minimum Dimension. The minimum width or length dimension of any dwelling as

measured from the outside wall shall be not less than 24 feet. Nonliving spaces such as garages, porches, and sheds shall not be included in determining compliance with this requirement.

C. Commercial buildings are restricted according to policy listed above. [Ord. 2018-19-2 § 1; Ord. 1998-99-A § 10-5-12.9.]

#### **18.40.100 Special provisions.**

**Site Plan Required for Commercial Structures to Include Proposed Landscaping.** All commercial, combined residential and commercial projects and mixed uses shall require the submission of an approval of a site plan as set forth under MMC [18.48.200](#). In addition to all other required elements, said site plan shall show the intended landscape and parking treatment of the front and side setback area and all other portions of the site proposed to be devoted to landscaping. Privacy fencing as mentioned above could apply.

**~~A.~~ Conversion of Residential Structures to Commercial Use.** Any proposal to convert an existing residential structure or portion thereof to commercial purposes shall require the submission and approval of a site plan by the Planning Commission in accordance with the provisions of MMC

**~~B.A.~~ [18.48.200](#).** Existing residential structures or portions thereof proposed to be occupied for commercial purposes shall first be made to conform to the applicable provisions of the building, mechanical, electrical, and plumbing codes for commercial structures.

**~~C.B.~~ Conversion of Commercial Structures to Residential Use.** No commercial structure shall be occupied as a residence without first having a site plan approved by the Planning Commission. Before granting approval of a site plan, the commission shall make a determination that the proposed structure conforms to all the provisions of the R-2-20,000 zone relating to residential structures, including but not limited to the setback, landscaping and off-street parking provisions.

**~~D.C.~~ Trash Storage.** No trash, used materials, or wrecked or abandoned vehicles or equipment shall be stored. Containers for trash storage of size, type, and quantity needed for a particular business will be left up to the business owner to fulfill and make arrangements for with the approved sanitation company. [Ord. 2018-19-2 § 1; Ord. 1998-99-A § 10-5-12.10.]

## Chapter 18.44: I-1 LIGHT INDUSTRIAL ZONE

Sections:

[18.44.010 Legislative intent.](#)

[18.44.020 Permitted uses.](#)

[18.44.030 Conditional uses.](#)

[18.44.040 Area requirements.](#)

[18.44.050 Width requirements.](#)

[18.44.060 Access requirements.](#)

[18.44.070 Location requirements.](#)

[18.44.080 Parking and loading requirements.](#)

[18.44.090 Area and location requirements.](#)

[18.44.100 Site plan approval required for certain nonconditional uses.](#)

[18.44.110 Utility requirements.](#)

[18.44.120 Special provisions.](#)

### **18.44.010 Legislative intent.**

The I-1 light industrial zone has been established for the purpose of providing a place where firms engaged in light manufacturing, processing, warehousing and fabrication of goods and materials can locate with minimum conflict or deleterious effect on surrounding properties and uses and with a high degree of protection from encroachment of residential and commercial uses. It is also intended in this zone to promote the economic well-being of the people and broaden the tax base.

The zone is characterized by a mixture of industrial establishments with ready access to major transportation routes and served by adequate streets, power, water and other utilities and facilities. Some of the territory designated will consist of open land intended for future industrial development. Accordingly, some of the territory will be used for agriculture or other open land uses until its industrial potential is realized.

Representative of the uses within the zone are structures utilized for light manufacturing, fabrication, processing, storage, warehousing and wholesale distribution under conditions which limit the generation of noise, vibration, smoke, odor, dust, fumes or hazard from explosion.

Residential and retail commercial developments and other activities which would be inconsistent with the use of the land for industrial purposes are not permitted in the zone.

The specific requirements necessary for the accomplishment of the purposes of the zone are hereinafter set forth. [Ord. 1998-99-A § 10.5-16.1.]

**18.44.020 Permitted uses.**

The following buildings, structures and uses of land shall be permitted upon compliance with the standards and requirements set forth in this code:

A. The manufacturing, compounding, processing, fabrication and warehousing of goods and materials; provided, that all activities shall be conducted in a manner that no fumes, smoke, noise, vibration or odor is emitted which is discernible beyond the limits of the zone boundary.

B. The raising, care and keeping of animals and fowl.

C. Production of fruit and crops in the field.

D. Buildings, silos and other structures for the storage and keeping of agricultural products and machinery.

E. Structures and buildings for the sorting, grading, packaging, storage and processing of fresh fruits and vegetables.

F. Barns, stables, corrals, pens, coops and other buildings for the care and keeping of domestic livestock.

G. Forest and plant nurseries and greenhouses.

H. Minor utility transmission projects.

I. Animal hospitals and veterinary clinics.

J. Livestock and commodity auctions.

K. Accessory advertising signs.

L. Nonaccessory advertising signs, subject to the conditions of Section 10-3-3.30.

M. Truck terminals.

N. The incidental sale of products manufactured on the premises or utilized in the manufacturing process carried out by the primary use. [Ord. 1998-99-A § 10-5-16.2.]

**18.44.030 Conditional uses.**

The following buildings, structures and uses of land shall be permitted upon compliance

with the requirements set forth in this code and after approval has been given by the designated reviewing agency (approval by other agencies or levels of government may be required):

A. Caretaker dwellings subject to the conditions set forth in MMC [18.48.220](#). [Ord. 1998-99-A § 10-5-16.3.]

**18.44.040 Area requirements.**

There shall be no minimum area requirements except that an area sufficient to accommodate location requirements, off-street parking, landscaping, loading and unloading and vehicular access shall be provided and maintained. [Ord. 1998-99-A § 10-5-16.4.]

**18.44.050 Width requirements.**

Each zoning lot shall have a minimum width of 100 feet, measured at the front property line. [Ord. 1998-99-A § 10-5-16.5.]

**18.44.060 Access requirements.**

Each zoning lot shall abut upon and have access to a street having a width and quality of construction sufficient to accommodate the type and weight of anticipated vehicles. [Ord. 1998-99-A § 10-5-16.6.]

**18.44.070 Location requirements.**

Buildings shall be set back from the lot lines as follows:

A. **Front Setback.** All buildings shall be set back not less than 25 feet; provided, that where it is proposed that the front setback area be used for off-street parking, the minimum front setback shall be increased to 40 feet.

B. **Side Setback.**

1. **Side Abutting Street.** Same as required for front setbacks.

2. **Interior Side.** All buildings shall be set back not less than 20 feet from the lot line.

C. **Rear Setback.** Same as required under side setback, interior side. [Ord. 1998-99-A § 10-5-16.7.]

**18.44.080 Parking and loading requirements.**

Each lot or parcel shall provide parking and access facilities which are sufficient to accommodate the needs of the proposed use as determined by the Town. [Ord. 1998-99-A §

10-5-16.8.]

Each lot shall provide front driving ingress and egress as well as adequate turn around on site for anticipated vehicles.

Commented [HW6]: Added per Town's notes.

**18.44.090 Area and location requirements.**

Each individual zone shall contain a minimum of five (5) acres and each zone shall abut upon and have access to a collector or arterial class road as shown on the Town's major street plan. [Ord. 1998-99- A § 10-5-16.9.]

**18.44.100 Site plan approval required for certain nonconditional uses.**

Prior to commencing operation or construction of any industrial building or the establishment of any nonconditional industrial use or building, a site plan shall be submitted to and approved by the Town in accordance with the provisions of MMC [18.48.200](#). [Ord. 1998-99-A § 10-5-16.10.]

**18.44.110 Utility requirements.**

A. Culinary Water. All caretaker dwellings and structures used for human occupancy shall be served by the Town's central water system.

B. Sewage Disposal Facilities. All buildings used for human occupancy shall be served by the Town's sewageowner's private septic disposal system.

C. Any sewage disposal system in the Town must have the approval of the Utah Department of Environmental Quality.

Commented [HW7]: Added per Town's notes.

No industrial use shall discharge any substance into the owner's sewage system which would have the effect of reducing the bacterial action of the treatment lagoons. [Ord. 1998-99-A § 10-5-16.11.]

**18.44.120 Special provisions.**

A. Uses within Buildings. All uses shall be conducted entirely within a fully enclosed building, except those uses deemed by the Town to be customarily and appropriately conducted in the open.

B. Trash Storage. No trash, used materials, or wrecked or abandoned vehicles or equipment shall be stored in an open area.

Containers for trash storage of a size, type and quantity approved by the town shall be maintained in the location as shown on the approved site plan.

C. Outside Storage Areas. All outside storage areas shall be enclosed within a fence or wall of not less than six feet in height.



**D. Maintenance of Premises.** The yards around buildings shall be kept free of debris, refuse, weeds and other flammable material which may constitute a fire hazard.

**E. Landscaping Required.** As a means of mitigating potential safety hazards or significant adverse visual impacts, the Town may require, as a condition of site plan approval, the installation of landscape features and/or peripheral landscape screens. When landscaping is required the site plan shall, in addition to all other plan elements, contain a landscape plan showing the location, types and initial sizes of all planting materials and other landscape features, and the location of required sprinkler systems. [Ord. 1998-99-A § 10-5-16.12.]

## Chapter 18.48: SUPPLEMENTARY REGULATIONS WITHIN ZONES

Sections:

[18.48.010 Intent.](#)

[18.48.020 Yard space for one building only.](#)

[18.48.030 Sale or lease of required space prohibited.](#)

[18.48.040 Each dwelling to be on a zoning lot.](#)

[18.48.050 Area of accessory buildings.](#)

[18.48.060 Accessory building prohibited as living quarters.](#)

[18.48.070 Storage of junk and debris prohibited.](#)

[18.48.080 Yards to be unobstructed – Projections excepted.](#)

[18.48.090 Exception to front and side setback requirements.](#)

[18.48.100 Clear view of intersecting streets.](#)

[18.48.110 Setback of buildings from proposed streets.](#)

[18.48.120 Additional height allowed for public buildings.](#)

[18.48.130 Drainage.](#)

[18.48.140 Fences, walls and hedges.](#)

[18.48.150 Utility buildings and structures permitted in residential zones.](#)

[18.48.160 Off-street parking.](#)

[18.48.170 Temporary uses.](#)

[18.48.180 Home occupations.](#)

[18.48.190 Public buildings and structures to be approved.](#)

[18.48.200 Site plan review.](#)

[18.48.210 Earth shelter home projects.](#)

[18.48.220 Caretaker dwellings.](#)

[18.48.230 Manufactured housing units to be placed on permanent foundation – Pier](#)

[type foundations and skirting prohibited – Exceptions.](#)

[18.48.240 Recreation vehicles and mobile homes prohibited – Exceptions.](#)

[18.48.250 Division of large lots permitted.](#)

[18.48.260 Connection to utility services required.](#)

[18.48.270 Placement and operation of residential facilities for handicapped persons.](#)

[18.48.280 Criteria for determining compliance with minimum lot width requirements.](#)

[18.48.290 Table of required minimum off-street parking.](#)

[18.48.300 Chickens.](#)

[18.48.310 Splitting lots.](#)

[18.48.320 Shipping containers, yurts and tepees used as dwellings prohibited.](#)

#### **18.48.010 Intent.**

The intent of this section is to provide for several miscellaneous land development standards which are applicable in more than one zone. The requirements of this section shall be in addition to development standards contained within the various zones. Where the provisions of this section may be in conflict with other provisions of this code, the more stringent shall prevail, except that this section shall always prevail in the subdivision context.

#### **18.48.020 Yard space for one building only.**

All required yards (setback areas) shall be situated on the same lot as the building or structure to which they apply. No required yard, area or other open space around a building or use which is needed to comply with the area, setback, or open space requirements of this code shall be considered as providing the required area, yard, setback or open space for any other building or use; nor shall any area, yard, setback or other required open space on an adjoining lot be considered as providing the area, setback, or open space requirement of a building or use. [Ord. 1998-99-A § 10-3-3.2.]

#### **18.48.030 Sale or lease of required space prohibited.**

No space needed to meet the area, frontage, width, coverage, off-street parking, frontage on a public street, or other requirement of this code for a lot or building may be sold, bequeathed, or leased apart from such lot or building unless other space so complying is provided, nor shall any land be sold which will result in an existing or future lot that does not comply with all of the provisions of this code. Any lot or parcel created in violation of this provision shall

not acquire the status of a nonconforming lot of record or otherwise be considered as a zoning lot. [Ord. 1998-99-A § 10-3-3.3.]

**18.48.040 Each dwelling to be on a zoning lot.**

Only one building which contains a dwelling shall be located and maintained on each zoning lot. [Ord. 1998-99-A § 10-3-3.4.]

**18.48.050 Area of accessory buildings.**

Accessory buildings shall cover not more than 25 percent of the required rear yard area. [Ord. 1998-99-A § 10-3-3.5.]

**18.48.060 Accessory building prohibited as living quarters.**

Living and sleeping quarters shall not be permitted in any accessory building. [Ord. 1998-99-A § 10-3-3.6.]

**18.48.070 Storage of junk and debris prohibited.**

No yard or other open space shall be used for the storage, keeping, dismantling or abandonment of junk, debris, scrap metal, building materials, inoperable motor vehicles or machinery, household furnishings and appliances, or any parts thereof, at a level which constitutes the establishment of a “junk or automobile wrecking yard,” except in those zone districts where such use is specifically permitted pursuant to the terms of this code.

For purposes of determining compliance with this section, any more than two such items on any one property shall constitute a junk or automobile wrecking yard. [Ord. 1998-99-A § 10-3-3.7.]

**18.48.080 Yards to be unobstructed – Projections excepted.**

Every part of a required yard shall be open to the sky and unobstructed except for permitted accessory buildings and except for ordinary and customary projection of sills, belt courses, cornices, and other ornamental features and unenclosed steps and unwallled stoops, porches, and carports, which may project up to three feet into a required yard. [Ord. 1998-99-A § 10-3-3.8.]

**18.48.090 Exception to front and side setback requirements.**

The setback from the street for any dwelling located between two existing dwellings may be the same as the average for said two existing dwellings, provided the existing dwellings are on the same side of the street and are located within 150 feet of each other; and provided, that no dwelling shall be located closer than 20 feet from the right-of-way or easement line of

said street. [Ord. 1998-99-A § 10-3-3.9.]

**18.48.100 Clear view of intersecting streets.**

In all zones which require a front setback, no obstruction which will prevent a clear view to automobile drivers of approaching vehicles or pedestrians shall be placed within a triangular area formed by the street property lines and a line connecting them at points 45 feet from the point of intersection of said street lines; provided, that where both intersecting streets have a right-of-way width of more than 80 feet, the required distance from the point of intersection shall be reduced to 30 feet. [Ord. 1998-99-A § 10-3-3.10.]

**18.48.110 Setback of buildings from proposed streets.**

The front or side setback for structures abutting on a proposed future street or an existing street needing to be widened, as shown on the major street plan as a future street, shall be measured from the planned street line. For purposes of determining the setback requirement and similar location standards, said planned street line shall be considered as the property line. [Ord. 1998-99- A § 10-3-3.11.]

**18.48.120 Additional height allowed for public buildings.**

Public buildings and churches in residential zones may be erected to any height, provided the building is set back from required building setback lines a distance of at least one foot for each additional foot of building height above the maximum height otherwise permitted in the zone in which the building is located. [Ord. 1998-99-A § 10-3-3.12.]

**18.48.130 Drainage.**

Surface water from rooftops shall not be allowed to drain onto adjacent lots or streets, except after written agreement between the two parties. Surface drainage from corrals, pens, or coops shall not be permitted to drain into a waterway that drains into a natural stream. [Ord. 1998-99-A § 10-3- 3.13.]

**18.48.140 Fences, walls and hedges.**

No fence, wall, hedge, or similar device extending into or enclosing all or any part of the front yard area adjacent to a street shall be constructed or maintained at a height greater than 36 inches; provided, that where the fence fabric is to be of the chain link or other open mesh type, and the fence will remain non-sight-obscuring, the maximum height may be increased to not greater than 48 inches. The maximum height of any fence, hedge, wall, or similar enclosing device situated within any other portion of a lot shall be six feet.

On corner lots the side yard area adjacent to a street may be enclosed by a fence or wall

not exceeding the maximum height; provided, that any such fence or wall will not result in the establishment of a hazardous condition and will be consistent with the provisions of MMC [18.48.100](#).

All fences and walls shall be constructed of substantial material and the design and construction shall be consistent with the quality of dwellings and other improvements within the surrounding area.

Before commencing construction, plans for all fences and walls shall first be submitted to and approved by the zoning administrator.

Where, in the opinion of the administrator, a proposed fence or wall does not conform to the above criteria, he shall refer the application to the board of appeals for action.

Any applicant aggrieved by a decision may appeal said decision to the board of appeals who shall have the authority to reverse, affirm or modify any decision of the administrator. [Ord. 1998-99-A § 10-3-3.14.]

#### **18.48.150 Utility buildings and structures permitted in residential zones.**

Utility buildings and structures such as electric buildings and substations may be constructed in all residential zones but only after approval has been given by the board of appeals as a special exception. The board of appeals may require conditions which are reasonably necessary to protect surrounding property values and residential amenities. [Ord. 1998-99-A § 10-3-3.15.]

#### **18.48.160 Off-street parking.**

A. Intent. Regulations relating to off-street parking have been established to increase safety and lessen congestion in the public streets, to provide adequately for parking needs associated with the development of land and increased automobile usage, to set standards for off-street parking according to the amount of traffic generated by each use, and to reduce the on-street storage of vehicles.

##### **B. Number of Off-Street Parking Spaces.**

1. Residential Uses. There shall be not less than two off-street parking spaces provided for each dwelling unit located on the premises.

2. Commercial and Residential Uses. The number of spaces, conditions and standards relating to access, circulation, lighting, landscaping, location, control, and continuity shall be provided in accordance with standards as established by resolution by the Town council. [Ord. 1998-99-A § 10-3-3.16.]

3. Space to be shown for trailer parking.

4. A trailer must be stored offsite and not in the public street.

Commented [HW8]: Added per Town's notes.

**18.48.170 Temporary uses.**

**A. Intent.** The following regulations are provided to accommodate certain uses which are temporary or seasonal in nature:

**B. Permitted Temporary Uses.** Certain uses may be permitted on a temporary basis in any zone when approved by the Town council. Said temporary uses may include but will not be limited to:

1. Carnivals and circuses.
2. Christmas tree sales lots.
3. Promotional displays and exhibits.
4. Fireworks sales stands (commercial zones only).
5. Itinerant merchants (commercial and industrial zones only).
6. Other uses determined by the Town council to be similar to those set forth above.

**C. Application for Temporary Use.** Prior to the establishment of any temporary use, an application for a temporary use permit shall be submitted to and approved by the Town council. Said application shall contain the following information:

1. A description of the proposed use.
2. A description of the property to be used, rented, or leased for the temporary use, including all information necessary to accurately portray the property.
3. Sufficient information to determine the yard requirements, sanitary facilities, and availability of parking space to service the proposed use.
4. A copy of the lease agreement or other evidence of the right of the applicant to occupy the proposed site.

**D. Approval Required.** The Town council may approve said application, provided the council finds:

1. That the proposed use is listed as a permitted temporary use or in the opinion of the Town council is similar to those uses permitted.
2. That the proposed use will not create excessive traffic hazards or other unsafe conditions in the area, and that if traffic control is required, it will be provided at the expense of the applicant.
3. That the proposed use shall occupy the site for a period not to exceed 10 days,

except for Christmas tree lots which shall not exceed 40 days and fireworks sales which shall be in accordance with the time limits as set forth in state law.

4. That the applicant will have liability insurance for the requested use or event.

5. That the applicant shall provide, at his own expense, for the restoration of the site to its original condition including cleanup and replacement of facilities as may be necessary.

6. That there is adequate access, provision for sanitation and solid waste disposal, and other essential elements of the proposed use.

7. That all required fees have been paid for disposal.

**E. Town Council May Delegate Approval Responsibility – Exceptions.**

the proposed use are not in compliance with the above standards, the zoning administrator shall refer the application to the Town council for their action.

1. In granting approval, the Town council may attach additional conditions as they deem appropriate to ensure that the use will not pose any detriment to persons or property. The council may also require a bond to insure that necessary cleanup or restoration work will be performed. [Ord. 1998-99-A § 10-3-3.17.]

**18.48.180 Home occupations.**

**A. Intent.** The following regulations have been established to provide minimum standards for the establishment and operation of home occupations within residential zones:

**B. Application and Approval Required.** Home occupations may be permitted by the Planning Commission following receipt of an application and subject to the following conditions:

1. Home occupations are listed as a conditional use in the zone.

2. The home occupation is conducted entirely within a dwelling and is carried on in the dwelling only by members of the residing family.

3. The home occupation does not involve the use of any accessory buildings or yard space for storage or activities outside of the dwelling.

4. The home occupation shall contain no facilities for the display of goods. Any sale of goods and services shall constitute a clearly incidental part of the operation of the home occupation.

5. No commercial vehicles are used except one delivery truck which does not exceed three- fourths ton rated capacity.



6. The home occupation is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character of the building from that of a dwelling.

7. Signs are limited to one nonflashing sign not larger in area than two square feet.

8. Not more than the equivalent of 25 percent of the ground floor area of the dwelling is devoted to the home occupation.

9. The home occupation shall obtain a business license from the Town.

10. Entrance to the home occupation from outside shall be the same entrance normally used by the residing family except when required otherwise by regulation of the State Health Department or other public agency. occupation is located and do not depreciate surrounding values as determined by the administrator.

C. Commission May Attach Conditions. In order to achieve the objectives of this code and to protect the health, safety and quality of life in the community, the Planning Commission may attach conditions to the granting of a home occupation consistent with the standards hereinabove stated.

D. Continuing Obligation – Business License Required. All home occupations shall be operated in compliance with the conditions hereinabove set forth and any conditions which may be attached as part of the approval. Upon approval of a home occupation, the applicant shall be eligible to acquire a business license to operate. Issuance of the business license shall be conditioned upon continued performance of the conditions of approval and said license shall be refused or revoked upon failure of the owner and/or operator to maintain or operate the home occupation in accordance therewith.

The approval shall be valid for the remainder of the year in which it is first granted. Thereafter the approval will be extended for successive one-year periods, commencing on July 1st of the calendar year; provided: (1) that the home occupation remains substantially the same as initially approved; and (2) that the home occupation has remained active as evidenced by the acquisition of a valid business license for the previous year. [Ord. 2023-5 § 1; Ord. 1998-99-A § 10-3-3.18.]

#### **18.48.190 Public buildings and structures to be approved.**

Prior to the construction of any building or other structure by a local governmental entity (i.e., school district, county, special service district) within the Town, a site plan for the same shall be submitted to and approved by the Town in accordance with the provisions of MMC [18.48.200](#). [Ord. 1998-99-A § 10-3-3.19.]

#### **18.48.200 Site plan review.**

Wherever the terms of this code require submission and approval of a site plan, such review shall be conducted in accordance with the following provisions:

**A. Designated Review Agency to Approve.** The Planning Commission, or such other agency as may be designated by the code, shall have the function, duty and power to approve or disapprove a project plan and to attach such modifications or conditions as may be deemed appropriate to improve the layout of the project, to ensure that the project will not pose any detrimental effect to persons or property, or to protect the health, safety, and general welfare of the citizens of the Town.

**B. Application Required.** Application for site plan approval shall be submitted in writing to the Town and shall be accompanied by maps and drawings showing the following:

1. The location of all existing and proposed buildings and structures on the site, with full dimensions showing the distance between buildings and distances from buildings to adjacent property lines.
2. The location of all parking spaces, driveways, and points of vehicular ingress and egress.
3. A landscaping plan showing the location, types, and initial sizes of all planting materials to be used together with the location of fences, walls, hedges, and decorative materials.
4. Preliminary elevations of main buildings showing the general appearance and types of external materials to be used.
5. The locations of solid waste receptacles and trash pick-up areas.
6. Evidence of satisfaction of all applicable water supply, sewage disposal and fire protection requirements, including, when applicable, the installation of fire sprinkler systems.

**C. Approval of Site Plan – Appeals Permitted.** The Planning Commission shall review the proposed site plan and shall issue a decision within a reasonable time. Any person aggrieved by a determination of the Planning Commission may request a hearing before the Town council who shall have the authority to reverse, affirm or modify any decision of the commission, provided any such appeal shall be filed within 10 days of the determination of the commission.

**D. Building Permit.** No building permit shall be issued for any use, building or structure or external alterations thereto which requires site plan approval until the provisions of this section have been complied with. Any construction not in conformance with an approved site plan shall be considered a violation of this code. Any building permit issued shall ensure that development is undertaken and completed in conformity with the plan as approved.

E. **Business License Not to Be Issued without Site Plan Approval.** No business license shall be issued for any use requiring site plan approval until such approval shall have been obtained in accordance with the terms of this section. Any license so issued shall be null and void. [Ord. 1998- 99-A § 10-3-3.20.]

**18.48.210 Earth shelter home projects.**

Earth shelter home projects will not be allowed in Mayfield Town. [Ord. 2018-19-2 § 1; Ord. 1998- 99-A § 10-3-3.21.]

**18.48.220 Caretaker dwellings.**

Caretaker dwellings may be permitted upon approval by the Planning Commission and upon a finding that a proposed dwelling complies with all of the following conditions:

- A. Caretaker dwellings are permitted within the zone.
- B. The primary use for which the dwelling is requested is permitted within the zone.
- C. In the opinion of the Planning Commission, a caretaker dwelling is reasonably necessary for the successful operation of the primary use.
- D. The caretaker dwelling is clearly incidental to the primary use.
- E. The caretaker dwelling will be located on the same site as the primary use.
- F. The dwelling will be occupied only by individuals or families employed at the site in the capacity of a caretaker or watchman. [Ord. 1998-99-A § 10-3-3.22.]

**18.48.230 Manufactured housing units to be placed on permanent foundation – Pier type foundations and skirting prohibited – Exceptions.**

- A. All manufactured dwellings proposed to be located on individual lots shall be placed on permanent footings, foundations and a continuous perimeter enclosure designed and constructed in accordance with the applicable provisions of Chapter 5 of that certain publication entitled “Guidelines for Manufactured Housing Installations” as adopted by the Town.
- B. Alternate foundation design systems as provided for under Appendix A of said publication (pier construction and ground anchor systems) and skirting materials not conforming to the standards as a permanent perimeter enclosure are specifically prohibited on any manufactured housing unit within the Town; provided, however, this subsection shall not be applicable to manufactured dwellings when placed in a mobile home park which has been approved by the Town. [Ord. 1998-99-A § 10-3- 3.23.]

**18.48.240 Recreation vehicles and mobile homes prohibited – Exceptions.**

No mobile homes will be allowed in any area within Mayfield Town limits except in a mobile home park. It shall be unlawful to place any recreation vehicle/travel trailer/camper on any lot or parcel of land and to use the same for human habitation, except a recreation vehicle/travel trailer may be placed on private property and used for human habitation if one of the following two conditions is met and a conditional use permit is obtained:

**Condition 1.** The person(s) living in the recreation vehicle/travel trailer is actively employed in the construction of a dwelling or other building within Mayfield Town and is the owner of that dwelling. The total time of that residence shall not exceed one year. A conditional use permit must be obtained from Mayfield Town prior to beginning residence.

A conditional use permit is obtained from Mayfield Town for temporary residence and time not to exceed one year. A conditional use permit application shall be completed and accompanied with the applicable fees to Mayfield Town. The conditional use permit shall have an expiration date of 12 months from the issue date. The conditional use permit is not renewable. If at any time the person(s) obtaining this permit fail to maintain compliance to Condition 1, the permit may be revoked 10 days after notification of violation by Mayfield Town.

**Condition 2.** The person(s) living in the recreation vehicle/travel trailer is using it as a temporary, recreational accommodation.

A conditional use permit is obtained from Mayfield Town for temporary residence and time not to exceed five consecutive days in any month, and not to exceed 12 days total in any month. A conditional use permit application shall be completed and accompanied with the applicable permit fees to the town. The conditional use permit shall have an expiration date of six months from the issue date. The conditional use permit is renewable.

The following requirements must be met to obtain the conditional use permit. If at any time the person(s) obtaining this permit fail to comply with any of the following six requirements, the conditional use permit may be revoked 10 days after notification of violation by Mayfield Town:

**A.** The recreation vehicle/travel trailer cannot be connected to the town culinary water system or any other public utilities on a permanent basis.

**B.** The recreation vehicle/travel trailer must have a working, self-contained septic system.

**C.** The recreation vehicle/travel trailer must remain mobile. It may not be placed on a permanent foundation.

**D.** It shall be unlawful to park or otherwise keep any recreation vehicle/travel trailer on private property in such a manner that would violate the setback requirements of Mayfield Town development code if the dimensions of any structures and the recreation vehicle/travel trailer were added together.

E. Upon the expiration or revocation of the conditional use permit, the property owner shall restore the area to its original condition and assure the property is free of debris/garbage and any damage to Mayfield Town property is restored back to its original condition, i.e., sidewalks, roads, etc.

F. The person(s) shall observe a quiet time from 10:00 p.m. to 7:00 a.m.

No more than three living-in recreation vehicle/travel trailers/campers shall be parked or stored on any private building lot within Mayfield Town at any given time.

Original Conditional Use Permit (nonrefundable)	\$50
Conditional Use Permit renewal (nonrefundable)	\$10
Conditional Use Deposit (for permanent \$500; to be returned minus any residence) (refundable) damages and/or actual cleanup costs incurred by Mayfield Town.	

[Ord. 2017-18-2; Ord. 1998-99-A § 10-3-3.24.]

**18.48.250 Division of large lots permitted.**

Where a lot or parcel, existing at the time of the adoption of this code, is at least one and eight-tenths times as wide and one and eight-tenths times as large in area as required for a lot in the zone, the board of appeals may, as a special exception, permit the division of the parcel into two lots, provided:

- A. That all access and setback requirements for the zone can be complied with without the need for variances.
- B. That the division will not constitute a circumvention of the subdivision provisions.
- C. That all required improvements are in place or properly bonded for.
- D. That in the opinion of the board of appeals, the exception may be granted without significant detriment to surrounding properties. [Ord. 1998-99-A § 10-3-3.25.]

**18.48.260 Connection to utility services required.**

All dwellings and other habitable structures shall be connected to the Town's culinary water and sewer systems.

- A. Culinary Water. A separate culinary water connection shall be required for each one-

family dwelling, for each dwelling unit in a two-family dwelling and for each separate commercial or other nonresidential structure intended for human occupancy. For multifamily dwellings and similar multi-unit developments, the Town may authorize the use of a common connection where: (1) because of the design of the structure, separate connections for individual units are not reasonably possible, and (2) the several units in the structure or project are and will remain in the same ownership.

**B. Sewage Disposal.** A separate sewage connection shall be required for each one-family dwelling, for each dwelling unit in a two-family dwelling and for each separate commercial or other nonresidential structure intended for human occupancy. For multifamily dwellings and similar multi-unit developments, the Town may authorize the use of a common connection where: (1) because of the design of the structure, separate connections for individual units are not reasonably possible, and (2) the several units in the structure or project are and will remain in the same ownership.

Where, because of topographic or other physical condition, connection to the sewer system is not reasonably possible, the Town council may approve the use of a septic tank or similar individual system. Before granting approval for use of an individual system the applicant shall provide written evidence of approval of such system from the applicable health agency. [Amended during 2010 recodification; Ord. 1998-99-A § 10-3-3.26.]

**18.48.270 Placement and operation of residential facilities for handicapped persons.**

Residential facilities for handicapped persons shall be located and maintained in accordance with the following standards and conditions:

- A. The structure conforms to all applicable building, safety and health requirements.
- B. The structure is capable of use for the purpose without structural or landscaped alterations that would change the residential character of the structure.
- C. The structure shall contain not more than eight persons, excluding the house family.
- D. No residential facility for handicapped persons shall be established or maintained within three-quarters of a mile of another existing dwelling occupied as a residential facility for handicapped persons.
- E. The operator of the facility shall provide adequate off-street parking space.
- F. The operator of the facility provides written assurances to the Town that the residents will be adequately supervised on a 24-hour basis.
- G. The operator of the facility may establish a community advisory committee through which complaints and concerns of neighbors may be addressed.

H. No person who is being treated for alcoholism, drug abuse, sex offenders, or is violent shall be housed in the structure. Placement in the structure shall not be part of or in lieu of confinement, rehabilitation, or treatment in a custodial or correctional institution.

I. The use of the structure as a residential facility for handicapped persons is nontransferable and shall automatically terminate at such time as there is any change in the character of the persons occupying the structure, it becomes devoted to a use other than that for which it was originally approved, or at such time as the structure or use fails to comply with applicable health, safety and building codes or the terms of this section. [Ord. 2018-19-2 § 1; Ord. 1998-99-A § 10-3-3.27.]

**18.48.280 Criteria for determining compliance with minimum lot width requirements.**

For purposes of determining compliance with the lot width (frontage) requirements, measurement of the lot width shall be the straight-line distance between the two side lot lines, as measured at the point on said side lot lines located 25 feet back from the front lot line. [Ord. 1998-99-A § 10-3-3.28.]

**18.48.290 Table of required minimum off-street parking.**

Use	Minimum Off-Street Parking Requirements
Single-family dwelling	Two parking spaces.
Automotive self-service station	One parking space for each 300 square feet of gross floor area plus two spaces per each gasoline pump provided.
Bowling alleys, skating rinks and similar recreational uses	Two spaces for every 1,000 square feet of floor area.
Bank, credit union or other financial institution	One space for each 400 square feet of gross floor area.
Car wash	One-half space plus two stacking spaces per each wash bay/wash facility, excluding any spaces located in the wash bay/wash facility.
Church, auditoriums, assembly halls	One space for each four seats of maximum seating capacity.
Commercial recreation (outdoor) Commercial recreation (indoor)	One parking space for each three persons, based on the maximum anticipated capacity of all facilities capable of simultaneous use as determined by the land use authority.

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Convenience store	One space for each 350 square feet of gross floor area plus two spaces per each gasoline pump provided.
Day care center/assisted care center	One space for each staff member plus one space for each attendee/patient.
Educational facility	As required for application approval by the land use authority, dependent on the type and nature of the educational facility.
Emergency care facility, medical and dental clinic	Five spaces per 1,000 square feet of office space, plus one space for each employee per shift.
Golf course, tennis courts and similar recreation areas	Determined by specific review by Planning Commission.
Hospital	Three and one-half spaces per 1,000 square feet.
Hotel/motel	One space for each sleeping unit plus one space for each employee on the regular shift.
Industrial and wholesale establishments Planned commercial development (industrial park)	Two spaces for each 1,000 square feet of gross floor area. This shall not apply to buildings to be used exclusively for storage.
Manufacturing, major and minor	One space for each person employed during regular working hours, plus one space for each company-owned vehicle.
Mortuary, funeral home	One parking space for each four fixed seats in the assembly area, plus one per each commercial funeral vehicle.
Movie theater	One space for each four seats of maximum seating capacity.
Nursing home, convalescent care center	One and one-half spaces per 1,000 square feet.
Personal services	One space for each person employed during regular working hours plus one space for each 400 square feet of gross floor area.
Professional offices, contractor's office	One space for each 400 square feet of gross floor area.



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Public uses and utilities	As approved for application approval by the land use authority, dependent on the type and nature of the facility.
Seasonal use	As approved by the zoning administrator with seasonal use application approval, dependent on the type and nature of the use.
Reception hall, reception center	One parking space for each four fixed seats in the assembly area, or one space for each 200 square feet of gross floor area, whichever is less.
Residential facility for elderly persons	Two spaces plus one for each two employees during regular hours.
Residential facility for persons with disability	One for each four residents plus one for each two employees during regular hours.
Restaurant, bars, fast food or drive-in	One space for each four seats or one space for each 100 square feet of gross floor area, whichever is less.
Retail sales and services	One space for each 200 square feet of gross floor area.
Intensive retail commercial shops selling directly to the public	Three spaces for each 1,000 square feet of floor area.
Less intensive commercial	One and one-half spaces for each 1,000
businesses, such as furniture, appliance and lumber sales	square feet of floor area.
Vehicle sales (such as automobile dealerships, used car sales, recreational vehicle sales, etc.)	An area equal to 10 percent of the display area.
Temporary use	As approved by the zoning administrator with temporary use application approval, dependent on type and nature of the use.
Warehousing, major and minor	One space for each 1,000 square feet of gross warehousing floor area.
Wholesale business	Employee parking, plus 10 percent of total employee stalls for visitor parking.

[Ord. 2018-19-2 § 1.]

**18.48.300 Chickens.**

A. Regulations. Keeping of chickens shall be limited to hens only and a landowner shall not be allowed to keep more than 25 hens per 29,000 square foot lot. Any enclosures shall comply with MMC [18.32.030](#)(C)(4). [Ord. 2023-2 § 1.]

**18.48.310 Splitting lots.**

A. Requirements. In order to obtain approval for an application to split a single lot within town boundaries, an applicant must provide the following:

1. Application form submitted along with a \$25.00 application fee;
2. Proof of ownership (title report);
3. If applicable, an affidavit stating an owner has authorized an agent to make an application on their behalf;
4. One 11-inch by 17-inch copy of the plat for review purposes; if errors are found, a revised copy must be submitted for review;
5. Each individual or entity required to sign the plat should examine the paper or digital copy before the final mylar copy is printed;
6. The final mylar plat (24-inches by 36-inches) shall be reviewed by all applicable individuals and/or entities; In addition to the requirements of Utah Code, the plat shall also include the subdivision name, fences, easements, rights-of-way, structures, utilities, irrigation lines, canals, section lines, property addresses, street names or numbers, and acreage of each parcel;
7. An 11-inch by 17-inch paper and digital (PDF format) copy of the final plat recorded with the county recorder's office shall be provided to the Mayfield Town planning office; and
8. Every signature block requires the applicable signature in order for the plat to be approved. [Ord. 2023-3 § 1.]

**18.48.320 Shipping containers, yurts and tepees used as dwellings prohibited.**

A. It is the intent of this section to limit the placement and use of any shipping container, yurt or tepee as a living unit in the town of Mayfield. This limitation is to protect the public health and safety and the aesthetic quality of the town.

B. No person shall place or cause to be placed or use or permit a shipping container, yurt or tepee as a living unit on any land in the town of Mayfield.

C. Shipping containers may be used as a shed, shop or storage unit following all setbacks requirements for the particular zone.

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**D. Shipping containers used as storage must comply with MMC [18.32.060](#)(B), Accessory Buildings.**

**E. Shipping containers must be painted a color compatible with the primary residence. [Ord. 2023-4 § 2.]**

## Chapter 18.52: NONCONFORMING BUILDINGS AND USES

Sections:

[18.52.010 Nonconforming buildings and uses may be continued – Repair permitted.](#)

[18.52.020 Damaged buildings and structures may be restored.](#)

[18.52.030 Expansion of nonconforming uses within existing structures permitted.](#)

[18.52.040 Extension \(enlargement\) and reconstruction of nonconforming buildings – Conditions.](#)

[18.52.050 Substitution of nonconforming uses.](#)

[18.52.060 Discontinuance or abandonment.](#)

[18.52.070 Reclassification of territory.](#)

[18.52.080 Nonconforming lots of record.](#)

[18.52.090 Removal of nonconforming mobile homes.](#)

### **18.52.010 Nonconforming buildings and uses may be continued – Repair permitted.**

The owners of land and buildings shall not be deprived of any use of property for the purpose to which it is lawfully devoted at the time of the enactment of this code.

Any building, structure or use of land, including but not limited to the raising of livestock, which is existing and lawful at the time of the enactment of this code, but which does not conform to the provisions of this code, shall be considered a nonconforming use and shall be allowed to continue, to the same extent and character as that which legally existed on the effective day of the applicable regulations, although such use does not conform to provisions of the code or amendment.

Repairs may be made to a nonconforming building or structure, or to a building or structure housing a nonconforming use, provided such repair: (A) shall be made in accordance with the provisions of the Town building regulations, when applicable, and (B) does not have the effect of increasing the size or altering the character of the nonconforming building, structure or use. [Ord. 1998-99-A § 10- 3-2.1.]

### **18.52.020 Damaged buildings and structures may be restored.**

A nonconforming building or structure or a building or structure occupied by a nonconforming use which is damaged or destroyed by fire, flood or other calamity or act of nature may be restored or reconstructed and the use thereof resumed; provided, that such

restoration or reconstruction: (A) is commenced within a period of two years from the date of occurrence of the damage, and (B) does

not have the effect of increasing the size of the building or structure or the floor space in excess of that which existed at the time the building became nonconforming, except when approved in accordance with the provisions of MMC [18.48.040](#).

Any such restored or reconstructed structure shall be constructed in accordance with the provisions of the current Town building regulations. [Ord. 1998-99-A § 10-3-2.2.]

**18.52.030 Expansion of nonconforming uses within existing structures permitted.**

A nonconforming use located within a building may be extended through the same building in which said nonconforming use is located, provided no structural change is made or proposed in the building for the purpose of accommodating such extension. [Ord. 1998-99-A § 10-3-2.3.]

**18.52.040 Extension (enlargement) and reconstruction of nonconforming buildings – Conditions.**

A nonconforming building or structure or a building housing a nonconforming use may be extended or enlarged or reconstructed, subject to the prior approval by the Town council, after recommendation of the Planning Commission and upon compliance with the following:

A. The proposed extension or replacement shall be located entirely on the same lot or parcel as the present nonconforming structure and will conform with all existing setback and location requirements.

B. The applicant shall submit a detailed site plan showing the location of existing and proposed structures on the site and in the vicinity, existing lot boundaries, roads, driveways, parking areas, utilities, and other significant features on the site and in the immediate vicinity.

C. A finding made by a majority vote of the council that:

1. The proposed enlargement or extension will not significantly alter the character of the building or use or its impact upon the area.
2. The building or use, if extended, will not have the effect of diminishing the value of property or the quality of the living environment of adjacent properties.
3. The proposed enlargement will not significantly increase the number of vehicles or pedestrians, or result in the establishment or increase of a safety hazard to the area.
4. The proposed enlargement will not result in the establishment of a condition

incompatible with the neighborhood area and the stated objective of the zone in which it is located.

The council may attach such conditions to its approval as are necessary to adequately protect the property and uses in the surrounding territory and the intent of the zone, including but not limited to the providing of off-street parking, access ways, landscaping features and additional setback of structures. [Ord. 1998-99-A § 10-3-2.4.]

**18.52.050 Substitution of nonconforming uses.**

A nonconforming use or building may be changed to a conforming use or building. Any nonconforming building or use which has been changed to a conforming building or use shall not thereafter be changed back to a nonconforming use.

A nonconforming use of a building or lot shall not be changed to another nonconforming use whatsoever. Changes in use shall be made only to a conforming use. [Ord. 1998-99-A § 10-3-2.5.]

**18.52.060 Discontinuance or abandonment.**

A nonconforming building or structure or portion thereof, or a lot occupied by a nonconforming use which is, or which hereafter becomes, abandoned or discontinued for a continuous period of two years or more, shall not thereafter be occupied, except by a use which conforms to the regulations of the zone in which it is located; provided, the Town council may, upon appeal, authorize the re-establishment of a nonconforming use which has been discontinued for a period longer than provided herein, where the weight of evidence clearly shows that the owner had no intention to terminate the nonconforming use and that the longer period of discontinuance was beyond the control of the owner. [Ord. 1998-99-A § 10-3-2.6.]

**18.52.070 Reclassification of territory.**

The provisions pertaining to nonconforming uses of land and buildings shall also apply to land and buildings which hereafter become nonconforming due to an amendment of this title or the zone map. [Ord. 1998-99-A § 10-3-2.7.]

**18.52.080 Nonconforming lots of record.**

A building permit may be issued for construction of a single-family dwelling on any lot or parcel of land, even though such lot or parcel does not comply with the area or width requirements for one-family dwellings within the zone, subject to compliance with all of the following:

A. The lot or parcel qualifies as a nonconforming lot of record (existed as a separately described parcel on the records of the county recorder prior to the effective date of the

ordinance codified in this title) and the parcel does not constitute an illegal subdivision lot;

**B. One-family dwellings are listed as a permitted use in the present zone; and**

**C. All setbacks, height, building size and special provision requirements of the existing zone and all applicable supplementary regulations can be met. [Ord. 1998-99-A § 10-3-2.8.]**

**18.52.090 Removal of nonconforming mobile homes.**

Whenever a nonconforming mobile home is removed from an individual lot, said lot may not be subsequently occupied except by a use or structure which conforms to the requirements of this title. [Ord. 1998-99-A § 10-3-2.9.]

## Chapter 18.56: LARGE-SCALE DEVELOPMENTS

Sections:

[18.56.010 Intent.](#)

[18.56.020 Large-scale developments permitted.](#)

[18.56.030 Planning, design and documentation.](#)

[18.56.040 Construction requirements.](#)

[18.56.050 Procedure for approval of a large-scale development.](#)

### 18.56.010 Intent.

The intent and purpose of the large-scale development provisions of this code shall be:

- A. To facilitate the orderly development of the Town in accordance with the Town's comprehensive plan.
- B. To permit developers to vary density, architectural styles and building forms on a project-by- project basis, rather than on the basis of traditional zoning concepts.
- C. To reduce the tax burden for special services, the costs of which can be more appropriately charged to property owners within the developments.
- D. To facilitate a more economical arrangement of buildings, circulation systems, land use, drainage, and utilities than would otherwise be possible.
- E. To promote superior maintenance of buildings and jointly owned open space and facilities within the development, through the use of agreements between the Town and homeowners or property owners associations.
- F. To facilitate proper development of otherwise derelict and inaccessible parcels.
- G. To establish more definitively the rights, duties, and responsibilities of land developers and unit owners with respect to the development and maintenance of large-scale projects.
- H. To coordinate the requirements of the Condominium Enabling Act and the Planning Enabling Act. [Ord. 1998-99-A § 10-6-1.1.]

### 18.56.020 Large-scale developments permitted.

The following types of large-scale developments may be constructed within the Town, but may be located only in the zone(s) in which such development is listed as a permitted conditional use:



A. Planned unit developments.

B. Condominium projects.

C. Mobile home parks. [Ord. 1998-99-A § 10-6-1.2.]

**18.56.030 Planning, design and documentation.**

The layout and design of all large-scale developments and all plans, plats, documents, agreements, brochures, statements, and other submissions shall be prepared in accordance with the provisions of this code and Town standards as directed by the Planning Commission or their authorized representative. [Ord. 1998-99-A § 10-6-1.3.]

**18.56.040 Construction requirements.**

A. **Developer Must Construct Improvements in Accordance with Plans.** All individual large-scale developments shall be constructed in accordance with the approved final plans and all final plans, plats, documents, and agreements shall be binding on the developer, his successors, grantees, and assignees and shall limit the use of the land in the development as set forth in the approved plans, documents and agreements. In the event that the developer performs construction work which is not in accordance with approved final plans, the Town engineer or other authorized representative shall cause further work to be discontinued and the Town council shall obtain compliance or shall revoke all permits relating thereto.

B. **Developer Must Construct Improvements within Permitted Time Period.** All improvements required under the terms of the applicable type of large-scale development shall be constructed within the time period specified for the duration of the guarantee of performance, except that the Town council, upon recommendation of the Planning Commission, may require the developer to install the landscaping on all or part of the common open space or to construct other specific required improvements on all or part of an approved large-scale development within a time period which is less than the maximum time period specified but which shall not be less than six months from the date of said approval. If no development has occurred pursuant to the adopted plan within 12 months after the date of final approval, the Town council may revoke any building permits issued and may repeal all prior approvals of the development.

C. **Stage Construction Permitted.** Development may be carried out in progressive stages, provided assurance is given to the Town council that the requirements and intent of this code with respect to each stage shall be fully complied with. Each stage shall be considered as a separate application. [Ord. 1998-99-A § 10-6-1.4.]

**18.56.050 Procedure for approval of a large-scale development.**

The procedure to be followed in securing approval of a large-scale development project shall

be as follows:

**A. Presubmission Conference.** Any person desiring to undertake a large-scale development project within the Town shall meet with the Planning Commission or their designated representative to

discuss the basic concept of the proposed large-scale development and to obtain information concerning the Town's requirements for approval and construction. The purpose of the conference is to acquaint the developer with the range of opportunities for development under the large-scale development provision, and also to ensure that the developer is fully aware of the approval procedure, the requirements and standards for design and construction of the project and the content of the required documents and statements.

**B. Preapplication Conference.** The developer shall prepare and present to the Planning Commission or their designated representative:

1. A sketch plan(s) and general written description of the project.
2. A summary of data required to be included in the information brochure.
3. A statement indicating the present ownership status of the land.

The purpose of the conference is to provide informal assistance to the developer in the preparation of the plans early in the process. The Town may suggest changes in the proposed layout or brochure data in order that the project may be more fully consistent with the Town's comprehensive plan and also with the Town's development regulations and policies.

The sole purpose in holding the conference shall be to aid the developer in the preparation of his plans and documents. In no way shall the conference or any of the suggestions made therein be construed to constitute approval of the plan.

**C. Developer Prepares Preliminary Plans and Documents and Submits to Town.**

Following the preapplication conference the developer shall prepare and submit the required preliminary plans and documents to the Planning Commission or its designated representative. The materials submitted shall include:

1. An application for approval of the large-scale development.
2. Four copies of all required preliminary plans, documents, and statements.
3. Evidence of payment of the required review fee.
4. Evidence of compliance with the water rights conveyance requirements of this code.

The application and all other material must be submitted at least 15 days prior to the meeting

of the Planning Commission at which it is to be considered.

**D. Planning Commission Reviews and Takes Action on Preliminary Plans and Documents.**

The Planning Commission shall review the preliminary plans, documents, and statements and shall act to approve or disapprove the proposal or approve it subject to modification.

The action of the Planning Commission shall be communicated to the Town council within 30 days following first consideration of the application.

Approval by the Planning Commission shall not constitute final approval of the project but shall be deemed as a positive recommendation to the Town council that a public hearing on the proposed project be advertised and held and the project approved.

**E. Town Council Reviews Plans and Documents and Calls Public Hearing.** The Town council shall review the preliminary plans, documents, and statements as recommended by the Planning Commission and shall advertise and hold a public hearing on the proposed project. Said hearing shall be called in the same manner as an amendment to this code.

**F. Town Council Takes Action on Plans and Documents.** Following the public hearing, the Town council shall act upon the preliminary plans and documents to approve, disapprove, or approve subject to modification.

If disapproved, no further action is required. If approved subject to modification, the plans, documents and statements shall be returned to the Planning Commission with instructions that the developer should modify the plans and/or documents in accordance with required changes and to resubmit the modified proposal to the Planning Commission for its further review and recommendation.

If approved, the preliminary plans and documents shall be returned to the Planning Commission with instruction to authorize the developer to proceed to prepare and submit the final plans and documents through the Planning Commission.

Upon passage of a motion by the Planning Commission and Town council to approve the preliminary plans and documents, the Town shall be committed to grant final approval of the final plans and documents upon compliance with all procedures, standards, requirements, and any conditions attached to said approval relating to the applicable large-scale developments.

The preliminary plans and documents shall be valid for 12 months from the date of action by the Town council. The time limit may be extended for an additional year upon approval by the Planning Commission. Any extension of time shall be officially requested in writing and submitted to the Planning Commission office 31 days prior to the end of the 12-month preliminary approval period.

No construction shall be permitted until final approval of the development has been obtained.

**G. Developer Prepares and Submits Final Plats, Plans and Documents.** After receiving authorization to proceed, the developer shall prepare and submit to the Planning Commission:

1. Application for final approval.
2. One reproducible tracing and three copies of the final plat, where applicable.
3. Three copies of the final plans.
4. Three copies of the final documents and statements.
5. Three copies of an itemized estimate of the cost of constructing the required improvements.
6. Evidence of payment of review and recording fee.
7. Documents conveying evidence of compliance with water rights requirements of the Town.
8. A policy of title insurance or preliminary report of title verifying that the owners listed in the owner's dedication certificate of the final plat have sufficient control over the premises to effectuate said dedication without boundary exceptions.

All submissions shall be prepared in accordance with Town standards. In order for the development to be placed on the agenda, the final plans, plat, and documents must be submitted to the Planning Commission office at least seven days prior to the meeting at which the plans are to be considered.

**H. Planning Commission Acts on Final Plat, Plans, Documents and Statements.** When the plans, plat, documents, cost estimates, and other materials required for approval have been completed in final form, the developer may make application to the Planning Commission and the Planning Commission will grant final approval after reviewing the final plan and ascertaining that:

1. The final plans conform with the conditions of the preliminary approval.
2. The final plat complies with the requirements and standards relating to the applicable type of large-scale development.
3. The final documents and statements comply with the standards relating to the applicable type of large-scale development.
4. The estimates of cost of constructing the required improvements are acceptable.
5. Tax liabilities of the common open space (wherever a large-scale development involves the reservation of common open space) have been determined.

6. The proposed performance guarantee is in accordance with the provisions of Chapter [18.72](#) MMC and is in an amount sufficient to cover the cost of the outstanding required improvements.

Upon a finding of approval, the chairman shall be authorized to sign required final plats.

I. Developer Submits Performance Guarantees. Upon approval by the Planning Commission, the applicant shall proceed to make arrangements suitable to the Town for posting a bond or other

financial assurance guaranteeing construction of all uncompleted required improvements. Said performance guarantee shall be in conformance with the provisions of Chapter [18.72](#) MMC.

J. Town Council Acts on Final Plans, Plats, and Documents. After the Planning Commission has approved the final plans, plat, documents, and other materials, a copy of the same shall be submitted to the Town council for its approval. The council will review said materials and also the proposed performance guarantees and, subject to a properly presented motion, may approve said plans; execute all appropriate documents, agreements and final plats; and accept all public dedications.

Final approval shall be by adoption and publication of an ordinance of approval. Said ordinance shall show and identify the area included within the development and shall constitute an amendment of the ordinance and zone map. Upon adoption and publication of the ordinance of approval, the specific requirements of the underlying zone shall be considered modified in conformance with the plans, plats, documents, and agreements as approved by the Town council.

K. Town Records Plats and Documents. Upon acceptance of the performance guarantees, compliance with any conditions of approval, receipt of all executed documents and passage and publication of the amending ordinance, the Town shall record all final plats, documentation and agreements in the office of the county recorder and shall notify the developer to proceed with construction.

L. Amendments. The plans, plats, documents and statements may be amended by following the same procedure required for initial approval. No change shall be made which is contrary to the intent of the Town's land use plan or the standards and requirements of this code. Any amendment of a recorded final plat which also qualifies as a subdivision shall not be approved or recorded until the existing recorded plat has been vacated. [Ord. 1998-99-A § 10-6-2.]

## Chapter 18.60: PLANNED UNIT DEVELOPMENT (PUD)

Sections:

[18.60.010 Intent.](#)

[18.60.020 Permitted uses.](#)

[18.60.030 Approval procedure.](#)

[18.60.040 Project evaluation guidelines.](#)

[18.60.050 Special provisions for one-family and two-family \(duplex\) projects.](#)

[18.60.060 Special provisions for multiple-family projects.](#)

[18.60.070 Improvement requirements.](#)

[18.60.080 Document requirements.](#)

### **18.60.010 Intent.**

The intent of the PUD provisions of this code is:

A. To provide an alternative form of development for residential housing projects within the Town which permits increased flexibility and encourages ingenuity in design while preserving a quality of residential amenities equal or superior to that possible under conventional subdivision requirements. In order to qualify for approval as a planned unit development, it must be demonstrated that the proposed project will: (1) adequately recognize and incorporate natural conditions present on the site; (2) efficiently utilize the land resource and provide increased economy to the public in the delivery of municipal services and utilities; (3) provide increased variety in the style and quality of residential dwellings available within the Town; (4) preserve open space to meet the recreational, scenic, and public service needs; and (5) do all the above in a manner which is consistent with the objectives of the underlying zone and under conditions which will result in the creation of a residential environment of sustained desirability.

B. To establish criteria and standards for the design of such development projects by developers and also guidelines for their evaluation by the Town.

C. To clearly establish the relationship of the Town and the developer with respect to the review and approval of such projects.

D. To set forth the duties and responsibilities of developers and residents with respect to the approval, construction, and maintenance of such projects.

Anyone not wishing to comply with the provisions of this chapter or conditions which may be

attached by the Town, as authorized herein, may proceed to develop under the requirements for conventional subdivisions as provided elsewhere in this code. [Ord. 1998-99-A § 10-6-3.1.]

**18.60.020 Permitted uses.**

The following buildings, structures and uses of land may be permitted within a PUD:

- A. Any use permitted within the underlying zone and those authorized under this section.
- B. Common areas and recreational facilities for the use and enjoyment of the residents.
- C. Driveways, streets, fences, walls, utility systems and facilities, common storage areas, landscape features and similar uses and structures incidental to the main use. [Ord. 1998-99-A § 10-6-3.2.]

**18.60.030 Approval procedure.**

Anyone desiring to obtain approval to construct a planned unit development shall follow the procedure in MMC [18.56.050](#) ([Large Scale Development](#)). [Ord. 1998-99-A § 10-6-3.3.]

**18.60.040 Project evaluation guidelines.**

The Planning Commission shall review the proposal and may recommend approval upon finding that:

- A. All plans, documents, and other materials required for consideration have been submitted in a form suitable for evaluation.
- B. The plan conforms in all respects to the applicable design standards and criteria.
- C. The site is suitable for development of the proposed PUD and the project will be consistent with existing development in the vicinity and compatible with the master plan for the area.
- D. The arrangement of the buildings, roadways, open space and other project elements will result in a safe and attractive living environment equal or superior to that which would be produced under lot-by-lot development.
- E. The project, if developed, will accomplish the objectives for PUDs as stated under MMC [18.60.010](#).

The Planning Commission may require changes in the plan in order to more fully accomplish the intent of the PUD provisions. Such changes may include, but are not limited to, adjustments in the density or the number of structures, relocation of project elements, redesign of the road system, increase in the amount of open space and provisions for the

disposal of surface water drainage. [Ord. 1998-99-A § 10-6-3.4.]

**18.60.050 Special provisions for one-family and two-family (duplex) projects.**

**A. Area, Density and Lot Size.**

1. The requirements for area, density, and lot size within a one-family or two-family PUD project shall be as set forth in the following schedule:

Zone	Min. Area in Project (in Acres)	Max. DU/Structure	Max. Density (DU/Acre – Net Area)	Min. Lot Size (sq. feet)
R-2-20,000	3	2	5	7,500
R-4-7,500 and R&C-1				
1-family	3	1	5	7,500
2-family (duplex)	3	2	7	5,500

Commented [MH9]: Formatting

2. All portions of a proposed project devoted to streets or travel easements shall be excluded in determining compliance with the allowable density and common open space requirements (net area), but are included in meeting the minimum project area requirements.

Commented [HW10]: The Town wrote that these zoning requirements won't work with septic tanks. Let us know what you'd like to see these min lot size requirements changed to.

3. The density standards shown above (column 4) are the maximum which may be permitted under any circumstance. The Town may allow a project to contain the maximum number of units when, in its opinion, the shape of the parcel and natural conditions present on the site are such that the parcel is capable of accommodating the maximum number and the proposed design provides a high degree of compatibility with existing development in the vicinity and is consistent with the intent of both the underlying zone and the planned unit development provisions.

4. Subsequent additions to the project may contain less than the minimum project area as set forth in the above table; provided, that the addition represents a logical extension of the project and all other requirements are met.

**B. Design Criteria.**

1. Streets and Pedestrian Ways. All streets shall contain a right-of-way not less than 50 feet in width which shall be improved in accordance with Town standards for both vehicular and pedestrian travel and dedicated to the Town.

2. Width of Lot. Each interior lot shall be not less than 60 feet in width for a one-family dwelling and 80 feet in width for a two-family dwelling, as measured at the designated setback line. Corner lots shall be not less than 10 feet greater in width.



3. Access to Lots. Each lot shall abut upon and have access to a Town street. The distance to said abutting side shall be not less than 60 feet except that the length of said abutting side may be reduced in accordance with the following:

- a. The side abutting the street may be reduced to not less than 30 feet when the lot fronts upon a cul-de-sac or curve and the side lot lines radiate in such a manner that the width requirement will be met at a distance of not more than 45 feet from the abutting front line; or
- b. The side abutting the street may be reduced to not less than 20 feet when the lot qualifies and is approved as a “flag lot.”

4. Setback of Building. All dwellings shall be set back in accordance with setback lines shown on the final site plan; provided, that said setback lines shall be established in accordance with the following criteria:

- a. Front Setback. A minimum of 25 feet as measured from the street right-of-way line.
- b. Side Setback – Corner Lot. A minimum of 25 feet as measured from the street right-of-way line adjacent to the side lot line.
- c. Side Setback – Interior Lot Lines. A minimum of five feet with a combined total for the two side yards of 15 feet, except that when part of a zero-lot line or duplex project, the setback requirement on the zero-lot line or common wall side shall be reduced to zero. [Ord. 1998-99-A § 10-6-3.5.]

**18.60.060 Special provisions for multiple-family projects.**

**A. Area, Density and Dwelling Units per Structure.**

1. The requirements for area, density and dwelling units per structure shall be as follows:

Zone	Min. Area in Project (in Acres)	DU/Structure		Max. DU/AC
		Min.	Max.	
R-4-7500	2.5	3	4	13

2. All portions of a proposed project devoted to streets or travel easements shall be excluded in determining compliance with the allowable density and common open space requirements but are included in meeting the total project area requirements.

3. Subsequent additions to a project may contain less than the minimum project area required under the table; provided that said addition represents a logical extension of the project and that all other requirements are met. The density standards shown in columns 3 and 4 of the above table are the maximum which may be permitted under any circumstance. The Town may allow a project to contain the maximum number of

**Commented [HW11]:** The Town noted that these requirements will also not work with septic tanks. Let us know if there are specific material changes you would like to see here.

units and/or the maximum dwelling units per structure when in its opinion the shape of the parcel and the natural conditions present on the site are such that the maximum conditions may be granted and that the proposed design provides a high degree of compatibility with existing development in the vicinity and is consistent with the intent of both the underlying zone and the PUD provisions.

**B. Design Criteria.**

**1. Streets and Vehicular Travelways.**

a. The project shall be served by an internal travelway system which provides safe and convenient access to each dwelling unit and adequate circulation within the project.

b. The Town may accept dedication of major access roads within the project. Any roads proposed for dedication to the Town shall: (i) be constructed in accordance with Town street standards, (ii) be designated to provide continuous forward motion through the project except for approved cul-de-sacs, (iii) not provide direct access to any individual off-street parking spaces.

c. Private travelways shall provide safe and convenient vehicular movement to and from all off-street parking spaces. Private travelways shall be not less than 22 feet in width except that when serving as the driveway for eight parking spaces or less, the portion of the driveway not abutting off-street parking spaces may be reduced to 18 feet in width.

**2. Off-Street Parking and RV Storage.**

a. Off-street parking shall be provided at the rate of two resident parking spaces per dwelling unit plus 0.25 spaces per unit for visitor parking. All resident parking spaces shall be located within 100 feet of an entrance door to the dwelling unit they are intended to serve.

b. All parking spaces and areas shall be designated and constructed in accordance with Town standards.

c. Not less than one space shall be covered and designated for the exclusive use of a specific unit.

d. Each project shall contain an area for the storage of recreation vehicles in the amount of 150 square feet per dwelling unit. Said area shall be lighted and enclosed within a fence or wall not less than six feet in height and shall be readily accessible from the development street system. Said area may also include enclosed storage units for the use of the residents.

**3. Building Location.**

a. Buildings shall be separated from one another a distance of 20 feet or one foot for each foot in height, whichever is greater.

b. Buildings located adjacent to public streets shall be set back a minimum of 30 feet as measured from the right-of-way or pedestrian way line, as applicable.

c. No building containing a dwelling or otherwise used for human habitation or a building having a height of 15 feet shall be located closer than 20 feet to any adjacent property line.

4. **Common Open Space – Sealed Surface.** Not less than 15 percent of the net area of the development shall be retained as common open space, parks, playgrounds, and recreational facilities for the use and benefit of the residents. Land proposed to be used for parking, pedestrian walkway area, driveways, RV storage, private open space or land surrounding structures required to conform with building location or setback requirements and isolated small parcels not practically useful or accessible to the residents shall not be included in meeting this open space requirement.

5. **Private Open Space.** Each unit shall have a private outdoor living area as follows:

a. **Ground Floor Dwellings.** Each dwelling shall have an appurtenant private patio, atrium or similar open space having a minimum area of 300 square feet and a minimum dimension of 12 lineal feet. Such space shall be designed for the sole enjoyment of the dwelling occupants and shall be directly accessible from a room within the dwelling. The Town may require that said area be enclosed with a fence, wall, or similar enclosure to provide privacy.

b. **Above Ground Dwellings.** Each dwelling shall have an appurtenant private balcony having a minimum area of 200 square feet and a minimum dimension of eight lineal feet.

6. **Private Storage Space.** Each dwelling shall have not less than 225 cubic feet of enclosed, waterproof and lockable private storage space adjacent to or within the immediate vicinity of the unit. Said space may be located within the private open space area provided for under subsection (B)(5)(a) of this section, in conjunction with and as an integral part of the covered parking structure required under subsection (B)(2)(d) of this section, or other location approved by the Town.

7. **Landscaping.** All area not otherwise occupied by buildings, parking, roadways, etc., shall be landscaped. Watering of vegetation is required.

8. **Sealed Surface.** Notwithstanding any of the above, not more than 50 percent of the gross area of any development shall be covered by buildings, paving or other surface which would prohibit the downward percolation of surface water.

9. **Solid Waste Disposal.** The development shall provide solid waste disposal

facilities as follows:

a. **Common Disposal Facilities.** Where common disposal facilities are to be used, they shall be conveniently available to all dwelling units and readily and safely accessible to maintenance equipment and shall be enclosed with solid fences or walls not less than six feet in height.

b. **Individual Disposal Facilities.** Where the project design permits, individual waste disposal methods may be used.

**10. Perimeter Fencing.** The outer perimeter of the project shall be enclosed in a continuous fence or wall having a height of approximately six feet in height; provided, that this provision may be waived along boundaries which are adjacent to or abutting upon a street or travelway.

**11. Utilities.**

a. **Culinary Water.** Each dwelling unit shall be served by the Town's water system. The Town may require individual water connections and meters for each unit or, at their discretion, may authorize the use of oversize connections and a master meter for the project. Each unit shall be equipped with an easily accessible shutoff valve.

b. **Sewer.** Each unit shall be connected to the ~~Town's~~owner's sewer system either by an individual or common lateral, whichever is determined applicable by the Town.

c. **Irrigation Water.** The project shall be served by the pressurized irrigation system.

d. **Utilities to Be Underground.** All utility systems shall be placed underground. [Amended during 2010 recodification; Ord. 1998-99-A § 10-6-3.6.]

#### **18.60.070 Improvement requirements.**

The following improvements shall be constructed by the developer in each planned unit development in accordance with Town standards:

**A. Streets and private travelways shall be graveled and hard-surfaced.**

**B. Curbs, gutters, and sidewalks.**

**C. Drainage and flood control structures and facilities.**

**D. Water and sewer mains (on site and off site).**

**E. Extensions to pressurized irrigation system.**

**F. Fire hydrants.**

G. Electric, telephone and cable TV (to be placed underground).

H. Landscaping in the common area and walkways as well as in playground areas.

I. Fences, walls, and all other common areas, facilities, systems, and structures proposed for the development as shown on the final plans.

J. Common storage area (when provided).

K. Street lighting and signs.

Developers may install other improvements; however, the construction of other improvements shall not be required as a condition of approval of a PUD project. [Ord. 1998-99-A § 10-6-3.7.]

#### **18.60.080 Document requirements.**

The following documents shall be prepared and submitted by the developer for each PUD project:

A. Article of incorporation for homeowners' association.

B. Corporation bylaws.

C. Covenants, conditions, restrictions and management policies.

D. Management agreement.

E. Open space easement.

F. Sales brochure.

G. Evidence of satisfaction of requirements relating to the pressurized irrigation system (as applicable).

Where, in the opinion of the Town, a particular document required herein is inapplicable for the particular project proposed the Town may waive the requirement for submitting said document. [Ord. 1998-99-A § 10-6-3.8.]

## Chapter 18.64: MOBILE HOME PARKS

### Sections:

[18.64.010 Intent.](#)

[18.64.020 Permitted uses.](#)

[18.64.030 Area and density.](#)

[18.64.040 Approval procedure.](#)

[18.64.050 Plans required.](#)

[18.64.060 Design standards and criteria.](#)

[18.64.070 Improvement requirements.](#)

[18.64.080 Required documents.](#)

[18.64.090 Special provisions.](#)

### 18.64.010 Intent.

The intent of these regulations is to establish guidelines dealing specifically with design, construction and operation of mobile home parks. These provisions shall be supplemental and in addition to the general requirement for large-scale developments. [Ord. 1998-99-A § 10-6-5.1.]

### 18.64.020 Permitted uses.

Permitted uses within a mobile home park shall be limited to the following:

- A. One-family mobile homes and manufactured homes.
- B. Caretaker dwellings.
- C. Customary accessory uses including, but not limited to, carports and storage buildings on individual pad sites for use by the occupants. Also, park and recreation areas, office structures, laundries and similar service facilities incidental to the operation of the park. [Ord. 1998-99-A § 10- 6-5.2.]

### 18.64.030 Area and density.

Mobile home parks shall have a minimum area of two and one-half acres and a maximum density of seven dwelling sites per acre. [Ord. 1998-99-A § 10-6-5.3.]

**18.64.040 Approval procedure.**

Same as required under MMC [18.56.050](#). [Ord. 1998-99-A § 10-6-5.4.]

**18.64.050 Plans required.**

Preliminary plans of mobile home parks shall be submitted to the Planning Commission. Said plans shall show the following information:

- A. Proposed layout of the park.
- B. Location and site of mobile homes, pad sites and other buildings and structures.
- C. Location and site of existing and proposed water, secondary irrigation and sewer lines and other utilities.
- D. Typical cross-sections of roads.
- E. Location and dimensions of curbs and sidewalks.
- F. Drainage features showing how the surface drainage will be handled.
- G. Layout and location of improvements of a typical mobile home space.
- H. General planting plans showing the areas to be landscaped and the types of plants and architectural features to be used.
- I. Tabulations showing:
  - 1. Total number of acres in the proposed development.
  - 2. Number of mobile homes.
  - 3. Number of mobile homes per acre.
  - 4. Number of off-street parking spaces.
  - 5. Percentage of the area to be used for off-street parking.
  - 6. Percentage of area to be devoted to roadways.
  - 7. Percentage of area to be devoted to parks, playgrounds, and other common facilities.
  - 8. Any other data or information required by the Planning Commission. [Ord. 1998-99-A § 10-6- 5.5.]

**18.64.060 Design standards and criteria.**

A. There shall be architectural unity and harmony within the development and with the surrounding area.

B. Grouping and spacing of pad sites and buildings shall provide for a restful and uncrowded environment. Landscaped area, rather than off-street parking areas, shall be the dominant feature of the development.

C. Not less than 10 percent of the gross area of the project shall be designated for parks and playgrounds for the use of occupants. The land covered by vehicular roads and off-street parking and the yards surrounding mobile homes which constitute open space appurtenant to individual mobile home sites and area devoted to service buildings shall not be included in computing the required area for parks and playgrounds.

D. All mobile home buildings used for human occupancy when completed shall be served by a water system and sewage disposal system which have been approved by the Town health authority.

E. Each pad site shall be served by the pressurized irrigation system.

F. The mobile home park shall be in one ownership and shall remain in one ownership.

G. A combined area of at least 100 square feet for each mobile home space shall be provided for the storage of boats, campers, etc. Said storage must be enclosed within a sight-obscuring fence of six to eight feet in height.

H. Off-street parking space shall be provided at the rate of two parking spaces per mobile home space contained within the park.

I. At least two foot-candles lighting shall be required along all roadways.

J. All mobile homes shall be set back at least 10 feet from all roadways which are part of the development and at least 30 feet from any public street.

K. Roadways (curb to curb) must be of adequate width to accommodate anticipated traffic as follows:

1. Minor Roadways. For two-way traffic where parking is allowed on only one side of the roadway, at least 30 feet in width.

2. Collector and Entrance Roadways. At least 36 feet in width.

L. Roll type curbs must border the sides of streets.

M. A strip of land at least 15 feet wide surrounding the mobile home park shall be landscaped to afford privacy to the development; provided, however, that a sight-obscuring fence six feet to eight feet in height may be substituted for up to eight feet of the required landscaped strip.

N. Fences and walls within the front yard shall not exceed two feet in height. No mobile home or add-on shall be located closer than 15 feet to the nearest portion of any other



mobile home or add-on, except when a four-hour fire-resistive wall having a height of at least eight feet separates them, in which case the distance apart may be reduced to 10 feet.

O. In addition to mobile homes, the development may include a launderette, club house, and other nonprofit or public recreation buildings.

P. All mobile homes shall be skirted around the entire structure, so as to conceal the space underneath.

Q. All roads shall be surfaced in accordance with Town standards as directed by the Planning Commission or its authorized representative.

R. All utilities shall be placed underground, except for transformers and other necessary appurtenances.

S. In addition to meeting the above requirements, all mobile home parks shall also conform to current State Health Department requirements for mobile home parks. [Ord. 1998-99-A § 10-6-5.6.]

#### **18.64.070 Improvement requirements.**

The following improvements shall be installed in all developments. Said improvements shall meet minimum town standards and shall be completed within one year from the date of final approval of the project by the town council; except that, upon a showing of good and sufficient cause, the town council may authorize an extension of the time limit for a period up to six months. Financial assurances guaranteeing the construction of all required improvements shall be required as a condition of approval. Said assurances shall be in accordance with the provisions in Chapter [18.72](#) MMC.

A. Streets, driveways and parking areas which shall be graded, graveled and hard-surfaced.

B. Drainage and flood control structures and facilities.

C. Water and sewer mains, both on site and off site, complying with the utility requirements of the Town. Also extensions to the pressurized irrigation system.

D. Fire hydrants.

E. Electric and telephone lines (which shall be placed underground).

F. Landscaping.

G. Sprinkling or other suitable irrigation systems.

H. Fences, walls and all other common areas, facilities, systems and structures proposed for the development as shown on the final plans.

I. Recreation vehicle storage area.

J. Street lighting. [Ord. 1998-99-A § 10-6-5.7.]

**18.64.080 Required documents.**

The following documents shall be prepared and submitted by the developer for each development:

A. Evidence of satisfaction of requirements relating to the pressurized irrigation system.

B. Written evidence from the health authority that the proposed park complies with applicable Health Department requirements. [Ord. 1998-99-A § 10-6-5.8.]

**18.64.090 Special provisions.**

A. Prerequisite to the operation of any mobile home park shall be the obtaining of an annual license which shall be issued only after inspection by the zoning administrator. It shall be unlawful to operate a mobile home park without first obtaining a license and said license shall be refused or revoked upon failure of the owner and/or operator to maintain the park in accordance with the standards and requirements as herein set forth.

B. Each space within a mobile home park shall be used for only one mobile home at the same time. No lot or space shall be rented or leased for a period of less than 30 days. [Ord. 1998-99-A § 10-6- 5.9.]

**Commented [HW12]:** The Town does not have any existing zones that permit these developments. As a result, this section can be deleted.

## Chapter 18.68: SUBDIVISIONS

### Sections:

#### Article I. Intent – Plats Required

[18.68.010 Intent.](#)

[18.68.020 Subdivision plats required – To be recorded.](#)

[18.68.025 Subdivision Land Use Authority](#)

[18.68.027 Subdivision Appeal Authority](#)

#### Article II. Procedure for Approval of a Subdivision

[18.68.030 Presubmission conference.](#)

[18.68.040 Prepare and submit concept plan.](#)

[18.68.050 Obtain Planning Commission approval of concept plan.](#)

[18.68.060 Prepare preliminary plan and improvement drawings.](#)

[18.68.070 Obtain Planning Commission approval of preliminary plan.](#)

[18.68.080 Prepare and submit final plat, engineering drawings and documents to Planning Commission.](#)

[18.68.085 Notice to Affected Entities](#)

[18.68.087 Review](#)

[18.68.090 Planning commission takes action on final plat.](#)

[18.68.100 Subdivider posts performance guarantee.](#)

[18.68.110 Town council takes action on final plat.](#)

[18.68.120 Final plat to be recorded in office of county recorder.](#)

[18.68.125 Exceptions to Specific Application Requirements and Plats](#)

[18.68.130 Release of performance guarantees.](#)

[18.68.140 Release of durability retainer.](#)

#### Article III. Documentation Requirements

[18.68.150 Concept plan.](#)

[18.68.160 Preliminary plan.](#)

[18.68.170 Final plat and engineering drawings.](#)

**Article IV. Design Standards and Requirements**

[18.68.180 Layout and design.](#)

[18.68.190 Streets and roads – General criteria.](#)

[18.68.200 Streets and roads – Right-of-way width.](#)

[18.68.210 Streets and roads – Width of pavement and other requirements.](#)

[18.68.220 Streets and roads – System design standards.](#)

[18.68.230 Blocks – Design standards.](#)

[18.68.240 Lots – Design standards.](#)

**Article V. Improvements**

[18.68.250 Improvements required in subdivision projects – To meet Town specifications – To be shown on preliminary plan.](#)

[18.68.260 Required improvements to be installed in a timely manner – Performance guarantees required.](#)

[18.68.270 List of required improvements.](#)

**Article VI. Costs and Charges**

[18.68.280 Costs and charges.](#)

**Article VII. General Requirements**

[18.68.290 Standards and specifications.](#)

[18.68.300 Streets to be dedicated.](#)

[18.68.310 Lots must abut on public street.](#)

[18.68.320 Amended plats.](#)

[18.68.330 Work to be done by engineer or surveyor.](#)

[18.68.340 Drawings of record required.](#)

[18.68.350 Variances.](#)

[18.68.360 Review fees.](#)

## Article I. Intent – Plats Required

### 18.68.010 Intent.

The intent of this chapter is as follows:

- A. To facilitate the orderly development of the Town.
- B. To implement the Town’s major street plan.
- C. To facilitate the development of a safe and efficient street system.
- D. To facilitate the orderly transfer of the ownership of building sites in a manner consistent with state law.
- E. To ensure the providing of adequate water, sewer, drainage, utilities, and other services to developing areas of the Town. To establish the rights, duties, and responsibilities of subdividers with respect to the development of land within the Town. [Ord. 1998-99-A § 10-7-1.]

### 18.68.020 Subdivision plats required – To be recorded.

No person shall subdivide any tract of land within the incorporated limits of the Town; 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 code, unless and until a final plat, prepared in accordance with the provisions of this code, shall have been first approved by the Planning Commission and Town council and recorded in the office of the county recorder. [Ord. 1998-99-A § 10-7-2.]

### 18.68.025 Subdivision Land Use Authority

- A. The Land Use Authority for preliminary applications under this Chapter is the Planning Commission. For purposes of subdivision applications, the Planning Commission shall be ultimately responsible for the following but may delegate any task to the Town Engineer, Town staff, or members of the Planning Commission:
  - 1. Rendering land use decisions related to preliminary applications under this Chapter, including approving or denying preliminary applications.
  - 2. Reviewing all preliminary applications under this Chapter in an impartial manner and according to the standards and deadlines described in this Chapter
  - 3. Holding public meetings for reviewing preliminary applications as required by this Chapter.
  - 4. Providing feedback to applicants on their preliminary applications in the

manner required by this Chapter.

5. Scheduling and holding a presubmission conference (and reviewing concept plans) with potential applicants as required by this Chapter.
  6. Keeping subdivision application forms (both preliminary and final) and related informational material up to date and publicly accessible and distributing such forms and materials to potential applicants. This task is delegated to Town staff by default.
- B. The Land Use Authority for final applications under this Chapter is the Subdivision Review Committee (SRC). The SRC shall consist of the Planning Commission chair, the Town Engineer, and the Town Attorney. For purposes of subdivision applications, the SRC shall be responsible for the following, but may delegate any task to the Town Engineer, Town staff, or members of the SRC:
1. Rendering land use decisions related to final applications under this Chapter, including approving or denying final applications.
  2. Reviewing all final applications under this Chapter in an impartial manner and according to the standards and deadlines described in this Chapter.
  3. Providing feedback to applicants on their final applications in the manner required by this Chapter.
  4. Providing notice to entities and parties as required by this Chapter.
  5. Signing final application approvals as required by this Chapter.
  6. Ensuring that documents are properly recorded with the County as required by this Chapter.
- C. As subdivision application decisions are administrative, not legislative, the Land Use Authorities are authorized to make land use decisions described by this Chapter without Town Council approval.
- D. Except when operating as the Appeal Authority, the Town Council shall not require the Land Use Authority to approve or deny an application under this Chapter.

#### **18.68.027 Subdivision Appeal Authority**

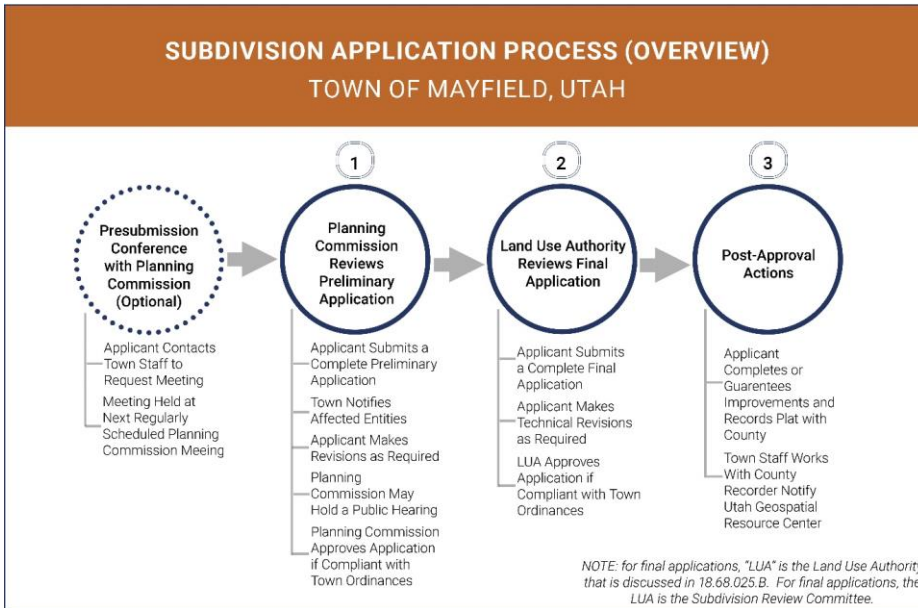
- A. The Appeal Authority for Town decisions relating to this Chapter, except where otherwise noted, is the Town Council.
- B. The Appeal Authority shall hear appeals on final decisions made by the Land Use Authority and shall hear complaints about the conduct of the Land Use Authority in administering the provisions of this Chapter.
- C. A party appealing or complaining of a Land Use Authority decision under this Chapter must exhaust its remedies under this section (by appealing or complaining to the Appeal Authority) before bringing an action against the Town in a court of law.
- D. A party who has submitted a subdivision application or petition may appeal or complain to the Appeal Authority under this Chapter. A party desiring to appeal or

complain of a Land Use Authority decision shall submit to the Appeal Authority the following in writing:

1. A brief explanation of the relief the party is seeking, the reason the party submitted its application or petition, the Land Use Authority’s decision and treatment of the application or petition, and why the applicant believes the Land Use Authority misapplied the provisions of this Chapter or abused the discretion given it by this Chapter.
2. The most recent version of the application or petition the party submitted.
3. Any supplemental documentation or information that the Appeal Authority requests.
4. All appeals and complaints must be emailed or mailed to the Town Clerk using the Clerk’s official Town address and/or email account listed on the Town website.

E. After receiving a complete appeal or complaint in accordance with this Section, the Appeal Authority shall deliver a decision to the applicant, in writing, no later than 45 calendar days after the Appeal Authority receives the appeal or complaint.

**Article II. Procedure for Approval of a Subdivision**



**18.68.030 Presubmission conference.**

Any person wishing to subdivide land within the town may request a presubmission conference to secure from the Planning Commission or their designated representative information pertaining to the requirements for subdivisions and the Town’s plan of streets, parks, drainage, zoning and other master plan requirements affecting the land to be subdivided. If requested, the Planning Commission shall, within 15 business days after the request, schedule the meeting to review the concept plan and give initial feedback.

**18.68.040 Prepare and submit concept plan.**

The subdivider shall then prepare a concept plan and shall submit seven copies of the same to the zoning administrator, who will submit them to the Planning Commission not less than seven days prior to the next regularly scheduled Planning Commission meeting. Said plan shall be prepared in accordance with Town standards. Where a subdivider owns or controls more land than he proposes to submit for preliminary approval, the Planning Commission may require that a concept plan for the larger area be submitted. Said plan shall indicate the portion proposed to be submitted initially for preliminary approval and the portion to be held for future submission. [Ord. 1998-99-A § 10-7-3.2.]

**18.68.050 Obtain Planning Commission approval of concept plan.**

The Planning Commission shall review the concept plan and shall act to: (A) approve the plan, (B) disapprove the plan, (C) approve the plan subject to modification, or (D) where considered necessary or desirable, act to table further consideration of the plan. Approval of the concept plan shall not be construed to constitute approval of the subdivision but shall be deemed as an expression of acceptance of the basic concept and feasibility of the proposed subdivision which the subdivider may use as a guide in the preparation of the preliminary plan. [Ord. 1998-99-A § 10-7- 3.3.]

**18.68.060 Prepare preliminary plan and improvement drawings.**

Upon approval of the concept plan by the Planning Commission, the subdivider shall prepare a preliminary plan of the subdivision and shall submit seven copies of the same to the Planning Commission not less than seven days prior to the next regularly scheduled Planning Commission meeting. The preliminary plan shall be prepared in accordance with the provisions of MMC [18.68.160](#). The concept plan and preliminary plan may be submitted concurrently. [Ord. 1999-2000-B § 1; Ord. 1998-99-A § 10-7-3.4.]

**18.68.070 Obtain Planning Commission approval of preliminary plan.**

The Planning Commission shall review the preliminary plan and shall act to: (A) approve the plan, (B) disapprove the plan, (C) approve the plan subject to modification, or (D) where considered by the Planning Commission to be necessary or desirable, act to table further consideration of the plan.

Approval by the Planning Commission shall be granted upon a finding that:



- A. All plans and other materials required for consideration have been submitted in a form suitable for evaluation, and all preliminary plan review and processing fees have been paid.
- B. The plan conforms to the design standards for subdivision.
- C. The design adequately recognizes the natural and man-caused conditions on or in the vicinity of the proposed subdivision.
- D. Each lot conforms to the requirements of the zone and will be adequately serviced.
- E. The arrangement of roads, lots, easements, and other elements will provide adequate circulation and access and will result in a healthy, safe and attractive living environment.
- F. The utility systems serving the area have sufficient capacity to provide adequate utility service to the development.
- G. The subdivision layout will be consistent with the major street plan and other applicable elements of the major plan for the area.

The action of the Planning Commission shall be written on the face of two copies of the plan, one of which shall be retained in the files of the Planning Commission, and one of which shall be returned to the subdivider. If the plan is disapproved, the Planning Commission shall express its reasons therefor to the subdivider. Upon approval of the 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 preliminary 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 preliminary approval was given, and which would result in a significant detrimental effect to the public if the project were carried out as initially presented. Approval of the preliminary plan shall remain valid for a period of one year. Said approval may be extended or reaffirmed by the Planning Commission, for a period not to exceed one year, upon receipt of a written request from the owner. [Ord. 1998-99-A § 10-7- 3.5.]

**18.68.080 Prepare and submit final plat, engineering drawings and documents to Planning Commission.**

Upon approval of the preliminary plan by the Planning Commission, the subdivider shall prepare the final plat, final engineering drawings and documents and shall submit the same to the DCR , or the Planning Commission in the case of 1-2 Residential Subdivision applications, not less than seven days prior to the next regularly scheduled meeting. The final plat and other required drawings and documents shall include the materials set forth in MMC [18.68.170](#) and shall be prepared in accordance with Town standards. Failure to submit the final plats and material in accordance with said standards shall be grounds for denial. [Ord. 1998-99-A § 10-7-3.6.]

### 18.68.085 Notice to Affected Entities

- A. Within 15 calendar days after receiving a complete subdivision application under this Chapter, Town staff shall provide written notice of the proposed subdivision to the facility owner of any water conveyance facility located, entirely or partially, within 100 feet of the subdivision plat.
  - 1. To determine whether any water conveyance facility is located within 100 feet of a proposed subdivision, the Land Use Authority shall review information:
    - a. From the facility owner under Utah Code §10-9a-211, using mapping-grade global positioning satellite units or digitized data from the most recent aerial photo available to the facility owner;
    - b. From the state engineer’s inventory of canals; or
    - c. From a licensed surveyor who has consulted with a representative of an existing water conveyance facility that services an area near the land the application concerns.
- B. To give water conveyance facilities time to provide feedback on subdivision applications, the Land Use Authority shall not approve a subdivision application under this Chapter sooner than 20 calendar days after the applicant submits a complete application. This waiting period does not apply to revised applications the applicant may submit during the application review process.
  - 1. A water conveyance facility owner’s failure to provide comments to the Land Use Authority about a subdivision application does not affect or impair the Land Use Authority’s authority to approve the subdivision application.

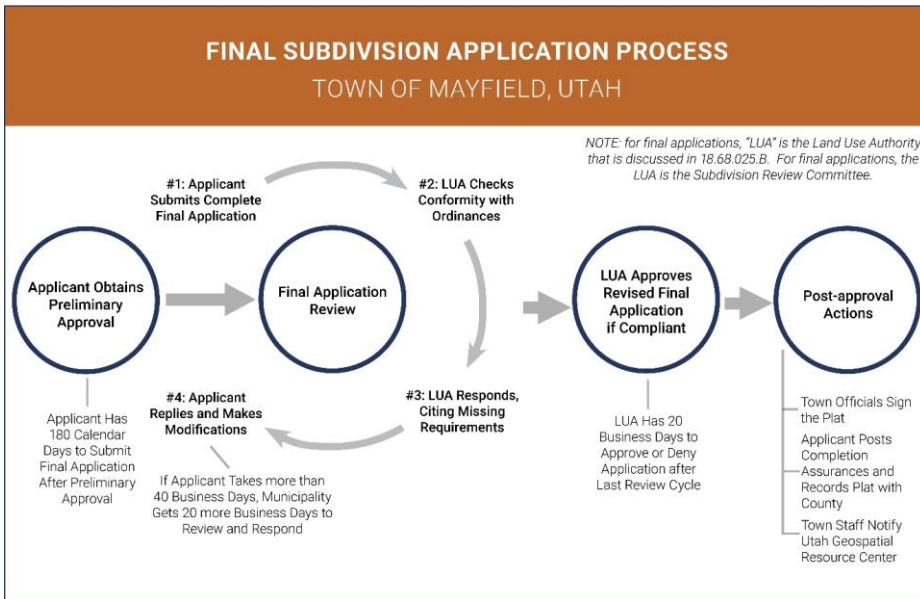
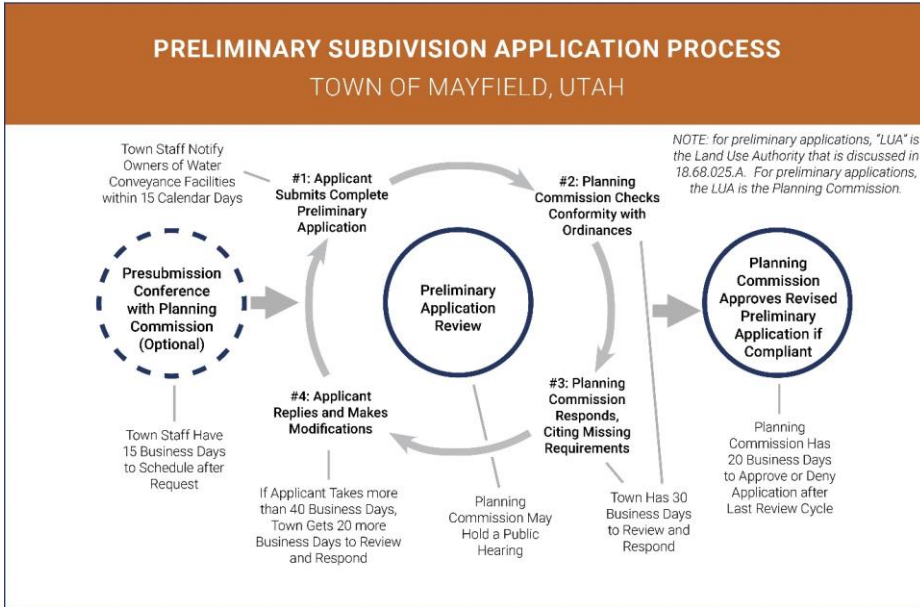
Commented [13]: Need to ask town exactly who in their staff they want to assign this responsibility to.

### 18.68.087 Review

- A. The Land Use Authority shall review all subdivision applications under this Chapter in accordance with the requirements of this Section before approving or denying a subdivision application.
- B. The review process begins when an applicant submits a complete application.
  - 1. The Land Use Authorities shall not review an incomplete subdivision application, except to determine whether the application is complete.
  - 2. If the Land Use Authorities determine that an application is not complete, it shall notify the applicant of the incompleteness, highlighting any insufficiencies and explaining that the application will not be reviewed until completed.
- C. After the applicant submits a complete application, the Land Use Authorities shall review and provide feedback to the applicant in a series of “review cycles.”
  - 1. A review cycle consists of the following phases:
    - a. Phase #1: The applicant submits a complete application (or, if after the first cycle, submits a revised version of the complete application).
    - b. Phase #2: The Land Use Authorities review the application in detail

- and assess whether the application conforms to local ordinances.
- c. Phase #3: The Land Use Authorities respond to the applicant, citing any missing requirements or areas of noncompliance and providing a detailed list of necessary revisions to the applicant, within the timeframe specified in Table 18.68.087. For any required modification or addition to the application or request for more information, the Land Use Authority shall be specific and include citations to ordinances, standards, or specifications that require the modification and shall provide the applicant with an index of all requested modifications or additions.
  - d. Phase #4: The applicant revises the application, addressing each comment or requirement the Land Use Authorities made. The applicant must submit both revised plans and a written explanation in response to the Town’s review comments, identifying and explaining the applicant’s revisions and reasons for declining to make revisions, if any. If the applicant fails to respond to a comment made by the Land Use Authorities in its review, the review cycle is not complete, and will remain open until the applicant addresses all comments.

Table 18.68.087 – Review Cycles, Hearings, and Timelines by Subdivision Use Type					
Use Type	Approval Stage	Max Review Phases	Max Public Hearings	Town Turnaround Deadline**	Applicant Turnaround Deadline***
1-2 Family Residential*	Preliminary	4	1	30 Business Days	180 Calendar Days
	Final	1	0	30 Business Days	180 Calendar Days
All Other Uses	Preliminary	6	2	30 Business Days	180 Calendar Days
	Final	1	0	30 Business Days	180 Calendar Days
<p>*Includes single-family homes, duplexes, and townhomes.            **Describes the total time (per review cycle) the Town may take to complete both Phase #2 and Phase #3.            ***Describes the total time (per review cycle) the applicant may take to submit a revised application before the application expires.</p>					



D. The Land Use Authorities shall not (nor shall any other representative of the Town) exceed the number of review cycles of the deadlines in Table 18.68.087. If no further

revisions are needed, the Land Use Authorities may end the review period early and approve or deny the application.

1. This provision notwithstanding, for any subdivision application that affects property within an identified geological hazard area, the Town is exempt from limits on the number of permitted review cycles and the Town's deadlines for reviewing and responding (Phases #2 and #3).
  2. If the applicant makes a material change to an application not requested by the Town at any point in the review process, the Land Use Authority may restart the review process, but only with respect to the portion of the application that the material change substantively affects.
  3. If an applicant takes longer than 40 business days to submit a revised subdivision improvement plan responding to the Town's requests for modifications and additions (in Phases #1 and #4), the Town shall have an additional 20 business days to review and respond to the revised application (Phases #2 and #3 of the next review cycle or issuing an approval decision).
  4. If an applicant takes longer than 180 calendar days to submit a revised application and respond to the Town's requests for modifications and additions (Phases #1 and #4), the application shall, at the option of the Land Use Authority, expire. If an application expires, the applicant must restart the subdivision application process.
- E. After the last review cycle is complete, the Land Use Authorities shall approve or deny the application within 20 business days.
1. If the Land Use Authorities have not approved or denied the application within 10 business days after the last review, the applicant may request a final decision. After such a request, the Town shall, within 10 business days:
    - a. For a dispute arising from the subdivision improvement plans, assemble an appeal panel in accordance with Utah Code §10-9a-508(5)(d) to review and approve or deny the final revised set of plans; or
    - b. For a dispute arising from the subdivision ordinance review, advise the applicant, in writing, of the deficiency in the application and of the right to appeal the determination to the designated Appeal Authority.
- F. After the Land Use Authorities provide comments in the last review cycle, the Town shall not require further modifications or corrections in that review phase unless those modifications or corrections are needed to protect public health and safety or to enforce state or federal law or unless the review cycle reset due to the applicant making a material change that the Land Use Authorities did not request.
1. With the exception of modifications or corrections that are needed to protect public health and safety, that are needed to enforce state or federal law, or that arise from the review cycle being reset, the municipality waives noncompliant subdivision-related requirements that the Land Use Authorities do not identify during the review process.

2. The applicant shall make reasonable changes, unless prohibited otherwise by a contract or deed, to the subdivision application to accommodate the water conveyance facility to the extent required by Utah Code §73-1-15.5.
- G. The Planning Commission may conduct one (but no more than one) public hearing for the purpose of asking questions of the applicant and receiving commentary on the technical aspects of the application from affected entities, interested parties, and the public. If the Planning Commission elects to hold this public hearing, the hearing must occur before the end of the Planning Commission’s review period in the last review cycle of the preliminary review phase. Scheduling issues shall not extend the review and approval deadlines in this Chapter.
- H. Other chapters of this Chapter notwithstanding, the Land Use Authorities shall approve or deny a subdivision application under this Chapter after reviewing a complete subdivision application as described in this Section.

**18.68.090 Planning commission takes action on final plat.**

Upon approval by the Planning Commission, the chairman shall approve and sign the plat and forward it to the SRC with the recommendation that the plat be approved and the proposed dedications accepted. However, for 1-2 Family Residential Subdivision applications, the Planning Commission’s approval constitutes final approval of the subdivision.

[Ord. 1998-99-A § 10-7-3.7.]

**18.68.100 Subdivider posts performance guarantee.**

Upon approval by the Planning Commission, the subdivider shall proceed to post or make arrangements suitable to the Town for posting a bond or other financial assurance guaranteeing construction of the required improvements. Said performance guarantee shall be in conformance with the provisions of Chapter [18.72](#) MMC. [Ord. 1998-99-A § 10-7-3.8.]

**18.68.110 SRC I takes action on final plat.**

Upon receipt of the final plat, bearing all required signatures, and also submission of evidence of ability to satisfy the performance guarantee requirements, the SRC shall consider the plat and performance guarantee and shall act to approve or disapprove the plat or approve it with modifications. If disapproved, the SRC shall state its reasons therefor to the subdivider. If modifications are required, such modifications must first be referred to and accepted by the Planning Commission. If approved, the plat shall be signed by the SRC and retained for recording. The signature of the SRC on the final plat shall constitute final approval. [Ord. 1998-99-A § 10-7-3.9.] The Town’s approval of a plat functions as an acceptance of the dedication of any streets or public places as long as funding is available. However, a plat that dedicates public streets and other public places does not impose liability upon the municipality for the dedicated street or places for them being unimproved unless (a) adequate financial assurances has been provided; and (b) the

Town has accepted the dedication.

For 1-2 Family Residential Subdivision applications, the Planning Commission's "preliminary" approval constitutes final approval. The SRC's approval is not required for these subdivision's final plat application.

The Town must approve a condominium plat that complies with the requirements of Section 57-8-13 unless the condominium plat violates a separate land use regulation of the Town.

#### **18.68.120 Final plat to be recorded in office of county recorder.**

- A. The applicant shall record the approved subdivision plat with the County Recorder's Office within 365 calendar days after the Town approves the subdivision application, provided that the applicant has provided all improvement guarantees required by this Chapter. The applicant shall not record the approved subdivision plat until the applicant has provided all such required guarantees.
- B. An approved plat not properly recorded within the timeline specified in Subsection 18.68.120(A) is void, unless the Planning Commission approves an extension.
- C. An approved plat, the required improvements for which are not completed or guaranteed before recording, is void, unless the Planning Commission approves an extension.
- D. Town staff shall work with the County Recorder to submit, within 30 calendar days after a final plat is approved, to the Utah Geospatial Resource Center either:
  - 1. An electronic copy of the approved plat; or
  - 2. Geospatial data that depict any new streets and site addresses proposed for construction within the bounds of the approved plat.
  - 3. If requested by the Utah Geospatial Resource Center, Town staff shall
    - i. coordinate with the Utah Geospatial Resource Center to validate the information the Town submitted about the final plat; and
    - ii. Assist the Utah Geospatial Resource Center in creating electronic files that contain the information described in the final plat for inclusion in the unified statewide 911 emergency service database.

#### **18.68.125 Exceptions to Specific Application Requirements and Plats**

- A. Agricultural Land
  - 1. Applications to subdivide agricultural land are exempt from the preliminary and final plat requirements (but not the other application requirements of Article II of this Section if the resulting parcels:
    - a. Qualify as land in agricultural use under Utah Code §59-2-502;
    - b. Meet the minimum size requirement of applicable Town land use ordinances; and
    - c. Are not used and will not be used for any nonagricultural purpose.
  - 2. For subdivision applications for which this exception applies, an applicant may

submit to the Town—in place of a plat—a record of survey map that illustrates the boundaries of the parcels.

3. If the Town approves a subdivision application based on a record of survey map, the applicant shall record the map, signed by the Town, with the County Recorder's Office. This shall be done in the same manner as is done for a plat under Sections 10.2.5 and 10.2.6.
4. If a parcel resulting from a subdivision under this exception ever ceases to be used for agriculture, the subdivision shall no longer be exempt under this Section and shall be required to conform to typical plat requirements. The Town may, in its discretion, impose the penalty in Section 10.1.5 and/or require a subdivision amendment before issuing a building permit.

**B. Minor Subdivisions:**

1. Applications to subdivide land are exempt from the preliminary and final plat requirements, improvement plan requirements, and the studies/reports requirements (but not the other application requirements) if the subdivision:
  - a. Results in no more than ten parcels;
  - b. Is not traversed by the mapped lines of a proposed street (as shown in the Mayfield General Plan), Town easement, or any other land required for or intended to be dedicated for public purposes;
  - c. Has been approved by the culinary water authority, the sanitary sewer authority (if applicable), and the Local Health Department;
  - d. Is located in a zoned area; and
  - e. Is already serviced by an existing and improved street such that no public improvements are required.
2. For subdivision applications for which this exception applies, an applicant may submit to the Town—in place of a plat—both:
  - a. A record of survey map that illustrates the boundaries of the parcels; and
  - b. A legal metes-and-bounds description that describes the parcels illustrated by the survey map.
3. If the Town approves a subdivision application based on a record of survey map and metes-and-bounds description, the applicant shall record the map and description, signed by the Town, with the County Recorder's Office. This shall be done in the same manner as is done for a plat under Sections 10.2.5 and 10.2.6, except that the Town shall also provide the notice required in Utah Code §10-9a-605(1).

**C. Development Agreements:**

1. Subdivisions platted in a valid development agreement are exempt from the application and review and approval requirements of this Chapter.
2. Clauses in a valid development agreement with the Town superseded all conflicting requirements in this Chapter, except where a clause in the development agreement poses a substantial danger to the health and safety of



Town residents.

**18.68.130 Release of performance guarantees.**

All partial and final releases of performance guarantees shall be approved by action of the Town in accordance with MMC [18.72.040](#) or [18.72.050](#) as applicable. The granting of the final release by the council shall constitute the acceptance of the improvements by the Town. [Ord. 1998-99-A § 10-7- 3.11.]

**18.68.140 Release of durability retainer.**

At the conclusion of the durability guarantee period and subject to compliance with the provisions of MMC [18.72.070](#), the council shall authorize the release of the improvements durability retainer and the subdivider shall thereafter be released from any obligation with respect to the improvements. [Ord. 1998-99-A § 10-7-3.12.]

**Article III. Documentation Requirements**

**18.68.150 Concept plan.**

The concept plan shall consist of the following:

A. A plan of the entire project area drawn at a scale of not smaller than one inch equals 200 feet 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 or verbal statement indicating the intent and manner for complying with the improvement guarantee, pressurized irrigation system and similar requirements.

C. Evidence of payment of the subdivision application fee (see fee resolution posted on Town Website). [Ord. 1998-99-A § 10-7-4.1.]

**18.68.160 Preliminary plan.**

The preliminary plan shall consist of the following:

A. The proposed subdivision name, which must be distinct from any subdivision name on a plat recorded in the County Recorder's office.

B. The location of the property proposed to be subdivided.

C. Total acreage of the entire proposed subdivision.

D. A layout plan, drawn at a scale of not less than one inch equals 100 feet and showing the following:

1. The boundary lines of the tract proposed to be subdivided.
2. A contour map at appropriate intervals when required by the Planning Commission.
3. The boundaries, course, and dimensions of all proposed lots, streets, easements, open space areas and indicating all territory proposed for dedication to the Town.

4. Location, principal dimension, and names of all existing or recorded streets, alleys, and easements, both within the proposed subdivision and within five hundred feet (500') of the boundary thereof, showing whether recorded or claimed by usage; the location and principal dimensions for all watercourses, including ditches, canals, and natural drainage channels, public utilities, and existing structures within the land and adjacent to the tract to be subdivided, including railroads, and exceptional topography.

4-5.

5-6. The size and location of all existing and proposed water mains, fire hydrants, storm drainage facilities, curb, gutter and sidewalk improvements, irrigation lines and ditches and appurtenant improvements, and any other proposed or required facilities within the subdivision or within five hundred feet (500') thereof.

6-7. Location of the nearest elevation benchmark and survey control monument.

7-8. Landowners adjoining the land to be subdivided and the boundary lines of adjacent tracts of unsubdivided land, showing ownership and property monuments.

8-9. Existing contours at two-foot (2') intervals for predominant ground slopes within the tract between level and five percent (5%) grade and five-foot (5') contours for predominant ground slopes within the tract over five percent (5%) grade. Elevations shall be based on national geodetic survey sea level data. In cases of level topography through a subdivision, one-foot (1') contours may be required.

9-10. Where the plat submitted covers only a part of the developer's land, or is part of a larger vacant area, the plat shall show the location of the subdivision as it forms part of a larger tract or parcel. In such a case, a sketch of the prospective future street system of the unplanned parts shall be submitted and the street system of the part submitted shall be considered in the light of adjustments and connections with the future street system of the larger area.

10-11. Signature blocks (for use after final approval) for the owners of the land to be subdivided, the Planning Commission chair, and the mayor.

11-12. A vicinity map, drawn at a scale not less than one-inch equals two thousand feet (1" = 2,000'), showing the perimeter of the plat, access points,

abutting subdivision outlines and names, and other relevant information within one-half (0.5) mile of the perimeter of the proposed plat.

~~12.13.~~ The proposed location of the building setback lines.

~~13.14.~~ Any parcels of ground intended to be used as a street or for any other public use or purpose.

~~14.15.~~ The lot or unit reference; block or building reference; street or site address; street name or coordinate address; acreage or square footage for all parcels, units, or lots; and length and width of the blocks and lots intended for sale.

E. An approved land use application that describes how the property will be used after it is subdivided.

1. If the intended use is permitted by right under Town ordinances, the land use application must include citations to the specific ordinance(s) that the applicant believes authorizes the intended use.
2. If the intended use requires a conditional use permit or is otherwise conditioned on Town approval, the land use application must include an approved, Town-issued permit authorizing the intended use. Should an applicant seek a use permit concurrently with a related subdivision application, the subdivision application shall be considered incomplete until the use permit is issued.
3. If the intended use is prohibited under Town ordinances and requires a variance or rezoning, the land use application must include an approved, Town-issued variance or rezoning authorizing the intended use. Should an applicant seek a variance or rezoning concurrently with a related subdivision application, the subdivision application shall be considered incomplete until the variance is issued.

F. Preliminary engineering drawings showing the proposed cross-section for all streets within or adjacent to the subdivision, including the placement of blacktop, curb, gutter, sidewalk, water lines, and other street improvements, the proposed road grades (when required by the Planning Commission), irrigation pipes and ditches and the proposed engineering treatment of any proposed canal or ditch piping and any culverts and bridges, storm water retention facilities or other significant engineering features.

1. The plat must describe every existing right-of-way and recorded easement located within the plat for:
  - an underground facility;
  - b. a water conveyance facility; or
  - c. any other utility facility.
2. The plat must also describe any water conveyance facility located, entirely or partially, within the plat that:
  - Is not recorded; and
  - b. of which the owner of the land has actual or constructive knowledge, including from information made available to the owner of the land:
    - i. In the state engineer's inventory of canals; or

G. From a surveyor under §10-9a-603(6)(c).

H. An Improvement Plan for all public improvements proposed by the applicant or required

by the Town’s ordinances. The plan must contain:

1. An engineer’s estimate of the cost of completing the required improvements.
  2. A description of proposed water facilities, including pipe diameters, valve locations, fire hydrant locations, water sources, water rights, reservoirs, pumps and design calculations.
  3. A description of planned excavation or grading of areas requiring in excess of three-foot (3’) cuts or fills.
  4. Street plans showing how proposed grades, curb-gutter, sidewalks, and typical street cross sections.
  5. A site plan showing proposed dwelling locations and driveway locations for each lot where sensitive or special topographic and geologic conditions exist. The Planning Commission may determine, after review of the preliminary application or concept plan, that lot site plans are required because existing conditions merit more specific details or requirements for developing specific lots.
  6. A feasibility study that demonstrates the feasibility of the proposed water and septic systems necessary to meet the requirements of this Chapter.
  7. A traffic study, if one is required by and applicable UDOT Access Management Plan, for any subdivision touching Highway 117 or any other road built or maintained by UDOT.
- I. A statement indicating the type of performance guarantee proposed to be offered as security for construction of the required public improvements.
- J. Evidence of ability to satisfy the pressurized irrigation system and water rights conveyance requirements.
- K. Notice of acceptability of the area to accommodate septic tanks, as evidenced by a letter from the Town-county health department, where applicable.
- L. Evidence of payment of all preliminary plan submission and processing fees found on the Town’s website.
- M. Signatures of each owner of record of land described on the plat, signifying their dedication and approval of the plat.
- N. Letters of approval from the culinary water authority, sanitary sewer authority, fire department, and local health department.
- O. A tax clearance from the owner indicating that all taxes, interest, and penalties owing on the land have been paid.

P. Certifications that the surveyor who prepared the plat:

1. Holds a license in accordance with Utah Code 58-22: and
2. Either
  - Has completed a survey of the property described on the plat in accordance with state requirements and has verified all measurements; or
  - b. Has referenced a record of survey map of the existing property boundaries shown on the plat and verified the locations of the boundaries; and
  - c. Has placed monuments as represented on the plat.

Q. If a variance was required for the land use application ~~that was approved prior to the submission of a subdivision application~~, an explanation of what elements or ordinances the variance was for, along with a showing that the application meets all the other elements/ordinances. ~~Variance requests related to subdivision applications will be administered according to the Mayfield Town Code (18.68.350).~~

R. An affidavit from the applicant certifying that the submitted information is true and accurate.

S. Copies of any agreements with adjacent property owners relevant to the proposed subdivision and the substance of all other covenants, grants of easements, or restrictions to be imposed upon the use of the land, buildings, and structures.

T. Any other material or information required by the Planning Commission.

U. If the applicant intends the plat to be or if the plat is a part of a community association subject to Title 57, Chapter 8a, Community Association Act, the plat includes language conveying to the association, as that term is defined in Section 57-8a-102, all common areas, as that term is defined in Section 57-8a-102.

V. Required Copies of Plans:

1. One electronic copy of the final plat in AutoCAD format (DWG or DXF), Geodatabase format (GDB), or Shapefile format (SHP), with a projection assigned to the file(s) and with the proper metadata that describes what coordinate system/projection the data is assigned to.
2. An electronic copy of all plans in PDF format.
3. Six (6) printed copies of the application.
4. Two (2) printed copies of all full-scale drawings, application and plat. The fill-scale drawings should be twenty-four by thirty-six (24"x36").
5. One copy of each drawing on eleven inch by seventeen-inch (11" x 17") sheets or

Commented [14]: Does the town want to include these requirements?

eight and one-half by eleven (8 1/2 x 11) if the project is small and the plans are legible at that size.

W. If the application is for a “condominium,” the plat must include the additional elements required in Utah Code §57-8-13.

Failure to submit the required material in accordance with the above standards and requirements shall be grounds for denial. [Ord. 1998-99-A § 10-7-4.2.]

#### **18.68.170 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. One duplicate mylar of the final plat together with the required number of paper copies.
- C. Copies of the final engineering drawings.
- D. Documents indicating full compliance with the pressurized irrigation system and water rights conveyance requirements.
- E. An itemized estimate of the cost of constructing all required improvements. This estimate shall be used as the basis for setting the amount of the performance guarantee.
- F. Final copies of the performance guarantee documents.

**H.G.** 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 (when required by the Town council).

**H.H.** Final copies of all other required documentation, as applicable.

**H.I.** Evidence of payment of final plat checking and recording fees.

Failure to submit the above final plat material shall be grounds for denial. [Ord. 1998-99-A § 10-7- 4.3.]

### **Article IV. Design Standards and Requirements**

#### **18.68.180 Layout and design.**

The layout and design of all subdivision developments and the content of all plats, engineering plans, documentation, and other required submissions shall be in accordance with the standards as contained herein and/or as may be adopted by the Town pursuant to

the provisions of MMC [18.68.290](#). [Ord. 1998-99-A § 10-7-5.]

**18.68.190 Streets and roads – General criteria.**

1. **Subdivision Plans to Be Consistent with Street Plan.** Subdivision plans shall be consistent with the master street plan as adopted by the Town, as follows: Collector Streets (Feeder). Where the area of a proposed subdivision includes any collector class streets, as shown on the major street plan, the subdivision plan shall incorporate such streets in the location shown on the street 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 Town standards.

2. **Minor Streets (Local Service).** Where the area of a proposed subdivision includes any minor class streets, as shown on the major street plan, the subdivision plan shall provide for such street in the approximate location shown on the street 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 Town standards.

3. No subdivision plan which proposes the deletion or significant realignment of any street shown on the major street plan shall be given preliminary approval unless and until the plan shall have been amended in accordance with state law.

**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 Town and to provide access for the logical development of adjacent vacant properties, the Town 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. [Ord. 1998-99-A § 10-7-5.1.]

**18.68.200 Streets and roads – Right-of-way width.**

The minimum width of right-of-way for streets shown on the major street plan shall conform to the width as designated on the plan. The minimum right-of-way width for streets not shown on the plan shall be as follows:

Class of Street	Right-of-Way Width
Minor class	50 feet
Collector class	60 feet

[Ord. 1998-99-A § 10-7-5.2.]

**18.68.210 Streets and roads – Width of pavement and other requirements.**

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 in accordance with the applicable street cross-section standard adopted by the Town council.

[Ord. 1998-99-A § 10- 7-5.3.]

**18.68.220 Streets and roads – System design standards.**

**A. Reverse Curves.** Reverse curves shall have a tangent of at least 100 feet, 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 80 degrees. Offsets in street alignment of more than 15 feet or less than 120 feet shall be prohibited.

**C. Street Grades.** The maximum grade of any street in the subdivision shall be eight percent. Where the observance of this standard is not feasible, the Town council, subject to the prior recommendation of the Planning Commission, shall have the power to grant an exception when special pavement surfaces and adequate leveling areas are installed and in the opinion of the Town the best subdivision of the land is thereby secured.

**D. Street Curves.** Where the street lines within a block deflect from each other at any one point more than 10 degrees, there should be a connecting curve. The radius of the curve for the inner street line should be not less than 350 feet for collector class streets, 250 feet for an important minor class street, and 100 feet for minor streets.

**E. Curbs.** Where curbs are required, said curbs at intersections shall be rounded with curves having a minimum radius of 15 feet for minor streets and 25 feet for collector streets. Property lines at street intersections should be rounded with a 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 Town.

**G. Cul-de-Sacs.** Cul-de-sacs (dead-end streets) shall be used only where unusual conditions exist which make other designs undesirable. Each cul-de-sac shall have a minimum right-of-way width of 50 feet in diameter. The minimum length of a cul-de-sac street shall be not less than 400 feet. Surface water must drain away from the turnaround, except that where surface



water cannot be drained away from the turnaround along the street, due to grade, necessary catch basins and drainage easements shall be provided.

H. Easements. Easements of not less than eight feet or ten feet on each side of rear lot lines and side lines will be required where necessary for poles, wire, conduits, 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. [Ord. 1999-2000-B § 1; Ord. 1998-99-A § 10-7-5.4.]

#### **18.68.230 Blocks – Design standards.**

Length. The maximum length of blocks, generally, shall be 1,200 feet and the minimum length of blocks shall be 500 feet. In blocks over 800 feet in length, the subdivider may be required to dedicate a walkway through the block at approximately the center of the block. Such walkway shall not be less than 10 feet in width.

A. Width. The width of blocks generally shall be sufficient to allow two tiers of lots.

B. 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. 1998-99- A § 10-7-5.5.]

#### **18.68.240 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. Lots to Conform to Zoning Provisions. 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. Corner lots shall have 10 feet extra width to accommodate the additional setback requirements.

D. Angle of Lot Lines. Side lot lines shall be approximately at right angles, or radial to the street line, except where topographic conditions make it advisable to have side lot lines deflect at sharper angles.

E. Parts of Lots. All remnants of lots below minimum size left over after subdividing of a larger tract must be attached to adjacent lots rather than allowed to remain as unusable parcels. Protection strips shall not be permitted.

F. Multiple Ownership of Lots. Where the land covered by a subdivision includes two or more parcels in separate ownership and the lot arrangement is such that a property

ownership line divides one or more lots, the land in each lot so divided shall be transferred by deed to single ownership before approval of the final plat, and such transfer recorded in the county recorder's office before being certified to the Planning Commission by the subdivider or the subdivision shall be considered as a joint project and the final plat shall be signed by all affected property owners.

G. Water, Sewer and Pressurized Irrigation Utilities. Each lot within the subdivision shall be served by the Town's water system through lines providing flow for both culinary and fire purposes. Each lot within the subdivision shall be served by the Town's sewageowner's septic collection system, except that the Town may authorize the development of a subdivision project utilizing septic tanks or other individual disposal facilities where it is determined that connection of the subdivision project to the sewer system is not reasonably feasible. [Ord. 1998-99-A § 10-7-5.6.]

## Article V. Improvements

### 18.68.250 Improvements required in subdivision projects – To meet Town specifications – To be shown on preliminary plan.

The improvements set forth under MMC [18.68.270](#) shall be required to be installed for all areas shown on the final plat and at all off-site locations designated at the time of final plat approval. The required improvements shall meet minimum Town standards for design and quality of materials and shall be installed in accordance with minimum Town standards and specifications (see MMC 18.68.290) as directed by the Town. The placement and design of required improvements shall be shown on the preliminary plan. [Ord. 1998-99-A § 10-7-6.1.]

### 18.68.260 Required improvements to be installed in a timely manner – Performance guarantees required.

All required improvements not in place prior to the approval of the final plat by the Town council shall be installed by the subdivider within one year from the date of final approval; provided, however, that upon a showing of good and sufficient cause, the Town council may approve a longer period of time for completing construction of part or all of the uncompleted improvements.

A performance guarantee securing the installation of all required improvements which have not been completed and accepted by the Town council prior to final plat approval shall be required as a condition of final plat approval. The performance guarantee shall be in accordance with the provisions of Chapter [18.72](#) MMC. [Ord. 1998-99-A § 10-7-6.2.]

### 18.68.270 List of required improvements.

The minimum improvements required for subdivisions within the Town shall be as follows:

A. Streets and Roads. All streets, roads and vehicular travelways shall be dedicated to the

Town for use by the public and shall be improved in conformance with the Town standards, except that curb, gutter and sidewalk improvements will not be required for subdivisions or portions thereof adjacent to streets which are owned by the Town and which have been improved as of the effective date of this code.

**B. Culinary Water.** Culinary water service shall be provided to the subdivision and each lot therein, as follows:

1. Where the subdivision is not adjacent to an existing Town water main which is adequate to supply the development, the subdivider shall install one or more lines connecting the subdivision with the closest adequate Town line. Said off-site line(s) shall be considered as part of the required subdivision improvements.
2. Both off-site and on-site water mains and appurtenant valves and facilities shall be adequate to meet both culinary and fire flow requirements. In no case shall the water mains be less than six inches in diameter.
3. To the maximum extent possible, water mains shall be located in the right-of-way lines of public streets in the locations specified by Town standards. Said mains shall be extended to the boundary of the territory shown in the final plat, including any stub streets required to provide for future access to adjacent property.
4. Water service laterals shall be installed to each lot within the subdivision. The lateral shall extend from the main line to the outer edge of the right-of-way and shall include the installation of a meter box and meter setter.

**C. Fire Hydrants.** All subdivisions shall have fire hydrants installed in such a manner that no dwelling unit on a lot will be more than 500 feet distance from the closest hydrant, measured along the street.

**D. Sewers.** Each lot within the subdivision shall be served by the Town's owner's septic sewage collection system; When the a sewage collection system is installed in the Town, each lot within a subdivision shall be served as follows:

1. Where the subdivision is not adjacent to an existing Town sewer main which is adequate to serve the development, the subdivider shall install one or more mains connecting the subdivision with the closest adequate main. Any required off-site mains shall be considered as part of the required subdivision improvements.
2. Both off-site and on-site sewer mains and appurtenant manholes and facilities shall be adequate to meet both existing and future needs for the area. In no case shall the sewer main be less than eight inches in diameter.
3. To the maximum extent possible, sewer mains shall be located in the right-of-way lines of public streets in the locations specified by Town standards. Said mains shall be extended to the boundary of the territory shown in the final plat, including any stub

streets required to provide for future access to adjacent property.

4. Sewer service laterals shall be installed to each lot within the subdivision. The lateral shall extend from its connection to the sewer main to the outer edge of the right-of-way.

E. Electric and Telephone. Electric power and telephone lines shall be provided to each lot. All lines and appurtenant facilities shall be located underground, except when the subdivider can show that the placement underground is not practically feasible.

F. Street Signs. Street signs shall be installed at all locations indicated on the preliminary plan. The location and design of said signs shall conform to minimum Town standards.

G. Storm Drains and Facilities. To the maximum extent possible, surface water produced from the subdivision development shall be properly disposed of within the boundaries of the subdivision through the use of sumps or other on-site techniques. All sumps, culverts, drains and other facilities for the collection and disposal of surface water and irrigation water shall be installed as directed by the Town engineer.

H. Environmental Hazards. Adverse environmental conditions must be eliminated or accommodated as follows:

1. Soils.

a. The placement of streets, buildings and the designation of building sites on areas of unstable soil shall be prohibited.

b. Soils with a significant erosion hazard shall be protected. Revegetation or other erosion control measures may be imposed as a condition of subdivision approval.

2. Flooding.

a. All subdivision proposals shall be consistent with the need to minimize flood damage and in accordance with the Town's flood hazard mitigation ordinance.

b. The subdivision layout shall make adequate provision for natural drainage channels and floodways.

c. 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 flood water into the system, or discharge of the system into the flood waters.

3. 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, land slide, and ground water.

I. Street Lights. Within subdivisions the responsibility for providing street lights lies with the developer of the subdivision, not the Town. If a subdivision plan does not provide for street lights, it shall be so written on the plat for that subdivision. If street lights are desired by the future property owners, the cost of installing these improvements will be the responsibility of the property owners themselves and not the Town.

J. Permanent Survey Monuments. No less than two permanent survey monuments shall be installed in each subdivision. The location of the monuments shall be shown on the final plat. Also, all corners on the subdivision and all lot corners in the subdivision shall be marked. [Ord. 1998-99- A § 10-7-6.3.]

K. Irrigation Water Pipes shall be installed at the locations indicated on the approved improvement plan.

## Article VI. Costs and Charges

### 18.68.280 Costs and charges.

Costs and charges in connection with the planning and development of subdivisions shall be borne by the subdivider. [Ord. 1998-99-A § 10-7-7.]

## Article VII. General Requirements

### 18.68.290 Standards and specifications.

The Planning Commission shall prepare standards and specifications for the content of subdivision plans and for the layout, design and construction of subdivisions and required improvements. Said standards and specifications shall be adopted by resolution of the Town council. All such requirements shall be considered the minimum standards which must be met and shall apply to all subdivisions. [Ord. 1998-99-A § 10-7-8.1.]

### 18.68.300 Streets to be dedicated.

All streets shall be dedicated for public use and shall conform to the minimum standards for width and improvement, except that the Town council may accept the dedication of partial width streets, provided:

- A. That said street is located at the border of the subdivision.
- B. That the width proposed for dedication shall be sufficient to accommodate the minimum travel way and all utility systems as set forth in Town standards.
- C. That there are not existing conditions which would prevent the subsequent

development of the remaining portion of the street.

D. That construction of a partial width street at the proposed location will not create an unsafe or hazardous condition. [Ord. 1998-99-A § 10-7-8.2.]

#### **18.68.310 Lots must abut on public street.**

Each lot in a subdivision shall abut on a street dedicated to the Town by the subdivision plat or an existing public street, either dedicated or which has become public by right of use, and is more than 50 feet wide. Interior lots having frontage on two streets are prohibited except in instances where topographic conditions make such design desirable. [Ord. 1998-99-A § 10-7-8.3.]

#### **18.68.320 Amended plats.**

No change shall be made in a plat which has received final approval unless and until approval for said change has been given by both the Planning Commission and Town council.

Any proposed vacation, alteration or amendment of a subdivision or portion of a subdivision for which a final plat has been recorded in the office of the county recorder, or of any street, lot or alley contained in the plat shall require: (A) that the entire plat or portion affected by the proposed change be vacated in accordance with the procedure set forth in Section 10-9a-609.5, Utah Code Annotated 1953, as amended, and (B) that a new plat of the affected area showing the proposed changes shall have been approved by the Planning Commission and council and filed in accordance with the

procedures and requirements of this code. [Amended during 2010 recodification; Ord. 1998-99-A § 10-7-8.4.]

#### **18.68.330 Work to be done by engineer or surveyor.**

All engineering work must be done by, or under direction of, a professional engineer registered in the state of Utah. All land survey work must be done by, or under the direction of, a land surveyor registered in the state of Utah. [Ord. 1998-99-A § 10-7-8.5.]

#### **18.68.340 Drawings of record required.**

Plans showing the location, size, grade and depth of all water and sewer mains, valves, manholes and other subsurface utility and service lines and facilities shall be required prior to the release of performance guarantees. [Ord. 1998-99-A § 10-7-8.6.]

#### **18.68.350 Variances.**

Variances to the strict application of the standards and specifications adopted pursuant to MMC [18.68.290](#) may be authorized by the Town ~~Council~~[council](#) after recommendation from the Planning Commission. Such variances will be granted only ~~according to~~[upon a finding that, because of topographic or other unique physical condition, the criteria established by UCA](#)

10-9a-702 (as amended)- standard appealed from:

A. Is unnecessary for the proper development of the subdivision and will not be required in the future;

B. Would cause an unreasonable hardship if adhered to; and

C. May be granted without destroying the intent of the standard of this code.

D. The appeal authority may grant a variance only if:

- i. literal enforcement of the ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the land use ordinances;
- ii. there are special circumstances attached to the property that do not generally apply to other properties in the same zone;
- iii. granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone;
- iv. the variance will not substantially affect the general plan and will not be contrary to the public interest; and
- v. the spirit of the land use ordinance is observed and substantial justice done.

Any variance so authorized shall be stated on the final plat. [Ord. 1998-99-A § 10-7-8.7.]

**18.68.360 Review fees.**

See MMC [18.20.040](#). [Ord. 1998-99-A § 10-7-8.8.]

## Chapter 18.72: PERFORMANCE GUARANTEES

Sections:

[18.72.010 Application.](#)

[18.72.020 Type and amount of guarantee.](#)

[18.72.030 Duration of guarantee.](#)

[18.72.040 Partial release permitted.](#)

[18.72.050 Final disposition and release.](#)

[18.72.060 Default.](#)

[18.72.070 Durability retainage.](#)

[18.72.080 Prohibitions](#)

**18.72.010 Application.**

Wherever a performance guarantee is required under the terms of this code, said guarantee shall be submitted in conformance with this chapter. [Ord. 1998-99-A § 10-8-1.]

**18.72.020 Type and amount of guarantee.**

The performance guarantee shall be one of the following:

A. A deposit of cash in a separate escrow account in an amount not less than 125 percent of the estimated cost of performing the work for which the guarantee is required. Said account shall be made with a financial institution acceptable to the Town and shall be established in such a manner that any release therefrom shall require the advance written consent of the Town. Any interest derived from the account shall inure to the benefit of the developer.

B. A performance bond in an amount not less than 125 percent of the estimated cost of performing the work for which the guarantee is required, as established by the Town.

C. An irrevocable letter of credit from a financial institution acceptable to the Town, in an amount not less than the sum of 100 percent (100%) of the estimated cost of performing the work and ten percent (10%) of the amount of the bond to cover administrative costs incurred by the Town to complete the improvements if necessary. The letter of credit shall be established in such a manner that any release of funds to the developer shall require the advance written consent of the Town. [Ord. 1998-99-A § 10-8-2.]

**18.72.030 Duration of guarantee.**

The duration of the performance guarantee shall be for the period of time specified for each particular type of development or activity (see MMC [18.68.260](#)) and any extensions to such period as may have been approved by the Town council. The date of beginning for the performance period shall be the date of final approval by the Town. [Ord. 1998-99-A § 10-8-3.]

**18.72.040 Partial release permitted.**

Where a guarantee is posted for the purpose of insuring the timely installation of required improvements in a subdivision, planned unit development, or similar project, the Town may authorize a release of a portion of the guarantee in an amount commensurate with the proportion of improvements completed. [Ord. 1998-99-A § 10-8-4.]



**18.72.050 Final disposition and release.**

At the completion of the work, or not less than 10 days prior to the release date of the bond or other assurance, the developer shall submit to the Town one copy of a certificate of completion. Following receipt of the certificate, the Town engineer shall make a preliminary inspection and shall submit a report to the Town council setting forth the conditions of such facilities. If the condition of said improvements or activities for which the guarantee is required are found to be satisfactory, and all liens are paid, the council shall authorize release of the remainder of the guarantee except for that portion to be held as a durability retainer.

If the condition of material or workmanship shows unusual depreciation or does not comply with the acceptable standards of durability or if any outstanding liens are not paid, or the terms of the guarantee have not been satisfied, the matter shall be referred to the Town council and, in accordance with the provisions of MMC [18.72.060](#), the council may declare the developer in default. [Ord. 1998-99-A § 10-8-5.]

**18.72.060 Default.**

Where, in the opinion of the Town council, a developer fails or neglects to satisfactorily install the required improvements or make required corrections, or to pay all liens in connection with said improvements, or otherwise fails in carrying out the activity for which the performance guarantee was required, the Town council may, after a public hearing with due notice on the matter, declare the performance guarantee forfeited and thereafter may install or cause the required improvement to be installed using the proceeds from the guarantee to defray the costs; provided, that the Town shall not be responsible for work beyond the limits of the bond amount. Any funds remaining after completion of the required improvements will be returned to the developer. [Ord. 1998-99-A § 10-8-6.]

**18.72.070 Durability retainage.**

A retainage of not less than 25 percent of the total amount of the guarantee shall be retained by the Town for a period of not less than one year following the date of final acceptance of the improvements by the Town. Such retainage shall be a guarantee of the durability of said improvements. If during the one-year period, the durability of said improvements is found to be satisfactory, said retainage may be released following the procedure outlined under MMC [18.72.050](#). If, however, during said period, the condition or material or workmanship of the improvement or improvements fails or shows unusual depreciation, or if it becomes evident that certain work was not completed, or that said improvements do not otherwise comply with accepted standards of durability, said condition shall be corrected by the person giving the performance guarantee. If the corrections are not made within a reasonable time, the Town council, in accordance with MMC [18.72.060](#), may declare such person in default and use the retainage to defray the cost of any required work. At the conclusion of the durability guarantee period, the retainage may be released by the Town in accordance with the release procedure outlined under MMC [18.72.050](#). [Ord. 1998-99-A § 10-8-7.]

### **18.72.080 Prohibitions**

- A. The Town may not require a performance guarantee for:
  - 1. Public landscaping improvements or an infrastructure improvement that the municipality has previously inspected and accepted;
  - 2. Infrastructure improvements that are private and not essential or required to meet the building code, fire code, flood or storm water management provisions, street and access requirements, or other essential necessary public safety improvements adopted in a land use regulation;
  - 3. In a municipality where ordinances require all infrastructure improvements within the area to be private, infrastructure improvements within a development that the municipality requires to be private; or
  - 4. Landscaping improvements that are not public landscaping improvements, as defined in Section 10-9a-103, unless the landscaping improvements and completion assurance are required under the terms of a development agreement. (§10-9a-604.5(3)(d))
- B. The Town may not require or offer the option of a completion assurance bond for the landscaping of residential lots or the equivalent open space surrounding single-family attached homes, whether platted as lots or common areas.

## **Chapter 18.73: AMENDING A SUBDIVISION**

### **Sections:**

- 18.73.010: Amendments as Further Subdivisions**
- 18.73.020: Vacating a Subdivision**
- 18.73.030 Immaterial Amendments**
- 18.73.040 Material Amendments**
- 18.73.050 Lot Line Adjustments**

### **18.73.010 Amendments as Further Subdivisions:**

A petition to amend an existing subdivision such that lots are further subdivided for additional development shall proceed as an application for a new subdivision under this Chapter.

### **18.73.020 Vacating a Subdivision:**

The Town Council may vacate a subdivision or a portion of a subdivision by enacting an ordinance to that effect that describes the subdivision or the portion being vacated and recording that ordinance in the County Recorder's Office.

**18.73.030 Immaterial Amendments:**

A property owner or agent of a property owner may correct minor typographical or clerical errors in a document of record by filing with the County an affidavit or other appropriate instrument. This provision does not apply to changing the name of a subdivision, which requires a material amendment described in the following provisions.

**18.73.040 Material Amendments:**

- A. A fee owner of land, as shown on the last county assessment roll, in a platted subdivision may request a material subdivision amendment that does not result in the creation of new parcels by filing a written petition with the Planning Commission. This petition must meet all the requirements for a preliminary subdivision application specified in Section 10.2.1, with the following changes:
  - 1. The preliminary plat (or the record of survey map, if applicable) should:
    - a. Depict only the portion of the subdivision that is proposed to be amended;
    - b. Include a plat name distinguishing the amended plat from the original plat;
    - c. Describe the differences between the amended plat and the original plat;
    - d. Include references to the original plat; and
    - e. Meet all the other preliminary plat requirements specified in Section 18.68.160.
  - 2. The petition must additionally include:
    - a. The name and address of each property owner affected by the petition; and
    - b. The signature of each of those property owners who consents to the petition; and
    - c. Certification from the surveyor who prepared the amended plat, according to Section 10.2.1(5)(c) of this Chapter.
  - 3. The petitioner must include with the petition envelopes addressed to each property owner in the subdivision.
- B. Upon receipt of an amendment petition, the Planning Commission (or Town staff, as delegated) shall provide notice to:
  - 1. Each utility provider that services a parcel of the subdivision. The Town shall not approve an amendment petition until at least 10 calendar days after noticing these utility providers. The Town may notify the utility providers in any effective manner (email, mail, etc.).
  - 2. Each property owner in the subdivision. The Town shall notify these property owners by mail.

- C. The Planning Commission shall hold a public hearing before approving an amendment petition and within 45 calendar days after the day on which the petition is submitted if:
  - 1. A property owner objects in writing to the amendment within 10 days of the Town notifying the property owner by mail, or
  - 2. Not every property owner in the subdivision has signed the revised plat.
- D. The Planning Commission may not approve a petition for a subdivision amendment unless the amendment identifies and preserves any easements owned by a culinary water authority for existing facilities located within the subdivision.
- E. Notwithstanding Section 10.2.8(C)(3), the Planning Commission need not hold a public hearing if notice has been given to adjoining property owners in accordance with any applicable local ordinance and the petition seeks to:
  - 1. Join two or more of the petitioner's contiguous lots;
  - 2. Subdivide one or more of the petitioner's lots;
  - 3. Adjust the lot lines of adjoining lots or between a lot and an adjoining parcel if the fee owners of each of the adjoining properties join in the petition, regardless of whether the properties are located in the same subdivision;
  - 4. On a lot owned by the petitioner, adjust an internal lot restriction imposed by the local political subdivision; or
  - 5. Alter the plat in a manner that does not change existing boundaries or other attributes of lots within the subdivision that are not owned by the petitioner or designated as a common area.
- F. The Planning Commission may approve the vacation or amendment of a plat by signing the amended plat showing the vacation or amendment if the Planning Commission finds that:
  - 1. There is good cause for the vacation or amendment; and
  - 2. No public or private harm; and
  - 3. No public street or municipality utility easement has been vacated or amended.
- G. If the Planning Commission approves the amendment petition, the Planning Commission shall sign the amended plat in the manner described in Section 10.2.5.
- H. The petitioner shall then record the plat, subject to the completion or guarantee of any improvements, as described in Section 10.2.6, after the plat has been signed, acknowledged, and dedicated by each owner of the portion of the plat that is amended.
- I. A management committee may sign and dedicate an amended plat on behalf of a condominium the committee manages as described in Utah Code §57-8.

**18.73.050: Lot Line Adjustments:**

- A. The fee owners of two parcels may petition to adjust the lot line separating the parcels without a subdivision amendment. Such a petition shall include:
  - 1. A record of survey map and a metes-and-bounds description showing the adjustment.
  - 2. An explanation of the reason for the adjustment.
  - 3. Signatures from all the parcel owners involved in the adjustment.
  - 4. Any other information the Planning Commission requests.
- B. If the adjustment will not result in a violation of a land use ordinance or an adverse development condition, the Planning Commission shall approve the petition.
- C. If the adjustment is approved, the Planning Commission shall sign the record of survey map and accompanying metes-and-bounds description.
- D. The petitioner shall record in the County Recorder's Office:
  - 1. A notice of lot line adjustment that:
    - a. Is approved by the land use authority; and
    - b. Recited the legal descriptions of both the original properties and the properties resulting for the exchange of title; and
  - 2. A document of conveyance.
- E. The applicant may simultaneously request a variance along with a lot line adjustment in case the adjustment violates a local ordinance and would not otherwise be able to be approved.

## Chapter 18.76: ADMINISTRATION AND ENFORCEMENT

### Sections:

[18.76.010 Enforcement officer.](#)

[18.76.020 Zoning clearance required.](#)

[18.76.030 Buildings to be on zoning lot.](#)

[18.76.040 Building permit to comply with code.](#)

[18.76.050 Construction and use to comply with permit.](#)

[18.76.060 Permits granted prior to this code.](#)

[18.76.070 License to comply with code.](#)

[18.76.080 Responsibility for violation.](#)

[18.76.090 Utility installation unlawful without building permit.](#)

[18.76.100 Injured person may recover damages – Town not liable.](#)

### **18.76.010 Enforcement officer.**

The zoning administrator shall be charged with the administration and enforcement of this code. [Ord. 1998-99-A § 10-12-1.1.]

### **18.76.020 Zoning clearance required.**

No building permit shall be issued for construction within the Town until the application therefor has been approved by the zoning administrator. The zoning administrator shall not give such approval until he is satisfied that the proposed construction and subsequent use of the building proposed to be constructed will comply with the requirements of the zone in which the building will be situated. [Ord. 1998-99-A § 10-12-1.2.]

### **18.76.030 Buildings to be on zoning lot.**

No building permit authorizing the use of land or the construction or alteration or moving of a building or structure on a lot shall be issued unless the parcel of land upon which the use is to be conducted or the building constructed, altered, or moved shall qualify as a zoning lot as defined in this code. [Ord. 1998-99-A § 10-12-1.3.]

### **18.76.040 Building permit to comply with code.**

From the effective date of this code, no permit shall be granted for the construction or alteration of any building or structure or for the moving of a building or structure onto a lot

or for the change of use of any land, building or structure if such construction, alteration, moving or change of use would be a violation of any of the provisions of this code, nor shall any sewer or water service line or electric utilities be installed to serve the premises if such use would be a violation of this code. [Ord. 1998-99-A § 10-12-1.4.]

**18.76.050 Construction and use to comply with permit.**

Permits issued on the basis of plans and specifications approved by the zoning administrator authorize only the use, arrangement, and construction set forth in such approved application. Any use, arrangement, or construction at variance with that authorized shall be deemed to be a violation of this code. [Ord. 1998-99-A § 10-12-1.5.]

**18.76.060 Permits granted prior to this code.**

Authorization granted by the Town to construct a building or structure, or to change the use of land, shall not be denied or abridged in the event that construction has taken place thereon to the extent of \$1,000 or more in replaceable value by the date on which this code or an amendment thereto shall become effective; provided, however, that such authorization to construct a building or structure shall be denied if construction would not have complied with all applicable laws and ordinances existing prior to the effective date of this code or amendment. Replaceable value shall be construed to mean the expenditure necessary to duplicate the material and labor at market prices. [Ord. 1998-99-A § 10-12-1.6.]

**18.76.070 License to comply with code.**

No business or similar permit shall be issued which would not be in conformance with the provisions of this code. Any permit so issued shall be null and void. [Ord. 1998-99-A § 10-12-1.7.]

**18.76.080 Responsibility for violation.**

It shall be the responsibility of the owner and any and all builders, contractors, subcontractors, real estate agents and any other persons having to do with the establishment of any use of land or the erection, altering or relocation of any building to make sure that a proper permit has been obtained before work is begun. Any person doing any work on a project for which a proper permit has not been obtained shall be deemed guilty of a violation of this code. [Ord. 1998-99-A § 10-12-1.8.]

**18.76.090 Utility installation unlawful without building permit.**

It shall be unlawful for any person, firm, or corporation to install or allow to be installed any sewer or water service lines, or any gas, telephone or electric utility connection to serve the premises before a building permit has been properly approved and issued by the zoning administrator, and any person who shall install or authorize the installation of any such line or connection shall be in violation of this code. Each day such violation is

continued shall be considered as a separate offense. [Ord. 1998-99-A § 10-12-1.9.]

**18.76.100 Injured person may recover damages – Town not liable.**

Any person purchasing a lot or parcel of land who may be injured as the consequence of a denial of a building permit, which purchase was made pursuant to inaccurate, incorrect, untrue or fraudulent information on the part of the seller or his agent, may recover damages from the seller or his agent by civil action. However, the Town shall not be civilly liable for any damages that may occur as a consequence of the denial of a building permit based upon such information. [Ord. 1998-99-A § 10- 12-1.10.]



## Chapter 18.80: ADOPTION – PENALTY – EFFECTIVE DATE

### Sections:

[18.80.010 Prior zoning and subdivision ordinances repealed.](#)

[18.80.020 Conflicting provisions.](#)

[18.80.030 Severability.](#)

[18.80.040 Penalty – Other remedies for violation.](#)

[18.80.050 Each day a separate violation – Each illegal subdivision lot a separate violation.](#)

### 18.80.010 Prior zoning and subdivision ordinances repealed.

The ordinance entitled “The Zoning Ordinance of Mayfield Town, Utah,” adopted by the town council and the ordinance adopting the codes, regulations and subdivisions enacted by the town council, together with all subsequent amendments to said ordinances, are hereby repealed to become effective concurrent with the effective date of this code. |

Commented [15]: This seems sufficient to make this title supersede all previous titles.

### 18.80.020 Conflicting provisions.

Whenever the provisions of this code conflict with the provisions of any other ordinance, resolution or part thereof, the more stringent shall prevail, except that this section shall always prevail in the subdivision context.

### 18.80.030 Severability.

This code and the various sections, clauses and paragraphs are hereby declared to be severable. If any part, sentence, clause or phrase is adjudged to be unconstitutional or invalid it is hereby declared that the remainder of the ordinance shall not be affected thereby. [Ord. 1998-99-A § 10-13- 3.]

### 18.80.040 Penalty – Other remedies for violation.

Any person, firm or corporation, whether as principal, agent, employee or otherwise, who shall erect, construct, reconstruct, alter or move a structure which is subject to the provisions of this code without first complying with the relevant provisions and, when applicable, obtaining a building permit therefor; or who shall change the use of any building or territory, create a subdivision of land, or perform any act in violation of any provision of this code, or any subsequent amendment thereto shall be guilty of a class C misdemeanor, as defined by state law, for each such offense.

The Town council, Town attorney, zoning administrator or any owner of real estate within the Town may, in addition to other remedies provided by law, institute injunction,

mandamus, abatement or any other appropriate action or proceeding to prevent, enjoin, abate or remove the unlawful building, use or act. [Ord. 1998-99-A § 10-13-4.]

**18.80.050 Each day a separate violation – Each illegal subdivision lot a separate violation.**

Each person, firm or corporation found guilty of violation shall be deemed guilty of a separate offense for every day during which any violation of any provision of this code is committed, continued or permitted.

Each person, firm or corporation who transfers or sells land in a subdivision without preparing and having approved a plat thereof in accordance with Chapter [18.68](#) MMC shall be deemed guilty of a violation for each lot transferred or sold and the description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt such transaction from such violation. (UCA 10-9-26) [Ord. 1998-99-A § 10-13-5.]