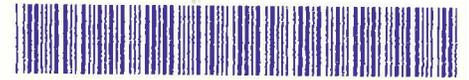


When Recorded Return To:

Eagle Mountain City  
c/o Fionnuala Kofoed, City Recorder  
1650 E. Stagecoach Run  
Eagle Mountain, UT 84005



ENT 39797:2016 PG 1 of 28  
JEFFERY SMITH  
UTAH COUNTY RECORDER  
2016 May 05 5:00 PM FEE 212.00 BY SS  
RECORDED FOR EAGLE MOUNTAIN CITY

**EAGLE MOUNTAIN CITY**  
**MASTER DEVELOPMENT AGREEMENT**  
**FOR THE**  
**PORTER'S CROSSING TOWN CENTER**  
**MASTER DEVELOPMENT**

This **Master Development Agreement for Porter's Crossing Town Center** (this "**Agreement**") is entered into between Eagle Mountain City, a Utah municipal corporation (the "**City**") and Pony Express Land Development, Inc. a Utah corporation ("**Developer**").

This Agreement is made with reference to the following facts.

A. Developer has submitted to the City an application for a new development known as the Porter's Crossing Town Center (the "**Project**"). The Project consists of approximately 125 acres of the land (the "**Property**") owned by Developer and located near the intersection of Pony Express Parkway and Porter's Crossing Parkway. A legal description of the Property is attached as Exhibit 1.

B. In August, 2014, the Developer received conditional approval for the Porter's Crossing Town Center Master Development Land Use Plan.

C. Based on the conditional land use plan, City allowed Developer to plat Porter's Crossing Town Center, Phase B, Plat 1 and Parkside at Porter's Crossing Subdivision, which subdivisions are not part of this Agreement.

D. Developer has received approval of an amended Zoning Plan for the Project from the Planning Commission and City Council of Eagle Mountain City. The approved Zoning Plan, which depicts the zoning for the Project and land uses which will be allowed by the City, is attached as Exhibit 2 (the "**Zoning Map**").

E. Developer has prepared and submitted a Land Use Plan and Summary Illustrative Plan for the Project (together the "**Land Use Plan**"). A copy of the Land Use Plan is attached as Exhibit 3. The Land Use Plan depicts the general proposed housing products, land uses and layout of lots. The Parties acknowledge that the Land Use Plan is for reference only and that the

lots, interior roads and other amenities will not develop exactly as depicted on the Land Use Plan.

F. The parties desire to enter into this Agreement to specify the rights and responsibilities of the Developer to develop the Property as parts of the Project as expressed in this Agreement and the rights and responsibilities of the City to allow and regulate such development pursuant to the requirements of this Agreement.

NOW, THEREFORE, in consideration of the mutual covenants and promises of the parties contained herein, the parties agree as follows:

1 **Definitions.** Unless otherwise defined in this Agreement, the words and phrases specified below shall have the following meanings:

- 1.1. **Administrator** means the person designated by the City as the Administrator of this Agreement.
- 1.2. **Applicant** means a person or entity submitting a Development Application.
- 1.3. **Buildout** means the completion of all of the development of the Project in accordance with the approved plans.
- 1.4. **City** means the Eagle Mountain City, a political subdivision of the State of Utah.
- 1.5. **City's Future Laws** means the ordinances, policies, standards, procedures and processing fee schedules of the City which may be in effect as of a particular time in the future when a Development Application is submitted for a part of the Project and which may or may not be applicable to the Development Application depending upon the provisions of this Agreement.
- 1.6. **City's Vested Laws** means the development ordinances, policies, standards and procedures of the City in effect as of the date of this Agreement, a digital copy of which is attached as Exhibit 7.
- 1.7. **Council** means the elected City Council of the City.
- 1.8. **Default** means a material breach of this Agreement.
- 1.9. **Denied** means a formal denial issued by the final decision-making body of the City for a particular type of Development Application but does not include review comments or "redlines" by City staff.

1.10. **Density** means the number of Equivalent Residential Dwelling Units allowed per acre.

1.11. **Development** means the development of a Pod or a portion thereof pursuant to an approved Development Application.

1.12. **Development Application** means an application to the City for development of a portion of the Project including a Subdivision or any other permit, certificate or other authorization from the City required for development of the Project.

1.13. **Equivalent Residential Dwelling Unit** (“ERU”) means, for the purpose of calculating density, a unit of measurement used to measure and evaluate development impacts on public infrastructure such as water, sewer, storm drainage, parks, roads, and public safety of proposed residential and non-residential land uses; and is intended to represent the equivalent impact on public infrastructure of one single family residence. Every residential dwelling unit shall equal one (1) ERU and every non-residential building shall constitute a minimum of 1 ERU.

1.14. **Final Plat** means the recordable map or other graphical representation of land prepared in accordance with Utah Code Ann. § 10-9a-603, or any successor provision, and approved by the City, effectuating a Subdivision of any portion of the Project.

1.15. **Homeowner Association(s)** (or “HOA(s)”) means one or more associations formed pursuant to Utah law to perform the functions of an association of property owners.

1.16. **Improved Open Space** means open space dedicated to the City to meet the City’s residential bonus density entitlements and improved in accordance with Eagle Mountain City Code 16.35.105 and Table 16.35.130(c).

1.17. **LUDMA** means the Land Use, Development, and Management Act, Utah Code Ann. §§ 10-9a-101, et seq. (2015).

1.18. **Land Use Plan** means the plan for developing the Project and the zoning of the Project approved by the City on December 1, 2015, a copy of which is attached as Exhibit 2.

1.19. **Maximum Equivalent Residential Units** (ERUs) means the development on the Property up to Six Hundred and Sixty Five (665) Equivalent Residential Dwelling Units.

1.20. **Parcel** means a Pod or a portion of a Pod that is created by the Developer that is not an individually developable lot.

1.21. **Park Plan** means the Park and Open Space Concept Plan attached hereto as Exhibit 4.

1.22. **Phase** means the development of a portion of the Project at a point in a logical sequence as determined by Developer.

1.23. **Pod(s)** means an area or the areas of the Project designated to be used for specific types of zoning as more fully illustrated on the Land Use Map.

1.24. **Project** means the total development to be constructed on the Property pursuant to this Agreement.

1.25. **Property** means that approximately one hundred and twenty five (125) acres of real property owned or controlled by Developer more fully described in Exhibit 1.

1.26. **Public Infrastructure** means those elements of infrastructure that are planned to be dedicated to the City as a condition of the approval of a Development Application.

1.27. **Subdivision** means the division of any portion of the Project into one or more developable lots.

1.28. **Subdivision Application** means the application to create a Subdivision.

1.29. **Zoning** means the zoning for each Pod as specified on the Zoning Map.

1.30. **Zoning Map** means the zoning map attached hereto as Exhibit 2.

2. **Governing Standards**. The Project shall be developed in accordance with the City's Vested Laws, the City's Future Laws (to the extent that these are applicable as otherwise specified in this Agreement), the Land Use Map and this Agreement.

3. **Zoning**. The Project will be zoned as a combination of commercial and residential as shown on the Zoning Map. In accordance with Titles 16 and 17 of the City's Vested Laws, the residential zone must be a predominately residential use, but certain commercial and mixed-use developments are allowed as a conditional use within the Project.

4. **Density**. The City has approved the Land Use Plan (attached as Exhibit 3) which divides the Project into fifteen Pods. For each Pod, the Developer shall be vested with the right to develop up to the maximum Density as indicated on the Land Use Plan for the respective Pod. Developer acknowledges the maximum Density is a ceiling, and factors as parcel configurations, residential product specifications or building code requirements may limit the Developer's

ability to build up to the maximum Density in any given Pod. Subject to the foregoing, Developer shall be entitled to transfer ERUs between Pods as follows:

- a. Pod 10 (Single Family Residential) – Pod 10 shall be capped at 12 homes with no transfers allowed to Pod 10. Transfers out may be permitted when transferring into Pods 7, 8 or 9.
- b. Pods 6, 7, 8, and 9 (Single Family Residential) - Transfers between Pods 6, 7, 8, and 9 are allowed provided that the density in any of the Pods may not increase above 110% of the density stated in the Land Use Plan (Exhibit 3).
- c. Pods 4, 5, 13, and 14 (Multi-Family Residential) - Transfers between Pods 4, 5, 13, and 14 are allowed provided that the density in any of the Pods may not increase above 110% of the density stated in the Land Use Plan (Exhibit 3).
- d. Pod 2 (Multi-Family Residential) – Pod 2 shall be capped at 180 units with no transfers allowed in or out of Pod 2.

In no case shall the density in any Parcel exceed 20.5 ERUs/acre. In no circumstance shall the total project density exceed 665 residential units. With each submittal, the Master Developer shall also submit a current account summary, by parcel and unit type, of the units presently platted, the units included in the current approval request, and the summary balance of the remaining approved total density that is not platted.

5. **Buildings and Layout.** The Land Use Plan shows certain intended product types (i.e. detached courtyard homes, single family homes, etc.) and proposed layouts for each Pod. The City and Developer acknowledge that the final product types and layout for each Pod may vary from the product types and layout indicated on the Land Use Plan, provided that such product types are compatible with existing adjacent developments and Developer maintains a variety of product types and layouts throughout the Project.

6. **Residential Areas.** The City shall not approve a preliminary plat for any residential or mixed use residential area until Developer has demonstrated how it will meet the City's Tier II, Tier III, or Tier IV bonus density requirements for that Parcel. If the required improved open space or amenities are not included in the proposed preliminary plat, Developer shall dedicate any property required to meet the open space requirements in conjunction with the recording of the Final Plat and Developer shall either improve the open space and/or install the amenities prior to recording the Final Plat or Developer shall provide a bond as set forth in paragraph 8.3.

7. **Roadways.**

7.1 The Land Use Plan depicts the major proposed roadways and access for the Project. Developer shall be responsible for constructing all roads within the Project at Developer's expense. Developer acknowledges that no direct residential driveway access is allowed from any neighborhood arterial or neighborhood collector road (as shown on the Street Exhibit attached hereto as Exhibit 4), and privacy fencing must be installed by Developer for all residential development along all neighborhood arterial or neighborhood collector roads unless the Planning Director approves removal of the fence for safety, aesthetics, or neighborhood compatibility.

7.2 The Land Use Plan shows a road connecting from the boundary of the Project to Saint Andrews Drive to the west (the "Saint Andrews Drive Extension"). The Saint Andrews Drive Extension will require the removal and possible relocation of a portion of the existing City park as shown on the Land Use Plan. Developer shall install the portion of the Saint Andrews Drive Extension outside of the Project as shown on Exhibit 4 in conjunction with the approval of any Final Plat in Pod 14. City and Developer acknowledge and agree that the Saint Andrews Drive Extension project outside of the Project area should be classified as a system improvement, and City shall enter into an impact fee reimbursement agreement with Developer, on reasonable terms on conditions, pursuant to which the City will grant Developer transportation impact fee credits for the costs (not including land costs or administrative fees) of the Saint Andrews Drive Extension. Developer acknowledges that City may require Developer to pay the transportation impact fee at the time of building permit and the City would reimburse Developer for the amount of the credit on a quarterly basis.

## 8. **Improved Open Spaces and Trails.**

8.1. Park Plan. In accordance with the City's Vested Code and the City bonus density structure, Developer must provide sufficient Improved Open Space City to meet the City's residential bonus density entitlements and improved open space points requirements for the number of ERUs in the Project. Developer has submitted a proposed Park Plan that depicts that general layout of parks, trails and improved open space for the Project. A copy of the Park Plan is attached hereto as Exhibit 5. The City has reviewed the Park Plan and the City accepts the general layout of the parks, trails and improved open space. Developer acknowledges that the City will not allow Developer to utilize areas under the electric power corridor for Improved Open Space, but Developer shall, at the request of the City, dedicate such areas to the City. Developer further acknowledges that Developer has included certain areas on the Park Plan that are currently drainages, washes or that may be necessary for detention or retention basins. City will not accept areas in washes, hillsides, detention basins or other areas unless Developer provides a plan acceptable to the City showing that Developer will improve the areas in a manner that creates usable open space in accordance with the City's Vested Laws. Developer has provided an example of an improved drainage channel, which is included as Exhibit 6. Subject to the foregoing, the City agrees that the depicted improved drainage channel area would be eligible for Improved Open Space credit.

8.2 Fencing Along Substation. The Park Plan shows a park on the north side of the Project adjacent to an existing electric substation. In order to mitigate the visual impacts of the substation, Developer agrees to construct a solid wood or vinyl fence along the north boundary of the park. City shall provide Developer with Improved Open Space point credits for the fencing based upon the actual costs to install such fencing.

8.3 Dedication and Improvement of Improved Open Space. Prior to any subdivision plat being recorded for any portion of the Property, Developer shall improve, or place into escrow with the City 150% of the funds necessary to improve, the portion of the improved open space that corresponds with the number of ERUs in the proposed Plat. For example, if the first subdivision contains 20 ERUs, Developer shall improve, or place into escrow 150 % of the funds necessary to improve, 20,000 square feet (1,000 square feet x 20 ERUs) of Improved Open Space. The Improved Open Space must be improved in conjunction with the required Improved Open Space points system in the City's Vested Code. All monies collected by the City shall be refunded upon completion of the improved open space improvements, provided that nothing herein shall not be construed to limit or reduce Developer's obligation under the Vested Laws to warrant any open space improvements or amenities or to provide a bond to warrant such improvements.

8.4. Previously Used Open Space. Developer acknowledges and agrees that the area South of Pod 14a along Smith Ranch Road and the areas on the Park Plan in light green along Pony Express Parkway to the West of Porter's Crossing Parkway, must be improved and dedicated to the City to meet the required Improved Open Space for Pod 11, and no additional improved open space credit will be provided for those areas.

8.5. Dedication of Park Improvements. City may require Developer to dedicate all Improved Open Space areas to either the City or an HOA for the Project based on the final configuration of the Improved Open Space. The City may require that Improved Open Space areas be dedicated to the City in conjunction with the subdivision plats that utilize the areas for Improved Open Space credit or with the recording of adjacent plats. The parties anticipate that all large Improved Open Space areas with play fields or other amenities will be dedicated to and maintained by the City and small open space areas will be dedicated to and maintained by the HOA.

9. Northwest Residential Area. The Land Use Element currently depicts a 2.71 acre residential area in the northwest corner of the Project that is designated as Pod 10. The Land Use Plan contemplates that Pod 10 will be accessed from the west through North Berwick Drive. Developer acknowledges that a portion of the area in Pod 10 may be encumbered by an easement(s) in favor of Rocky Mountain Power or Questar Gas that were transferred to Rocky Mountain Power or Questar Gas by the City. The City currently owns the property to extend Berwick Drive. The City shall cooperate in good faith to allow Developer to construct a road to extend Berwick Drive to provide access for Pod 10 provided that the development of Pod 10

does not encumber easements granted by the City to Rocky Mountain Power or Questar or otherwise encumber any recorded or unrecorded easements areas necessary to operate existing gas or electric facilities.

10. **Community Improvements.** In conjunction with City's Vested Laws, Developer must contribute \$2,000 per buildable acre of land within the Project to fund construction of community wide improvements above and beyond the required park improvements. Developer agrees that prior to recording each subdivision plat, Developer shall place into a community improvement escrow fund for the Project (the "Improvement Fund") established with the City sufficient funds to meet the required community improvements. For example, if the first subdivision plat is for 10 acres, Developer will place \$20,000 in the Improvement Fund. The City and Developer agree that it is the intent of Developer to utilize the funds to construct a skate park, splash park, tennis court(s), volleyball courts, soccer fields, or other approved community improvements in addition to landscaping and other improvements required by the City's Vested Code for Improved Open Space. Developer may also construct approved improvements and receive a credit from the City against future contributions for the amount of the improvement. For example, if Developer constructed a \$200,000 skate park after receiving approval from the City, Developer would receive credit for 100 acres. In the event the funds in the Improvement Fund are not utilized by Developer or the HOA for the Project within 5 years of recordation of the first subdivision plat for the Project, the City shall have discretion to utilize the funds in any manner which the City deems appropriate to meet the intents and purposes for the use of the monies. Developer acknowledges that the requirements of this paragraph 10 are separate and distinct from the requirements to meet the City's Tier II, III and IV improved open space requirements and that Developer will not receive point credits for the improvements constructed with community improvement fund dollars.

11. **Commercial Areas.** All Commercial Development shall comply with the City's Vested Laws, including requirements for parking, landscaping, lighting and setbacks.

12. **Vested Rights Granted by Approval of this Agreement.** Except as provided in paragraph 13 below, to the maximum extent permissible under the laws of Utah and the United States and at equity, the City and Developer intend that this Agreement grants Developer all rights to develop the Project in fulfillment of this Agreement, the City's Vested Laws and the Land Use Map except as specifically provided herein. The Parties intend that the rights granted to Developer under this Agreement are contractual and also those rights that exist under statute, common law and at equity. The parties specifically intend that this Agreement and the Land Use Map grant to Developer "vested rights" as that term is construed in Utah's common law and pursuant to Utah Code Ann. § 10-9a-509 (2015).

13. **Exceptions to Vested Rights.** The restrictions on the applicability of the City's Future Laws to the Project are subject to the following exceptions:

13.1. **Developer Agreement.** City's Future Laws that Developer agrees in

writing to the application thereof to the Project;

13.2. State and Federal Compliance. City's Future Laws which are generally applicable to all properties in the City and which are required to comply with State and Federal laws and regulations affecting the Project;

13.3. Codes. City's Future Laws that are updates or amendments to existing building, plumbing, mechanical, electrical, dangerous buildings, drainage, or similar construction or safety related codes, such as the International Building Code, the APWA Specifications, AAHSTO Standards, the Manual of Uniform Traffic Control Devices or similar standards that are generated by a nationally or statewide recognized construction/safety organization, or by the State or Federal governments and are required to meet legitimate concerns related to public health, safety or welfare;

13.4. Taxes. Taxes, or modifications thereto, so long as such taxes are lawfully imposed and charged uniformly by the City to all properties, applications, persons and entities similarly situated;

13.5. Fees. Changes to the amounts of fees (but not changes to the times provided in the City's Vested Laws for the imposition or collection of such fees) for the processing of Development Applications that are generally applicable to all development within the City (or a portion of the City as specified in the lawfully adopted fee schedule) and which are adopted pursuant to State law;

13.6. Planning and Zoning Modification. Changes by the City to its planning principles and design standards such as architectural or design requirements, setbacks or similar items so long as such changes do not work to reduce the Maximum Equivalent Residential Units, are generally applicable across the entire City to the respective Zones within the Project and do not materially and unreasonably increase the costs of any Development; and

13.7. Compelling, Countervailing Interest. Laws, rules or regulations that the City's land use authority finds, on the record, are necessary to avoid jeopardizing a compelling, countervailing public interest pursuant to Utah Code Ann. § 10-9a-509(1)(a)(i) (2015).

14. Tax Benefits. The City acknowledges that Developer may seek and qualify for certain tax benefits by reason of conveying, dedicating, gifting, granting or transferring portions of the Property to the City or to a charitable organization for Open Space. Developer shall have the sole responsibility to claim and qualify for any tax benefits sought by Developer by reason of the foregoing. The City shall reasonably cooperate with Developer to the maximum extent allowable under law to allow Developer to take advantage of any such tax benefits.

15. Dedication of Facilities. Except as provided in a reimbursement agreement which may be entered between the City and the Developer, the Developer agrees to construct,

dedicate and donate free and clear of all encumbrances to the City all required improvements and land for City owned utilities, streets, utility facilities and improvements.

16. **Washes and Slopes.** The portion of Tickville Wash within the Project must either be piped or a 100-foot buffer from the top of the bank must be shown on any subdivision plat that includes the 100-foot buffer area. Developer shall also submit to and receive approval from the Planning Director of a slope stability report with each preliminary plat located along a natural wash or a slope greater than 25%.

17. **Utility Services and Infrastructure Improvements.** The City's Engineering Department has reviewed the proposed Land Use Plan for the Project. Except as provided herein, the City does not anticipate that the Project will require the Developer to construct any additional offsite improvements. Developer shall be required to construct all onsite utilities unless otherwise agreed to by City and Developer. In the event Developer constructs utilities or other infrastructure in excess of the capacity necessary to provide services to the Property, Developer may be entitled to reimbursement for the cost of the excess capacity. The City shall revise and amend the City Impact Fee Ordinance and payment requirements to collect the amounts required to reimburse Developer for the cost of excess capacity.

18. **Water Rights.** Developer shall comply with the City's Vested Laws and City's Future Laws, as applicable, related to providing water to the City for the Project.

19. **Withholding Approval Upon Default.** The parties agree that the City shall not approve or record any subdivision in the Project if Developer is in default on any obligation to the City which requires the construction of roads and completion of public improvements or other utility infrastructure to serve the development project. In addition, the City may withhold approval of building permits to construct any building or structure if Developer is not current with all obligations to the City at the time of application for the development approval and/or has not completed all required improvements within the time to complete required improvements approved by the City Council.

20. **City Denial of a Development Application.** If the City denies a Development Application the City shall provide a written determination advising the Applicant of the reasons for denial including specifying the reasons the City believes that the Development Application is not consistent with this Agreement, the Land Use Plan and/or the City's Vested Laws (or, if applicable, the City's Future Laws).

21. **Meet and Confer regarding Development Application Denials.** The City and Applicant shall meet within fifteen (15) business days of any Denial to resolve the issues specified in the Denial of a Development Application.

22. **City Denials of Development Applications Based on Denials from Non-City Agencies.** If the City's denial of a Development Application is based on the denial of the

Development Application by a Non-City Agency, Developer shall appeal any such denial through the appropriate procedures for such a decision and not through the processes specified below.

23. **Mediation of Development Application Denials.**

23.1. **Issues Subject to Mediation.** Issues resulting from the City's Denial of a Development Application that are not subject to arbitration provided in Section 24 shall be mediated.

23.2. **Mediation Process.** If the City and Applicant are unable to resolve a disagreement subject to mediation, the parties shall attempt within ten (10) business days to appoint a mutually acceptable mediator with knowledge of the legal issue in dispute. If the parties are unable to agree on a single acceptable mediator they shall each, within ten (10) business days, appoint their own representative. These two representatives shall, between them, choose the single mediator. Applicant shall pay the fees of the chosen mediator. The chosen mediator shall within fifteen (15) business days, review the positions of the parties regarding the mediation issue and promptly attempt to mediate the issue between the parties. If the parties are unable to reach agreement, the mediator shall notify the parties in writing of the resolution that the mediator deems appropriate. The mediator's opinion shall not be binding on the parties.

24. **Arbitration of Development Application Objections.**

24.1. **Issues Subject to Arbitration.** Issues regarding the City's Denial of a Development Application that are subject to resolution by scientific or technical experts such as traffic impacts, water quality impacts, pollution impacts, etc. are subject to arbitration.

24.2. **Mediation Required Before Arbitration.** Prior to any arbitration the parties shall first attempt mediation as specified in Section 23.

24.3. **Arbitration Process.** If the City and Applicant are unable to resolve an issue through mediation, the parties shall attempt within ten (10) business days to appoint a mutually acceptable expert in the professional discipline(s) of the issue in question. If the parties are unable to agree on a single acceptable arbitrator they shall each, within ten (10) business days, appoint their own individual appropriate expert. These two experts shall, between them, choose the single arbitrator. Applicant shall pay the fees of the chosen arbitrator. The chosen arbitrator shall within fifteen (15) business days, review the positions of the parties regarding the arbitration issue and render a decision. The arbitrator shall ask the prevailing party to draft a proposed order for consideration and objection by the other side. Upon adoption by the arbitrator, and consideration of such objections, the arbitrator's decision shall be final and binding upon both parties. If the arbitrator determines as a part of the decision that the City's or Applicant's position was not only incorrect but was also maintained unreasonably and not in good faith then the arbitrator may order the City or Applicant to pay the arbitrator's fees.

25. **Impact Fees.** The Developer agrees to pay all impact fees when due at subdivision approval, subdivision recordation or upon application for building permits from the City as set forth more specifically in the City Impact Fee Ordinance as it may be amended from time to time.

26. **Annual Review of Compliance.** The parties agree that the City may conduct an annual review of compliance by the Developer within the terms of this Agreement. It shall be an event of default if the Developer has failed to fund roads, parks or other utility infrastructure facilities required by this Agreement or by the City Vested Laws, or if work remains incomplete on public infrastructure facilities without having received an adequate extension of time for the completion of such facilities from the City. It shall be an event of default if Developer fails to deposit adequate collateral for the improvements required by this Agreement or fails to cure any defect discovered by the City upon inspection of any infrastructure utility facilities.

27. **Default Notice.** Upon the occurrence of an event of default, the City shall provide not less than fifteen (15) days notice to Developer of a meeting of the City Council where the Developer's default shall be heard and reviewed by the City Council. The Developer shall be entitled to attend the hearing and comment on the evidence presented concerning the default. Upon a finding by the City Council that the Developer is in default, the City Council may order that work in the Project be stayed until the default is cured or may issue such further directions to City staff and to the Developer as deemed appropriate under the circumstances.

28. **Binding Effect.** This Agreement shall be binding upon and inure to the benefit of the successors, heirs and assigns of the parties hereto, and to any entities resulting from the reorganization, consolidation, or merger of any party hereto.

29. **Integration.** This Agreement constitutes the entire understanding and agreement between the parties, and supersedes any previous agreement, representation, or understanding between the parties relating to the subject matter hereof; provided however, that the City's Vested Laws (or, if applicable, the City's Future Laws) shall govern the procedures and standards for approval of each subdivision and public improvement.

30. **Not Severable.** The provisions of this Agreement are not severable, and should any provision hereof be deemed void, unenforceable or invalid, such provision shall affect the remainder of this Agreement, and shall provide grounds for dissolution of the Agreement at the option of the parties in the exclusive discretion of each of them.

31. **Waiver.** Any waiver by any party hereto of any breach of any kind or character what so ever by the other party, whether such waiver be direct or implied, shall not be construed as a continuing waiver of or consent to any subsequent breach of this Agreement on the part of the other party.

32. **No Modification.** This Agreement may not be modified except by an instrument in writing signed by the parties hereto.

33. **Governing Law.** This Agreement shall be interpreted, construed and enforced according to the laws of the State of Utah.

34. **Developers' Remedies Upon Default.** Developer acknowledges and agrees that Developers' sole and exclusive remedy under this Agreement shall be specific performance of the development rights granted in this Agreement and City's obligations under this Agreement. IN NO EVENT SHALL CITY BE LIABLE TO DEVELOPERS, THEIR SUCCESSORS OR ASSIGNS, FOR ANY INDIRECT, SPECIAL, PUNITIVE, INCIDENTAL OR CONSEQUENTIAL DAMAGES, INCLUDING, WITHOUT LIMITATION, LOST PROFITS, COSTS OF DELAY, OR LIABILITIES TO THIRD PARTIES.

35. **Costs of Enforcement.** In the event of default on the part of any party to this Agreement, that party shall be liable for all legal costs and expenses incurred by the other parties enforcing the provisions of this Agreement, whether or not legal action is instituted.

36. **Agreement to Run With the Land.** This Agreement shall be recorded against the Property and shall be deemed to run with the land and shall be binding on Developer and all successors and assigns. For recording purposes, the City may omit any Exhibits to this Agreement, provided that a full copy of the Agreement shall be on file with the Eagle Mountain City Recorder's Office and available to the public.

Dated this 23 day of March, 2016.

PONY EXPRESS LAND DEVELOPMENT, INC.

By: [Signature]

Print Name: LARRY SHELTON

Title: President

STATE OF UTAH )  
COUNTY OF Wasatch )

On the 23 day of March, 2016, personally appeared before me Larry Shelton, who did personally acknowledge to me that he had authority to and did execute the foregoing easement on behalf of the Pony Express Land

Development, Inc.

*[Handwritten Signature]*

NOTARY PUBLIC



ATTEST:

EAGLE MOUNTAIN CITY

*[Handwritten Signature]*  
City Recorder

*[Handwritten Signature]*  
Christopher Pengra, Mayor

Approved as to form:  
*[Handwritten Signature]*  
City Attorney



# EXHIBIT 1

## Legal Description

**LEGAL DESCRIPTION**

Porter's Crossing Town Center Master Plan  
Eagle Mountain City, Utah County, Utah

A part of the Southeast Quarter of Section 20 and the Southwest Quarter of Section 21, Township 5 South, Range 1 West, Salt Lake Base and Meridian, U.S. Survey in Eagle Mountain City, Utah County, Utah:

Beginning at a point on the North Line of Pony Express Parkway located 66.00 feet North 00°11'38" East along the Section Line from the Southeast Corner of said Section 20; and running thence along said North Line of Pony Express Parkway the following three courses: North 89°03'07" West 908.35 feet along a line parallel to the Section Line; North 03°43'05" East 60.01 feet; and North 89°03'07" West 520.17 feet along a line parallel to the Section Line; thence North 00°00'33" West 2544.37 feet to a point on the Quarter Section Line; thence South 89°17'43" East 1434.33 feet along the Quarter Section Line to the East Quarter Corner of said Section 20; thence South 89°11'18" East 574.34 feet along the Quarter Section Line; thence more or less along the abandoned centerline of the Union Pacific Railroad the following two courses: South 49°30'49" East 433.45 feet; and South 61°54'28" East 140.45 feet; thence South 00°00'54" East 2269.78 feet to a point on the North Line of the Pony Express Parkway; thence along said North Line the following two courses: North 89°09'34" West 1036.58 feet parallel to the Section Line; and North 89°03'07" West 0.81 feet parallel to the Section Line to the Point of Beginning.

Contains 6,308,030 sq. ft. or 144.81 acres

EXCEPTING THEREFROM, the following recorded subdivisions:

Porter's Crossing Town Center Subdivision, recorded September 24, 2013, Entry #90696:2013, Map# 14033 in the office of the Utah County Recorder.

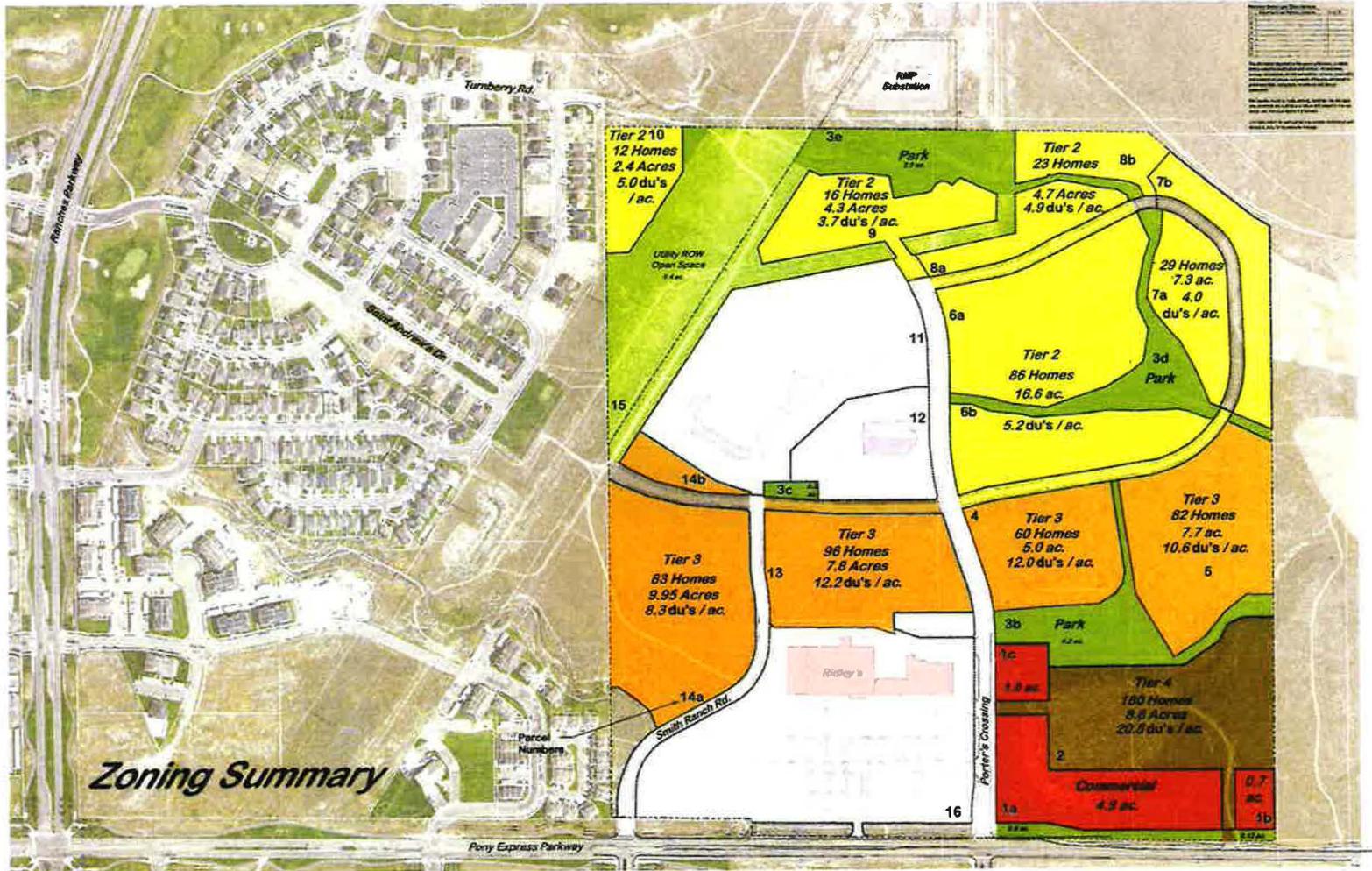
Porter's Crossing Town Center Subdivision Amended, recorded December 09, 2015, Entry #110516:2015, Map# 14874 in the office of the Utah County Recorder.

Porter's Crossing Town Center, Phase B, Plat 1 Subdivision, recorded July 14, 2014, Entry #48061:2014, Map# 14299 in the office of the Utah County Recorder.

Parkside at Porter's Crossing Subdivision, recorded February 23, 2015, Entry #13765:2015, Map# 14514 in the office of the Utah County Recorder.

# EXHIBIT 2

## Zoning Map

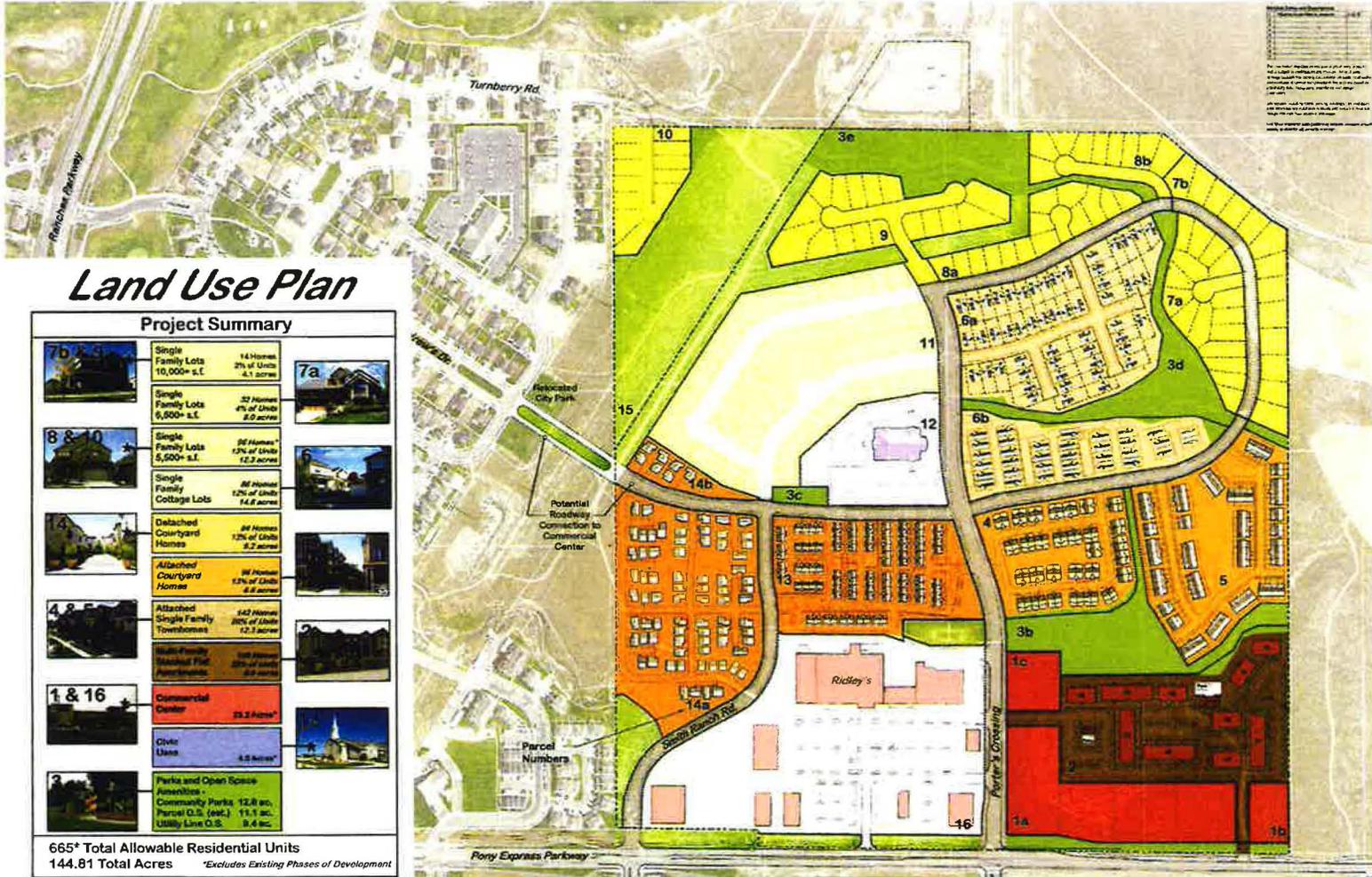


**Porter's Crossing Village Center Plan**

December 22, 2015

# EXHIBIT 3

## Land Use Plan



## Land Use Plan

### Project Summary

	Single Family Lots 10,000+ s.f.	14 Homes 2% of Units 4.1 acres	
	Single Family Lots 5,500+ s.f.	32 Homes 4% of Units 8.2 acres	
	Single Family Lots 5,500+ s.f.	86 Homes 12% of Units 12.2 acres	
	Single Family Cottage Lots	86 Homes 12% of Units 14.6 acres	
	Detached Courtyard Homes	86 Homes 12% of Units 8.2 acres	
	Attached Courtyard Homes	86 Homes 12% of Units 8.2 acres	
	Attached Single Family Townhomes	142 Homes 20% of Units 12.2 acres	
	Multi-Family Stacked Flat Apartments	142 Homes 20% of Units 8.2 acres	
	Commercial Center	23.2 Acres*	
	Civic Uses	4.8 Acres*	
	Parks and Open Space Amenities	Community Parks: 12.8 ac. Parcel O.S. (sec.): 11.1 ac. Utility Line O.S.: 9.4 ac.	

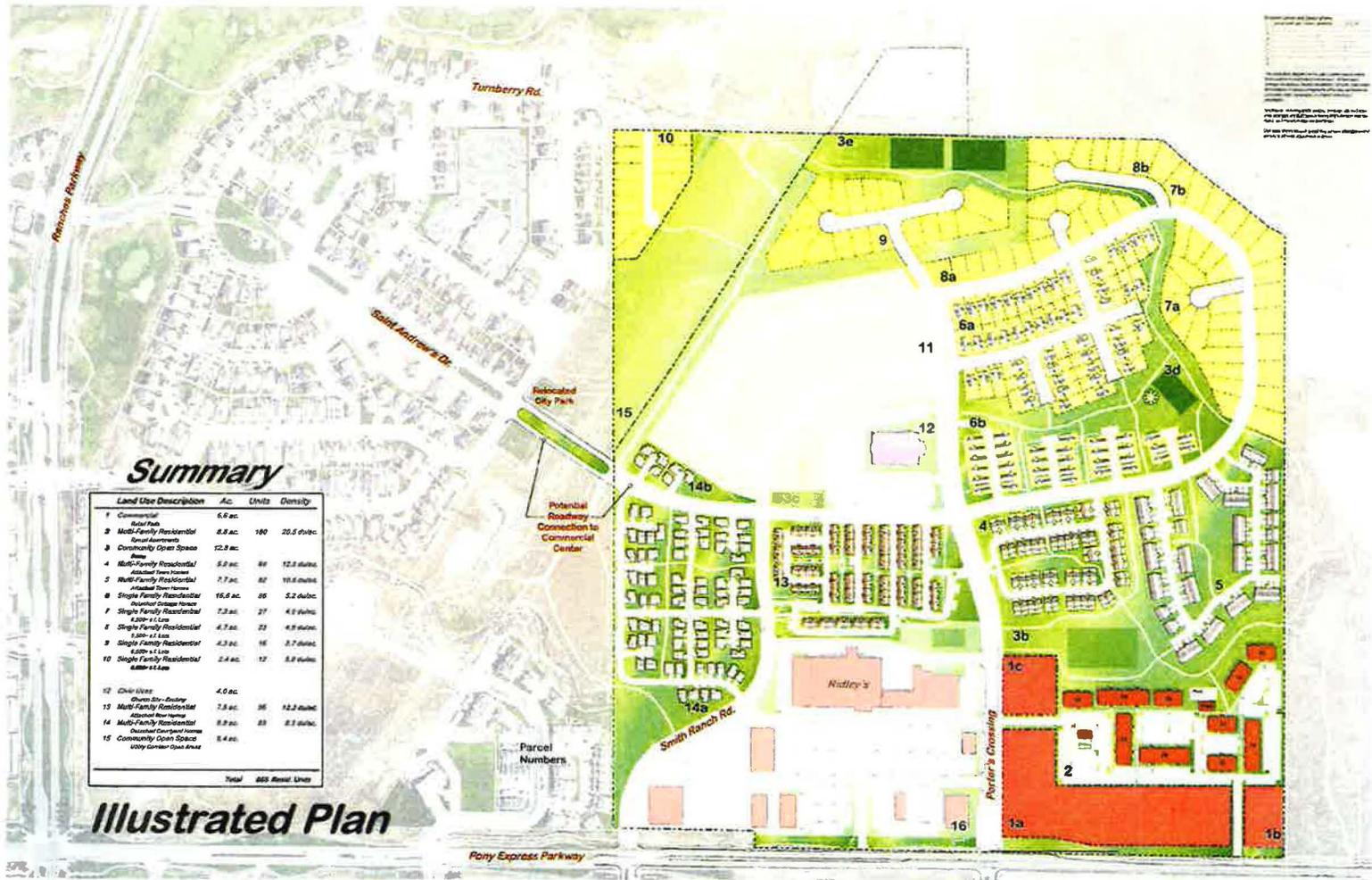
665\* Total Allowable Residential Units  
144.81 Total Acres

\*Excludes Existing Phases of Development

## Porter's Crossing Village Center Plan

December 22, 2015





# Porter's Crossing Village Center Plan

December 22, 2015  
 Scale: 1" = 100'  
 North Arrow

# EXHIBIT 4

## Street Plan



# EXHIBIT 5

## Park Plan

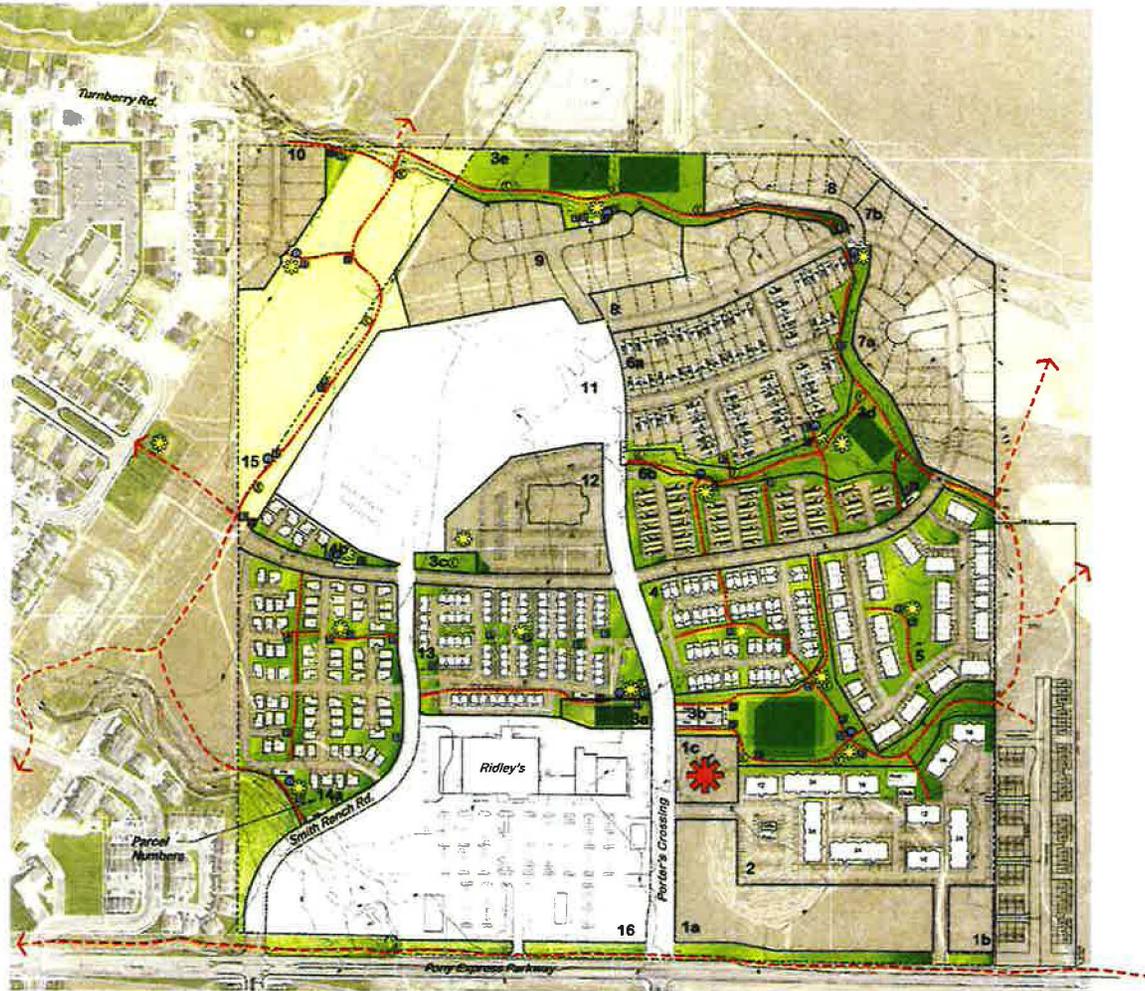
1. The information on this map is for informational purposes only and does not constitute an offer of insurance or any other financial product. Please contact your insurance agent for more information.

2. The information on this map is for informational purposes only and does not constitute an offer of insurance or any other financial product. Please contact your insurance agent for more information.

3. The information on this map is for informational purposes only and does not constitute an offer of insurance or any other financial product. Please contact your insurance agent for more information.

## Parks and Recreation Components

-  Project Entry Monument Feature
-  Parcel Entry Monument Feature
-  Multi-Use Walk, Path or Trail
-  External Pathway Connection
-  Primary Sports Field
-  Junior Sports Field
-  Club Facility, Pool and/or Spa
-  Recreation Feature
-  Recreation Focused Parking
-  Bike Rack
-  Benches or Seating Element
-  Exercise Station
-  Water Fountain
-  Projected Areas of Community Parks and Parcel Open Space
-  Open Spaces Within Utility Corridors
-  Previously Dedicated Open Space and Recreation Areas

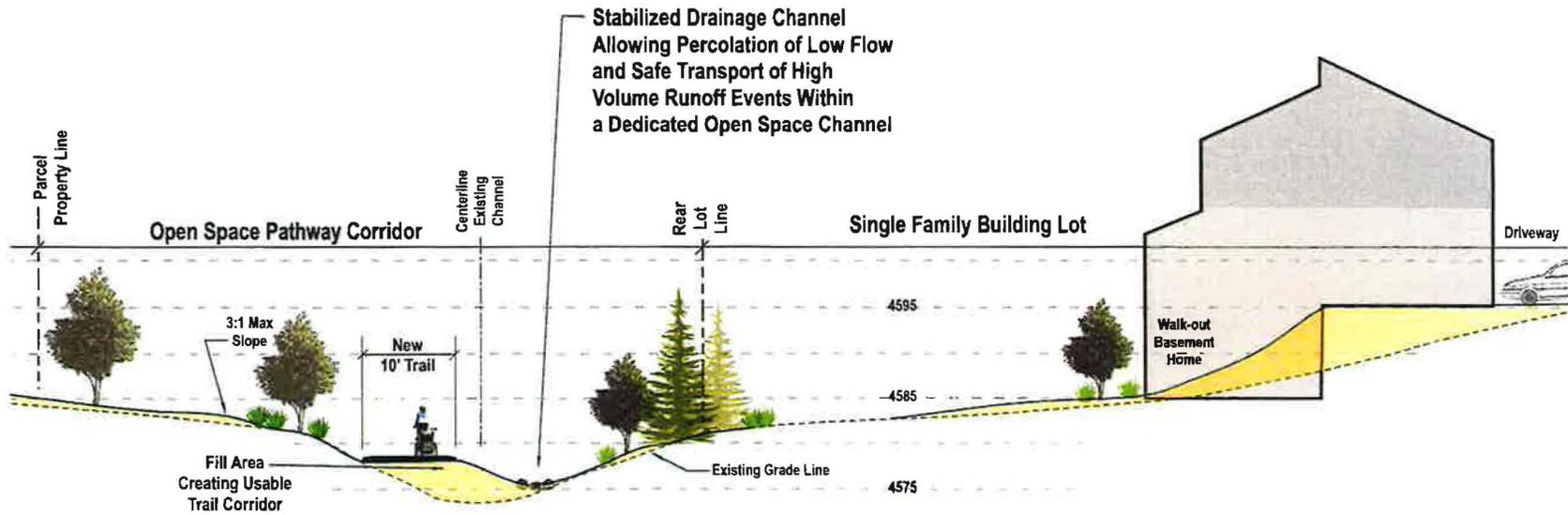


# Porter's Crossing Village Center Plan

November 20, 2015 

# EXHIBIT 6

## Example Improved Drainage Channel



**Typical Pathway Treatment  
Along Drainage Channels**



**Porter's Crossing Village Center Plan**

December 21, 2015

# EXHIBIT 7

## Vested Laws

**Title 15  
BUILDINGS AND CONSTRUCTION**

**Chapters:**

**Division I. Standards and Specifications**

- [15.05 General Improvement Requirements](#)
- [15.10 Improvement and Design Standards](#)
- [15.15 Inspection](#)
- [15.20 Prerequisites of Contractors](#)
- [15.25 Earthwork](#)
- [15.30 Excavation and Backfill for Trenches](#)
- [15.35 Water Lines](#)
- [15.40 Pressurized Irrigation](#)
- [15.45 Sewer Lines](#)
- [15.50 Storm Drains](#)
- [15.55 Restoration of Surface Improvements](#)
- [15.60 Street Improvements](#)
- [15.65 Concrete Curb, Gutter, Sidewalks, and Trails](#)
- [15.70 General Specifications for Electrical Service](#)
- [15.75 General Specifications for Gas Service](#)
- [15.80 Hillside Site Development](#)
- [15.85 Surface Irrigation Systems](#)

**Division II. Codes and Regulations**

- [15.90 Exempted Nonresidential Developments](#)
- [15.95 International Codes](#)
- [15.100 APWA Standard Specifications](#)
- [15.105 Flood Damage Prevention](#)
- [15.110 Impact Fee Enactment](#)

Prior legislation: Ords. O-17-2003 and 99-26.

**Chapter 15.05**  
**GENERAL IMPROVEMENT REQUIREMENTS**

Sections:

[15.05.010 General.](#)

[15.05.020 Preliminary plat.](#)

[15.05.030 Final plat.](#)

[15.05.040 Street cross-sections.](#)

**15.05.010 General.**

This chapter defines the general requirements for improvements to be built by the developer, subdivider, owner or contractor for all types of construction (to include residential, commercial, industrial and professional office).

The improvements shall include all street improvements in front of all lots and along all dedicated streets to a connection with existing improvements of the same kind or to the boundary of the subdivision nearest existing improvements. Layout must provide for future extension to adjacent development and be compatible with the contour of the ground for proper drainage. All water lines, sewer lines, and any other buried conduit shall be installed to the boundary lines of the subdivision or development. [Ord. O-03-2010 § 1 (Exh. A § 1.010)].

**15.05.020 Preliminary plat.**

Requirements for the preliminary plat shall conform to EMMC Titles [16](#) and [17](#). [Ord. O-03-2010 § 1 (Exh. A § 1.020)].

**15.05.030 Final plat.**

Requirements for the final plat shall conform to EMMC Titles [16](#) and [17](#). [Ord. O-03-2010 § 1 (Exh. A § 1.030)].

**15.05.040 Street cross-sections.**

Requirements for the street cross-sections shall conform to EMMC Titles [16](#) and [17](#). [Ord. O-03-2010 § 1 (Exh. A § 1.040)].

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<sup>1</sup> Code reviser's note: This division was originally published as a separate document, the *Eagle Mountain City Construction Standards and Specifications*, adopted by Ord. No. O-03-2010. Ord. No. O-03-2012 adopts an amended version of this document and sets out the entire new version of the standards. For codification purposes, only those sections with text changes between the 2010 and 2012 Editions have been treated as amended. The legislative history notes for the rest of the standards refer only to the 2010 ordinance.

**Chapter 15.10**  
**IMPROVEMENT AND DESIGN STANDARDS**

Sections:

- [15.10.010 Utility connection.](#)
- [15.10.020 Utility extension.](#)
- [15.10.030 Water supply.](#)
- [15.10.040 Flush hydrants.](#)
- [15.10.050 Sewers and sewage facilities.](#)
- [15.10.060 Water and sewer laterals.](#)
- [15.10.070 Storm drainage.](#)
- [15.10.080 Pressurized irrigation system.](#)
- [15.10.090 Streets.](#)
- [15.10.100 Street widths, intersecting driveways, maximum street grades.](#)
- [15.10.110 Intersection grades.](#)
- [15.10.120 Vertical curves.](#)
- [15.10.130 Cul-de-sacs.](#)
- [15.10.140 Temporary turnarounds.](#)
- [15.10.150 Offsetting intersections.](#)
- [15.10.160 Clear vision area.](#)
- [15.10.170 Curbs, gutters and sidewalks.](#)
- [15.10.180 Parking lots and driveways.](#)
- [15.10.190 Ground water.](#)
- [15.10.200 Underground utilities.](#)
- [15.10.210 Licensed contractor.](#)
- [15.10.220 Time limitation for completion.](#)
- [15.10.230 Building permits.](#)
- [15.10.240 Security for improvements required.](#)
- [15.10.250 Standards for construction drawings.](#)
- [15.10.260 Landscape improvement standards.](#)
- [15.10.270 Half-street width.](#)
- [15.10.280 Traffic control.](#)
- [15.10.290 Construction safety.](#)
- [15.10.300 Excavation permit.](#)
- [15.10.310 Survey.](#)
- [15.10.320 Construction entrance.](#)

[15.10.330 Site cleanup.](#)

[15.10.340 Noncompliance.](#)

[15.10.350 Hours of work.](#)

[15.10.360 Defensible space.](#)

[15.10.370 Reimbursement agreements.](#)

[15.10.380 Improvements warranty.](#)

[15.10.390 Street lighting.](#)

**15.10.010 Utility connection.**

It shall be the responsibility of the developer to connect to any utilities or improvements wherever they are located and extend those improvements to and through the development as shown on the approved construction drawings. [Ord. O-13-2015 § 1 (Exh. A); Ord. O-03-2010 § 1 (Exh. A § 2.010)].

**15.10.020 Utility extension.**

It may be the responsibility of the developer to extend all utilities or improvements to the end of their property for future connection of adjacent property. Reimbursements may be made for these extensions based on the excess capacity, provided these expenses meet the requirements as set forth by the city or as stated in the master development agreement. The excess capacity, if any, formula and terms for any reimbursement agreement will be identified prior to the beginning of construction. Utilities that connect onto Eagle Mountain public utilities will maintain Eagle Mountain City standards for material, workmanship, and trench back fill/pipe bedding. [Ord. O-13-2015 § 1 (Exh. A); Ord. O-03-2010 § 1 (Exh. A § 2.011)].

**15.10.030 Water supply.**

The developer shall connect the subdivision with the city water system with all appurtenances and shall make such water available to each lot within the subdivided area. Adequacy of supply and sizes of water mains shall be established by the city engineer or his/her designee. The minimum water line size shall be eight inches in diameter.

Workmanship and details of construction shall be in accordance with the APWA Standard Specifications as amended by the city. All work in connection with water services shall be done as directed and under the supervision of the city engineer or his/her designee.

The design of all subdivisions shall be such that a minimum water pressure of 50 psi and a maximum of 115 psi will be maintained at street level. [Ord. O-13-2015 § 1 (Exh. A); Ord. O-03-2010 § 1 (Exh. A § 2.020)].

**15.10.040 Flush hydrants.**

Flush hydrants, blow-offs, or some other adequate mechanism shall be installed at the end of all water lines to adequately flush all water lines. [Ord. O-13-2015 § 1 (Exh. A); Ord. O-03-2010 § 1 (Exh. A § 2.021)].

**15.10.050 Sewers and sewage facilities.**

The developer shall provide each lot with a sanitary sewer system in accordance with the ordinances of the city and pursuant to the APWA Standard Specifications as amended by the city. All work shall be completed by the developer as directed and under the supervision of the city engineer or his/her designee. [Ord. O-13-2015 § 1 (Exh. A); Ord. O-03-2010 § 1 (Exh. A § 2.030)].

**15.10.060 Water and sewer laterals.**

All sewer services and water services need to be marked with a two-inch by four-inch stake at the end of each service a minimum of 36 inches above grade and a two-inch "S" for sewer or two-inch "W" for water needs to be stamped in the top of the curb at the service locations. Curb markings may also be made on a brass cap hammered into the curb. Water and sewer lateral must extend a

minimum of 15 feet behind the property line. [Ord. O-13-2015 § 1 (Exh. A); Ord. O-03-2010 § 1 (Exh. A § 2.031)].

**15.10.070 Storm drainage.**

The developer shall provide on-site facilities for a 100-year storm event and piping and appurtenances to convey the highest intensity 10-year storm to the on-site retention facilities. Additional piping and appurtenances shall be required to convey the 10-year historical discharge from the on-site retention facility to the city's existing storm water facility. The minimum storm drain pipe size shall be 15 inches.

All improvements shall be constructed in accordance with city ordinances and pursuant to the APWA Standard Specifications as amended by the city and/or other codes adopted by the city. All said work shall be done as directed and under the supervision of the city engineer or his/her designee. [Ord. O-13-2015 § 1 (Exh. A); Ord. O-03-2010 § 1 (Exh. A § 2.040)].

**15.10.080 Pressurized irrigation system.**

The developer may be required to connect the subdivision to the city secondary pressurized irrigation system, as designated by the city's master secondary irrigation plan, as outlined in the development agreement, if such facilities are expected to be available for use within three years of the installation of such improvements. The use of treated re-use water may allow a credit of banked water rights consistent with the amount of culinary water which should have been used for irrigation to be offset with secondary irrigation.

The minimum pressurized irrigation size shall be four inches in diameter. The adequacy of supply lines and sizes of mains shall be established by the city engineer or his/her designee.

Workmanship and construction shall comply with the Eagle Mountain City Construction Standards and Specifications. Installation shall conform to Chapter [15.40](#) EMMC.

Pressurized irrigation systems to be installed in existing city roads and rights-of-way shall conform to all relevant chapters of this title. [Ord. O-13-2015 § 1 (Exh. A); Ord. O-03-2010 § 1 (Exh. A § 2.050)].

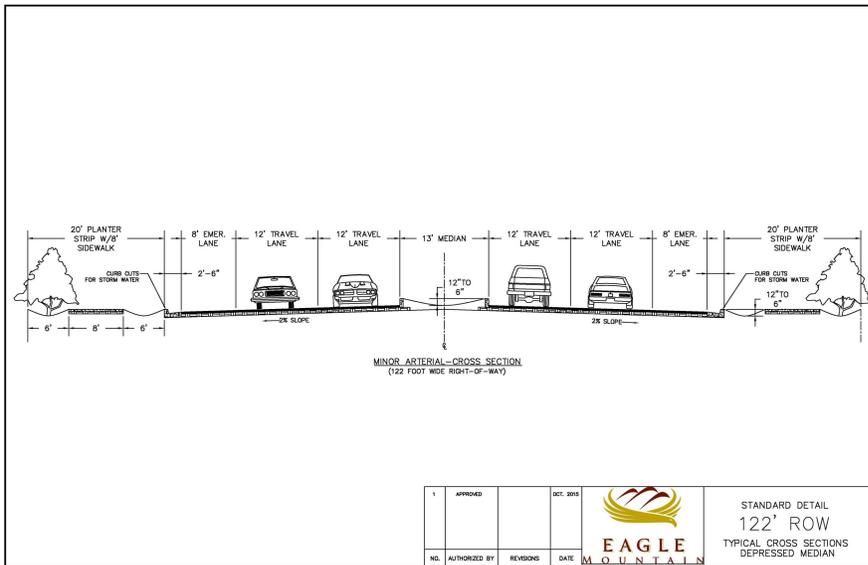
**15.10.090 Streets.**

The developer shall construct all streets required by the subdivision as specified by the city council in accordance with the APWA Standard Specifications as amended by the city. All streets shall be constructed pursuant to standards recommended by the city engineer or his/her designee based on soil conditions and required structural engineered materials to be used in the construction of the road.

The developer shall be responsible to construct all streets required in the final plat and as a condition of the final plat approval to the standard required by the city engineer or his/her designee. The developer shall be required to provide an engineered design for the street subgrade construction. [Ord. O-13-2015 § 1 (Exh. A); Ord. O-03-2010 § 1 (Exh. A § 2.060)].

**15.10.100 Street widths, intersecting driveways, maximum street grades.**

Street widths, intersecting driveways and maximum street grades shall conform to EMMC Titles [16](#) and [17](#). All street cross-sections shall be graded such that the storm runoff is directed away from the street section. Where possible, roadways should be built higher than the existing surrounding terrain. In general, along collector and arterial roadways with larger rights-of-way, a vertical depression of six to 12 inches from the elevation of the top of curb shall be installed. In rights-of-way which include a median, a vertical depression of six to 12 inches shall also be maintained. In no instances shall grading on the sides or medians of roadways promote drainage from the landscaped areas onto the roadway. See exhibit.



[Ord. O-23-2015 § 2 (Exh. A); Ord. O-13-2015 § 1 (Exh. A); Ord. O-03-2010 § 1 (Exh. A § 2.070)].

**15.10.110 Intersection grades.**

The maximum grade at intersections shall not exceed four percent for 100 feet measured from the edge of asphalt on the intersecting street.

The grade may be increased to a maximum of six percent on a collector road if there is no signalization or traffic control. In addition, detailed designs are required for the intersection design along with storm drain inlet boxes at each of the intersecting curb returns. [Ord. O-13-2015 § 1 (Exh. A); Ord. O-03-2010 § 1 (Exh. A § 2.080)].

**15.10.120 Vertical curves.**

Vertical curves shall be designed to meet the maximum sight distance and stopping sight distances required by AASHTO. [Ord. O-13-2015 § 1 (Exh. A); Ord. O-03-2010 § 1 (Exh. A § 2.081)].

**15.10.130 Cul-de-sacs.**

The maximum length of a cul-de-sac is 500 feet measured from the nearest right-of-way line of the adjoining street to the center of the cul-de-sac, and the minimum radius as defined by EMMC Titles 16 and 17 and the International Fire Code, unless otherwise approved by the city engineer and the fire chief. No reversed grade cul-de-sacs shall be allowed unless adequate storm and sewer facilities are designed and approved by the city engineer or his/her designee. Cul-de-sacs shall have a maximum of 15 lots unless stated otherwise in EMMC Titles 16 and 17. [Ord. O-13-2015 § 1 (Exh. A); Ord. O-03-2010 § 1 (Exh. A § 2.090)].

**15.10.140 Temporary turnarounds.**

Temporary turnarounds are to be provided on all streets which are more than one lot from intersections unless approved otherwise by the Eagle Mountain fire chief. These are to be recorded on the plat as easements; 60-foot diameter, four-inch-thick compacted road base and two inches of asphalt. If it is not anticipated that the temporary turnaround will be in place longer than a year, the developer may, at their discretion, forego installation of the asphalt in favor of bonding these improvements. If the temporary turnaround is still required at the end of the warranty period, and if asphalt has not been installed, the asphalt will be installed by the developer at his/her expense, or the city will make a claim against the bond. All temporary turnarounds must be approved by the Eagle Mountain City fire chief or his/her designee. [Ord. O-13-2015 § 1 (Exh. A); Ord. O-03-2010 § 1 (Exh. A § 2.100)].

**15.10.150 Offsetting intersections.**

All intersections shall be at right angles, or within 10 degrees, extending a minimum of 150 feet along the centerlines from the center of the intersection to the point of tangency. Offset intersections will have a minimum offset of 100 feet between centerlines. [Ord. O-13-2015 § 1 (Exh. A); Ord. O-03-2010 § 1 (Exh. A § 2.120)].

**15.10.160 Clear vision area.**

A. The clear vision area is that triangular area of a corner lot or parcel formed by the street property lines and the line connecting them at points 30 feet from the intersecting right-of-way lines of the two streets. Fencing and planting is restricted within this area as follows:

1. No fence shall exceed a height of three feet.
2. Shrubs shall be pruned to a height not to exceed three feet.
3. Trees shall be pruned to maintain a clear area below eight feet.

B. A second clear vision area with 20-foot sides is also required where the rear of a corner lot adjoins an interior lot. The same restrictions for landscaping and fencing apply in this area unless the interior lot is already developed and has no existing driveway within 10 feet of the property line adjoining the corner lot. [Ord. O-13-2015 § 1 (Exh. A); Ord. O-03-2010 § 1 (Exh. A § 2.130)].

**15.10.170 Curbs, gutters and sidewalks.**

When required on Table 16.35.130(b), Right-of-Way Classifications, all curbs, gutters and sidewalks shall be built on all existing and proposed streets required by the subdivision in accordance with the APWA Standard Specifications as amended by the city. All curbs, gutters and sidewalks shall connect to existing curbs, gutters and sidewalks within a reasonable area as determined by the city engineer or his/her designee. [Ord. O-13-2015 § 1 (Exh. A); Ord. O-03-2010 § 1 (Exh. A § 2.140)].

**15.10.180 Parking lots and driveways.**

Parking shall meet the size and configuration requirements as shown in the standard drawings. Parking lots and drives shall be designed to meet appropriate engineering standards, including drainage and load capacity. All drive and parking lot drainage, asphalt, and base designs shall be reviewed by the city engineer or his/her designee prior to approval. Any trenches for installation of public utilities shall be backfilled and compacted using engineered fill (A1, A2) and be tested in accordance with Eagle Mountain City standards. [Ord. O-13-2015 § 1 (Exh. A); Ord. O-03-2010 § 1 (Exh. A § 2.150)].

**15.10.190 Ground water.**

Potential ground water or subsurface drainage problems may have additional requirements; further requirements will be reviewed and approved by the city engineer or his/her designee. Pumping of ground water across sidewalks or into the gutters or the sewer system will not be allowed. [Ord. O-13-2015 § 1 (Exh. A); Ord. O-03-2010 § 1 (Exh. A § 2.160)].

**15.10.200 Underground utilities.**

Utilities, including electrical and gas lines, shall be underground, except when the city feels that such underground lines are not in the best interest of the city. [Ord. O-13-2015 § 1 (Exh. A); Ord. O-03-2010 § 1 (Exh. A § 2.170)].

**15.10.210 Licensed contractor.**

All work performed in accordance with this title shall be performed by a contractor licensed to perform such work by the state of Utah. [Ord. O-13-2015 § 1 (Exh. A); Ord. O-03-2010 § 1 (Exh. A § 2.180)].

**15.10.220 Time limitation for completion.**

All improvements within subdivisions listed herein must be completed within one year of the date of recording of the final plat, except for required corrections to defective work as found in the final walkthrough and itemized in a punch list generated by Eagle Mountain City, which shall be completed at the end of the warranty period after asphalt installation. Improvements that are not

completed within the time limitation imposed herein may be required to work a forfeiture of any bond or surety that shall have been posted by the owner or developer, or may be allowed to post an additional bond for an additional amount reflective of increased construction costs. At no time will an unimproved recorded plat be allowed to constitute a risk or hazard to the public.

Approved construction drawings will only be valid for three years from the date of approval. After three years from the time of approval, drawings must be resubmitted prior to construction for a staff review to ensure adequate construction standards are reflected in said plans. [Ord. O-13-2015 § 1 (Exh. A); Ord. O-03-2010 § 1 (Exh. A § 2.190)].

**15.10.230 Building permits.**

See EMMC [16.60.050](#) for the building permit approval process. [Ord. O-13-2015 § 1 (Exh. A); Ord. O-04-2015 § 2 (Exh. A); Ord. O-03-2010 § 1 (Exh. A § 2.200)].

**15.10.240 Security for improvements required.**

In order to insure the proper installation of the improvements required by this chapter and in order to insure prompt payment of all persons supplying labor or materials to the subdividers or their contractors or subcontractors installing said improvements, the owners of property or the principal subdividers shall, prior to subdivision recordation or issuance of a building permit, deposit with the city, or a depository acceptable to the city, a cash escrow bond, or an improvement surety bond, furnished by a surety authorized to do business in the state of Utah and operating in good standing, conditioned on the requirements that installation of all required improvements are constructed within the required time and in accordance with the plans, specifications, time limitations and conditions relating thereto as approved by the city engineer or his/her designee.

The bond or cash escrow shall be established in a form acceptable to counsel for the city and shall be in an amount to be determined by the city engineer or his/her designee, and shall be filed in the office of the city recorder and shall amount to 110 percent of the estimated cost of improvements. The developer shall sign a development agreement agreeing to install and warrant the improvements required for approval of the subdivision or other project. [Ord. O-13-2015 § 1 (Exh. A); Ord. O-03-2010 § 1 (Exh. A § 2.210)].

**15.10.250 Standards for construction drawings.**

The following instructions are for the purpose of standardizing the preparation of drawings to obtain uniformity in appearance, clarity, size and style.

Following approval of the city council, five copies of the construction plans shall be submitted with three copies to be retained by the city engineer or his/her designee and two copies returned to the subdivider with the approval mark and signature of the city engineer or his/her designee. One approved copy shall be kept available at the construction site.

These plans and designs shall meet the standards defined in the specifications and drawings of the city described herein. The minimum information required on drawings for improvements is as follows:

All drawings and/or prints shall be clear and legible and conform to good engineering and drafting room practice. Size of drawings shall be 24-inch by 36-inch (trim line) with minimum borders of one-half inch on top, bottom and right sides, left side one and one-half inch.

A. Include the following with the construction drawings:

1. A copy of the proposed final plat.
2. A plan view of the entire project.
3. Plan and profiles of all curbs, gutters, storm drains, irrigation and sewer systems.
4. Detail drawings only for items not found in the APWA manual. Detail drawings shall be to scale and completely dimensioned and described. All structures shall be designed in accordance with minimum requirements established by this title or the APWA manual.

5. Complete plans for all off-site work to be done in conjunction with the project.
  6. A SWPPP page with maps showing:
    - a. Storm drain system.
    - b. Topographical lines and flow arrows.
    - c. UPDES permit number with contact information.
    - d. Locations of BMPs and good housekeeping measures.
- B. Include the following on each drawing sheet:
1. North arrow.
  2. Scale. Use a standard engineering scale between one inch equals 10 feet and 60 feet. Use a scale of one inch equals 100 feet on the plan view of the entire project if necessary to fit the project on one sheet.
  3. Title block along right side of sheet with title of drawing in lower right corner. Include in title block:
    - a. Name of subdivision and plat.
    - b. Name of city.
    - c. Specific type of drawing (construction drawings, plan view, plan and profiles, off-site construction, detail drawings).
    - d. Space provided for approval signature of city engineer or his/her designee and date.
    - e. Name of engineer, surveyor or firm preparing drawings.
    - f. Drawing number of total number of drawings.
  4. Also include the following with profile drawings:
    - a. Vertical scale of one inch equals one, two, three or four feet.
    - b. Reference to the vertical datum. The 1929 North American Vertical Datum (NAVD29) shall be used for all elevation data.
    - c. Benchmark location and elevation for checking construction.
    - d. Stationing aligned from plan view with the profile view.
    - e. Existing ground, ditch and utility lines.
- C. Include the following for curbs, gutters, storm drains, drainage structures, sidewalks and street surfacing plans:
1. Plan and profile for top back of curb for each side of the street. Label profile line as top back of curb for both sides of street if it is the same.
  2. Stationing and top back of curb elevations with curve data for curb returns.
  3. Flow direction and type of cross drainage structures at intersections with adequate flow line elevations.
  4. Type of curb and gutter if other than the standard 30-inch modified curb and gutter in the standard drawings.
  5. Plan and profile of all new and existing storm drains and storm manholes and boxes.

6. Storm box and manhole size, location, and elevations of flow lines and rim.
7. Location, size, grade and type of pipe of new and existing storm drains.
8. Storm water calculations for a 25-year and 100-year storm.
9. Detail of ADA ramps with detectable warning pads.

D. Include the following for sewer plans:

1. Plan and profile of all new and existing sewer mains and manholes.
2. Manhole size, location, and elevations of flow lines and rim.
3. Location, size, grade and type of pipe of new and existing sewer mains.
4. Location of each lateral with distance stubbed back into property clearly drawn and dimensioned.

E. Include the following for culinary water plans:

1. Location, size and type of pipe of new and existing water mains.
2. Profile or detail showing separation at each conflicting utility crossing.
3. Location of valves, fittings, hydrants, boxes, meters and appurtenances.
4. Minimum cover.
5. Location of each lateral with distance stubbed back into property clearly drawn and dimensioned.

F. Include the following for the pressurized irrigation plans:

1. Location, size and type of pipe of new and existing irrigation mains.
2. Profile or detail showing separation at each conflicting utility crossing.
3. Location of valves, fittings, boxes, meters and appurtenances.
4. Minimum cover.
5. Location of each lateral with distance stubbed back into property clearly drawn and dimensioned. [Ord. O-13-2015 § 1 (Exh. A); Ord. O-03-2010 § 1 (Exh. A § 2.220)].

**15.10.260 Landscape improvement standards.**

Landscape improvements shall conform to APWA Construction Standards and Eagle Mountain City landscape construction standards. All landscape plans are to be approved by the Eagle Mountain City planning department and parks division prior to construction. [Ord. O-13-2015 § 1 (Exh. A); Ord. O-03-2010 § 1 (Exh. A § 2.230)].

**15.10.270 Half-street width.**

In certain conditions, and when special approval is given, half-road widths may be allowed. Half-road width requires all improvements to the centerline plus an additional 10 feet of asphalt. Adequate storm water control should be constructed for non-curbed roadside. All improvements must be made on subdivider's property. [Ord. O-13-2015 § 1 (Exh. A); Ord. O-03-2010 § 1 (Exh. A § 2.240)].

**15.10.280 Traffic control.**

Traffic control shall be submitted to the city prior to any work in accordance with MUTCD. Any road closures must notify public safety at a minimum of 24 hours in advance of the road closure. [Ord. O-13-2015 § 1 (Exh. A); Ord. O-03-2010 § 1 (Exh. A § 2.250)].

**15.10.290 Construction safety.**

Open pits and trenches left for an overnight period or longer shall be clearly marked with flashing barricades. All national and state standards must be maintained for open trenches. The city engineer or his/her designee may require additional barricades as determined in the field. Trenches may not be left open for an extended period of time.

If any subdivision is located such that there is no available construction access other than through existing subdivisions, an additional monetary amount to be determined by the city engineer or his/her designee shall be placed in the subdivision improvement bond to protect the city from damaged infrastructure. [Ord. O-13-2015 § 1 (Exh. A); Ord. O-03-2010 § 1 (Exh. A § 2.251)].

**15.10.300 Excavation permit.**

In order for a street excavation permit to be approved, Eagle Mountain City needs the following information: (A) copy of contractor's license; (B) certificate of insurance; (C) performance bond of \$5,000; and (D) detailed drawing of proposed work and traffic control (four copies).

The contractor is given a copy of the signed permit and the signed/approved plan after the city engineer or his/her designee has approved and signed the application. Time limits may be set, and the permit can be suspended for noncompliance.

Trenches left open for more than 24 hours may be required to be either covered or backfilled at the discretion of the city engineer or his/her designee. [Ord. O-13-2015 § 1 (Exh. A); Ord. O-03-2010 § 1 (Exh. A § 2.260)].

**15.10.310 Survey.**

All property corners shall be marked with a 30-inch rebar and licensed land surveyor's cap before acceptance of subdivision improvements by Eagle Mountain City. These rebars must be offset one foot by a steel tee post four feet out of the ground.

All property corners shall be in place at the time of final acceptance. [Ord. O-13-2015 § 1 (Exh. A); Ord. O-03-2010 § 1 (Exh. A § 2.270)].

**15.10.320 Construction entrance.**

All subdivisions shall include a separate entrance for construction traffic, which is not in a city right-of-way. If no such access is available, an alternate cross-section designed specifically for the use of construction vehicles during the building phase of the project must be constructed within the city right-of-way and all construction must access the site from this point of access. The purpose of this requirement is to reduce damage caused by heavier vehicular traffic to new surfaces, and the existing adjacent roadways. Compliance with this requirement shall be overseen by the city engineer or his/her designee.

If any subdivision is located such that there is no available construction access other than through existing subdivisions, an additional monetary amount to be determined by the city engineer or his/her designee shall be placed in the subdivision improvement bond to protect the city from damaged infrastructure. [Ord. O-13-2015 § 1 (Exh. A); Ord. O-03-2010 § 1 (Exh. A § 2.280)].

**15.10.330 Site cleanup.**

The contractor is responsible to maintain a clean work environment within the limits of the city. A cobble track out pad consisting of three-inch to six-inch cobble eight inches thick minimum with width of 20 feet and extending 50 feet past existing asphalt road way or an approved equivalent alternative shall be placed at all locations where construction traffic enters paved roadways to prevent dirt and mud from being tracked onto city streets. Additionally, vehicles may have to be hosed down prior to leaving the site. Dirt and debris tracked onto city roads must be cleaned by contractor each work day or be subject to fines as determined in the city fee schedule. Proper dust control measures must be exercised at all times. Noncompliance can result in all construction activities being shut down until corrective measures are taken. [Ord. O-13-2015 § 1 (Exh. A); Ord. O-03-2010 § 1 (Exh. A § 2.290)].

**15.10.340 Noncompliance.**

Noncompliance with this title can result in a stop work order issued by the city engineer or his/her

designee, a forfeiture of bonds, or a hold on building permits until all work meets compliance. [Ord. O-13-2015 § 1 (Exh. A); Ord. O-03-2010 § 1 (Exh. A § 2.300)].

**15.10.350 Hours of work.**

Unless limited through city ordinance otherwise, construction activities shall be restricted to between the hours of 7:00 a.m. and 9:00 p.m., Monday through Friday, and 9:00 a.m. and 9:00 p.m. on Saturdays and Sundays in residential and commercial areas. [Ord. O-13-2015 § 1 (Exh. A); Ord. O-03-2010 § 1 (Exh. A § 2.310)].

**15.10.360 Defensible space.**

Property owners, including Eagle Mountain City and individual residential homeowners and/or homeowners' associations, shall be responsible to maintain an adequate defensible space to act as a fire break as detailed in the applicable state fire ordinances. All construction and staging areas shall also maintain a defensible space of at least 30 feet throughout the construction process. [Ord. O-13-2015 § 1 (Exh. A); Ord. O-03-2010 § 1 (Exh. A § 2.320)].

**15.10.370 Reimbursement agreements.**

In instances when subdivisions are required to install improvements which may provide capacity in excess of the requirements of the subdivision, to meet conditions established as part of a master plan, or for the benefit of a third party, such increases in capacity may be eligible for reimbursement. Reimbursements may be in the reduction of impact fees collected by the city for the particular type of improvement installed, a reduction in connection fees, or may be negotiated as a cash reimbursement collected by third parties at building permit and remitted to the original developer annually.

All reimbursement agreements are to be approved by the city council, and the city will not consider verbal agreements made by the city or staff to be valid. [Ord. O-13-2015 § 1 (Exh. A); Ord. O-03-2010 § 1 (Exh. A § 2.330)].

**15.10.380 Improvements warranty.**

All required improvements shall be placed into a warranty period following acceptance by the city for a minimum of one year. Should the completion of the one-year period occur during winter months, the warranty period may be extended for up to six months to allow the completion of any corrective requirements to be completed during reasonable weather.

A warranty bond for 10 percent of the estimated construction costs shall be maintained for the duration of the warranty period.

Prior to the expiration of the warranty period, Eagle Mountain City shall notify the developer that a warranty walkthrough is to be performed on the subdivision. Said walkthrough shall take place and all corrective actions as determined by this walkthrough and as outlined in a punch list to be generated by Eagle Mountain City shall be completed prior to release from the warranty period. [Ord. O-13-2015 § 1 (Exh. A); Ord. O-03-2010 § 1 (Exh. A § 2.340)].

**15.10.390 Street lighting.**

Eagle Mountain City shall contract with an independent consultant for street lighting design. Unless approved otherwise by the city's consultant, street lighting will be installed throughout all developments using the following criteria:

A. Spacing.

1. Street lights will be installed at a minimum spacing of 150 feet and a maximum spacing of 250 feet on arterial and collector streets with alternating sides.
2. Street lights will be installed on residential streets at a minimum spacing of 250 feet and a maximum spacing of 350 feet with alternating sides. They will be installed at the closest property line to the midpoint between the lights on either side.

B. The locations of street light poles:

1. Street lights will be installed at every intersection, corner, and any bend in the road. The spacing requirements shall be met accordingly once these areas are developed.
  2. Shall be a minimum of five feet from any tree, unless written approval is received from the city engineer. Branches may need to be pruned as determined by the engineering inspector in the field at the time of installation.
  3. Shall not be installed within five feet from the edge of any driveway.
  4. Any structure such as block walls, chain link fences, retaining walls, etc., shall leave a minimum of 18 inches to the face of the street light pole on all sides.
  5. Wherever there is an overhead utility that may conflict with the installation of the street light poles, those conflicts must be resolved between the developer and the utilities involved before the street light bases are installed at no expense to Eagle Mountain City. The resolution must be approved by Eagle Mountain City and Rocky Mountain Power.
  6. Street lights placed between corners will be shown on the electrical construction drawing, and will indicate the direction that the street light will be aimed. Street lights at intersections may aim to the center of the intersection or may be set at a 90-degree angle along collector and larger roads.
  7. Each street light will be installed so that the street light pole is located 24 inches from the top back of the curb to the center of the pole in a public utility easement or public right-of-way.
  8. Street lights shall be located at least 10 feet from fire hydrants.
- C. A ground wire shall be connected to the street light pole using N.E.C. approved methods and a separate ground wire shall be run from the pole base to the closest secondary pedestal or transformer. If the street light is fed from a secondary pedestal, an eight-foot by five-eighths-inch copper clad ground rod must be installed at the pedestal, and street light ground will be attached to the ground rod using the N.E.C. approved connector.
- D. Luminaire. The residential luminaire shall be the black Holophane Utility Arlington Series Full Cutoff LED Luminaire.
- E. Pole. The pole shall be black and shall match the black Holophane Utility Arlington Series Luminaire. All bases shall consist of a galvanized steel pole anchor. [Ord. O-13-2015 § 1 (Exh. A)].

**Chapter 15.15  
INSPECTION**

Sections:

[15.15.010 All work subject to inspection.](#)

[15.15.020 Inspection fees.](#)

[15.15.030 Acceptance of improvements.](#)

[15.15.040 Requests for inspection.](#)

[15.15.050 Construction completion inspection.](#)

[15.15.060 Work without inspection.](#)

[15.15.070 As-built drawings.](#)

**15.15.010 All work subject to inspection.**

A. All construction work involving the installation of improvements in subdivisions shall be subject to inspection by the city. The developer shall be responsible to ensure inspection and certified reports are obtained and maintained on record and are provided in the as-built subdivision packet. The records shall include the following inspections:

1. Compaction of all trenches;
2. Pressure tests on water mains; two sets of bacteria samples;
3. Pressure tests, television inspection of sewer mains, and mandrel deflection tests; vacuum test all manholes/boxes; air pressure test and mandrel storm drain per APWA Standards;
4. Slump tests and compression tests and air entrainment on all concrete work; test (air, slump) and set of cylinders per 50 yards of concrete;
5. Proof rolls on native subbase and base (three proof rolls);
6. Red heading is required on native, subbase and base; and
7. Compaction test on all subbase, untreated base course, and bituminous surface course.

B. Certain types of construction shall have continuous inspection while others may have only periodic inspections. It is the responsibility of the developer/subdivider to ensure that all contractors give the city appropriate notice to allow scheduling of said inspections.

1. Inspection shall be required on the following types of work:
  - a. Laying of street surfacing.
  - b. Placing of concrete for curbs and gutters, sidewalks and other structures.
  - c. Laying of sewer pipe, drainage pipe, water pipe, lateral connections, pressurized irrigation, valves, hydrants and testing.
  - d. Subgrade.
  - e. Street grading and gravel base.
  - f. Excavations for curbs and gutters and sidewalks.
  - g. Excavations for structures.
  - h. Trenches for laying pipe.
  - i. Forms for curbs and gutters, sidewalks and structures. No work shall be started except in the presence of, or with the prior approval of, the city engineer or his/her designee.

- j. Collars around storm drain inlet boxes/manholes. Thrust blocks for water, collars for storm drain and collars for manhole. Value boxes in asphalt.
  - k. Collars around sewer manholes and water valve boxes.
2. Inspectors must be notified and must approve all catchbasin elevations and locations prior to final tie-ins.
  3. Inspectors may require survey stakes with elevations to ensure depths and slopes meet the approved construction drawings. Specifically, requirements may be made on fire hydrants, cleanouts, and sewer manholes.
  4. See individual chapters for specific inspection and testing requirements. [Ord. O-13-2015 § 1 (Exh. A); Ord. O-03-2010 § 1 (Exh. A § 3.010)].

**15.15.020 Inspection fees.**

Inspection fees and/or connection fees required by ordinance shall be paid and permits required shall be obtained prior to the recording of the final plat.

The developer or contractor shall be responsible for all sampling, delivery of samples to a qualified testing agency, testing, and delivery of test results or materials certifications to the city at no charge to the city. Testing and certifications reports shall be approved by the city as to conformance to city standard specifications prior to final inspection and/or acceptance by the city of any materials or workmanship.

Inspection requests made for weekend or off-hours of regular city business hours shall be subject to overtime inspection fees. If such inspections are scheduled at these times due to an inability of the city to provide inspections during normal business hours, no additional inspection fees shall be required. [Ord. O-13-2015 § 1 (Exh. A); Ord. O-03-2010 § 1 (Exh. A § 3.020)].

**15.15.030 Acceptance of improvements.**

A. Inspection made by the city to determine compliance with the specifications does not imply acceptance of the work. The city requires completion of all facilities before any are finally accepted to start the warranty period established by this code or otherwise by development agreement. Final acceptance of improvements will be made at an inspection by the city at the completion of all improvements. All improvements shall be free from defects or damage at the time of inspection. Specifically, the following are required:

1. All asphalt, sidewalks and curbs and gutters shall be free of cracks greater than one-eighth inch vertically and horizontally and construction damage and shall be true to line and grade.
2. All sewer manholes and water valve boxes shall be raised to pavement level.
3. All water valves and hydrants shall be operative.
4. All storm drainage improvements shall be completed.
5. All street lights shall be operable.
6. All open space improvements shall be planted and all irrigation improvements installed, unless a separate landscape bond is provided to the city, in which case landscaped improvements shall be warranted separately from the infrastructure improvements.
7. All trail improvements in open space areas shall be completed.
8. All recreational equipment shall be installed in the trails and open space areas, or a separate landscape bond may be posted. All landscape improvements are required to be installed prior to one year from the date of recordation, or prior to the second half building permit being issued.
9. Cleanup. Where excavations are made in city streets, the rock, etc., shall be removed and

gravel base placed in the excavation the same day as backfill is placed. All debris leaving a job site shall be the responsibility of the contractor to clean up each day.

10. All lot corner stakes installed.

B. A final walkthrough to inspect the improvements shall be arranged by the developer with the city when said improvements are completed. The improvements will be accepted when the punch list from the final walkthrough is completed and accepted by the city. [Ord. O-13-2015 § 1 (Exh. A); Ord. O-03-2010 § 1 (Exh. A § 3.025)].

**15.15.040 Requests for inspection.**

Requests for inspection shall be made to the city by the person responsible for the construction. Requests for inspection on work requiring continuous inspection shall be made three working days prior to the commencing of the work. Notice shall also be given one working day in advance of the starting of work requiring periodic inspection. The city shall provide written confirmation either through fax or e-mail for all scheduled inspection appointments. [Ord. O-13-2015 § 1 (Exh. A); Ord. O-03-2010 § 1 (Exh. A § 3.030)].

**15.15.050 Construction completion inspection.**

An inspection shall be made by the city engineer or his/her designee after the warranty period. Specifically, the city engineer or his/her designee will determine if any installed infrastructure displays signs of failure, such as concrete cracks greater than one-eighth inch, rutting or settled asphalt. When such defects are minimal, patching or sealing will be allowed by the city, provided the defect is not a structural defect. The city engineer or his/her designee will generate a punch list of all items to be corrected by the developer prior to final acceptance by the city.

Any punch list generated by the city engineer or his/her designee shall only be valid for a period of 30 days. Subdivisions with outstanding items past 30 days may be subject to an additional walkthrough prior to acceptance by the city to address any additional faulty or defective work.

It is further agreed and understood that the determination for necessity of repairs of the work rests with the city engineer or his/her designee. His/her project review shall include, but shall not be limited to, the entire street base, and all pipes, utilities, joints, valves, backfill and compaction as well as the working surface, curbs, gutters, sidewalks, and other accessories that are, or may be, affected by the construction operations, and whenever, in the judgment of the city engineer or his/her designee, work is not complete, shall cause a written notice to be served to the developer and thereupon the developer shall undertake and complete such repairs or rebuilding prior to the final city acceptance and release of the warranty bond. The city engineer and his/her designee shall make every effort to distinguish between failures which result from poor design or workmanship from those caused by third parties such as builders, and shall not knowingly require developers to correct failures caused by third parties. Specific examples shall include: cracked concrete which likely would have resulted from builders placing heavy equipment on concrete shall not require replacement. However, excessive spalling of concrete which is likely caused by workmanship issues will be required to be replaced. Contractors and subcontractors hired for the completion of the required improvements are not considered third parties, and damage found to be from such individuals will be obligated to be repaired by the developer. Failure to complete repairs in a timely manner may result in a forfeiture of the warranty bond, at which time the city will complete the improvements. Appeals to items included in the project review must be made in writing to the public works director within five days of being notified of the deficient items. Additional appeals may be made to the Eagle Mountain City mayor or city council. [Ord. O-13-2015 § 1 (Exh. A); Ord. O-03-2010 § 1 (Exh. A § 3.040)].

**15.15.060 Work without inspection.**

Any work performed without proper inspections, as required in this chapter, will give the city the option to hold the bond covering that portion of the improvements in violation or require removal and replacement of the uninspected work. The city shall have the option of retaining part or all of the bond for five years after installation of improvements in violation of this chapter. It is the responsibility of the developer to ensure his/her contractors request all necessary inspections.

Inspection services provided by outside inspection services will be allowed; provided, that the city approves of any inspection companies in writing prior to inspection services, and the city is notified of what services will be provided by said outside inspection services prior to the inspection services taking place. [Ord. O-13-2015 § 1 (Exh. A); Ord. O-03-2010 § 1 (Exh. A § 3.050)].

**15.15.070 As-built drawings.**

As-built drawings shall be submitted to the city engineer or his/her designee before final inspection and acceptance by the city. As-built drawings shall be prepared by a licensed land surveyor and submitted on a hard copy and a computer aided design (CAD) file. As-built drawings shall show all utilities and boundary lines as shown in the Eagle Mountain standard drawings for as-builts. CAD files shall be submitted on a CD or by e-mail in an AutoCAD or .dxf format. The CAD file of the as-built drawings must be in the NAD27 State Plane Coordinate System with a tie to a section corner. If anything is submitted by e-mail, the engineering division must be contacted for the proper e-mail address and for confirmation the e-mail was received. The portion of the bond generally released at final inspection will not be released until the as-builts are submitted and approved. [Ord. O-13-2015 § 1 (Exh. A); Ord. O-03-2010 § 1 (Exh. A § 3.055)].

**Chapter 15.20**  
**PREREQUISITES OF CONTRACTORS**

Sections:

[15.20.010 Prequalification.](#)

[15.20.020 Bonding.](#)

[15.20.030 Street excavation permits.](#)

**15.20.010 Prequalification.**

A. Insurance. The contractor shall not commence work in city property, streets, easements, or rights-of-way without written permission to do so and until he has obtained, as a minimum, the insurance required hereunder and evidence of such insurance has been submitted to and approved by the city. The submittal of said evidence to the city shall not relieve or decrease the liability of the contractor hereunder.

B. Workers' Compensation and Employers' Liability Insurance.

1. As required by state law.

2. Commercial general liability insurance – ISO Form CG 00 01 (11/85), or equivalent, occurrence policy, with the following information:

a. Limits of not less than:

- i. General aggregate: \$1,000,000.
- ii. Products – Comp/OPS aggregate: \$1,000,000.
- iii. Personal and advertising injury: \$500,000.
- iv. Each occurrence: \$500,000.
- v. Fire damage (any one fire): \$50,000.
- vi. Medical expense (any one person): \$5,000.

b. Endorsements attached thereto including the following or their equivalent:

- i. ISO Form CG 25 03 (11/85), Amendment of Limits of Insurance (Designated Project or Premises), describing the subject contract and specifying limits as shown above.
- ii. ISO Form CG 20 10 (11/85), Additional Insured – City of Eagle Mountain, Lessees, or Contractors (Form B), naming the city as additional insured and containing the following statement: "This Endorsement Also Constitutes Primary Coverage in the Event of any Occurrence, Claim, or Suit."

3. Automobile liability insurance, with:

- a. Limits of not less than \$500,000 combined single limit per accident.
- b. Coverage applying to any auto.

Eagle Mountain City requires all contractors doing work in or on any city property, street, easement, or right-of-way to prequalify. A current contractor's license, insurance information, and an information sheet must be on file with the engineer's office, prior to any construction in present or proposed city streets.

C. A bond will be required with each project. Prior to any construction being started in or on city property, streets, easements, or rights-of-way, a permit must be issued by the city and accepted by the contractor. The permit application must be completed and filed with the city not less than 48

hours prior to construction. A notice must be given to the city engineer or his/her designee 24 hours prior to inspections. Failure to obtain a permit or proceeding without notification shall constitute grounds for legal action. The city will inspect all work. The contractor must make arrangements with the city for inspections. If work is performed without proper inspections or without prequalifying, the city may hold that portion of the bond for five years after completion of improvements, or require reinstallation.

D. Prior to starting construction, the developer shall schedule with the city engineer or his/her designee a preconstruction meeting with all contractors and subcontractors. Contractors are required to meet with the city engineer or his/her designee prior to commencing construction. [Ord. O-03-2010 § 1 (Exh. A § 4.010)].

**15.20.020 Bonding.**

A bond equal to 115 percent of the total estimated construction costs shall be provided to the city prior to plat recordation. Portions of this amount may be reduced based on completed infrastructure as verified by the city engineer or his/her appointees and approved by the city council. Partial bond releases up to 100 percent of the individual line item may be provided by the city based on the completion of installed infrastructure. Five percent of the bond will remain in place until after the completion of the final walkthrough has occurred, and all corrective actions have been taken, and an AutoCAD version of the as-built drawings has been provided to the city. The remaining 10 percent will be placed in warranty bond for the warranty period. [Ord. O-03-2010 § 1 (Exh. A § 4.020)].

**15.20.030 Street excavation permits.**

See EMMC Titles [16](#) and [17](#). All work not bonded under approved subdivisions shall require a street excavation permit prior to commencement of work.

A. Permit for Street Excavations. It shall be unlawful for any person to start any excavation in any public street before first obtaining a written permit from city office and posting proper bond. Caution must be taken to prevent the destruction or disturbance of any gutter, drain, gas, water, or other pipe or conduit or the injury or destruction of property of any kind. The Blue Stake Center must be called and utilities marked, as well as city utilities.

Eagle Mountain City regulates opening of all public streets. All cuts and openings in city streets shall be backfilled with approved backfill materials as defined in EMMC [15.30.040](#), and compacted to a minimum of 96 percent of the maximum dry density in not more than eight-inch lifts. The asphalt shall be sawcut along the trench line and the new asphalt shall be placed a minimum of four inches thick in two lifts. Prior to placing asphalt, the edge shall be covered with a tackifier coat. Asphalt specifications shall be as directed by the city engineer. During cold or inclement weather, the asphalt cut and placement may be prohibited but in no case shall asphalt be placed when the current temperature is less than 50 degrees Fahrenheit or expected to be less than 42 degrees during the 24 hours following placement.

B. Barricades at Excavations. It shall be unlawful for any person to fail or neglect to maintain proper and sufficient barricades and signals at or near every excavation mentioned in this title so as to give warning as a protection against accident. OSHA requirements are to be maintained at all times. [Ord. O-03-2010 § 1 (Exh. A § 4.030)].

**Chapter 15.25  
EARTHWORK**

Sections:

[15.25.010 General.](#)

[15.25.020 Subgrade soil under structures.](#)

[15.25.030 Backfill around structures.](#)

[15.25.040 Construction of embankments and fills.](#)

[15.25.050 Compacting earth materials.](#)

[15.25.060 Road subgrade preparation.](#)

[15.25.070 Slope safety.](#)

[15.25.080 Water settling.](#)

[15.25.090 Removal and replacement of defective fill.](#)

[15.25.100 Permit required for earth products processing and storage.](#)

[15.25.110 Native fill used for trenches and road sections.](#)

**15.25.010 General.**

This chapter defines the requirements for excavation and backfill for structures, construction requirements for embankments and fills and subgrade preparation for pavements and other surface improvements. All earthwork shall conform to the APWA Standard Specifications unless noted otherwise in this chapter. [Ord. O-13-2015 § 1 (Exh. A); Ord. O-09-2014 (Exh. A); Ord. O-03-2010 § 1 (Exh. A § 5.010)].

**15.25.020 Subgrade soil under structures.**

Subgrade soil for all concrete structures, regardless of type or location, shall be firm, dense, thoroughly compacted and consolidated; shall be free from mud and muck; and shall be sufficiently stable to remain firm and intact under the feet of the workmen engaged in subgrade surfacing, laying reinforcing steel, and depositing concrete. Coarse gravel or crushed stone may be used for subsoil reinforcement if results are satisfactory to the city engineer or his/her designee. Such material shall be applied in layers, not exceeding eight inches in thickness, each layer being embedded in the subsoil by thorough tamping. All excess soil shall be removed to compensate for the displacement of the gravel or crushed stone and the finished elevation of any subsoil reinforced in this manner and shall not be above the specified subgrade. The city engineer may require a soil analysis and design for any area. [Ord. O-13-2015 § 1 (Exh. A); Ord. O-09-2014 (Exh. A); Ord. O-03-2010 § 1 (Exh. A § 5.020)].

**15.25.030 Backfill around structures.**

Backfill around structures shall be placed to the lines shown on the approved drawings, or as directed by the city engineer or his/her designee. After completion of foundation, footings and walls and other construction below the elevation of the final grades, and prior to backfilling, all forms shall be removed and the excavation shall be cleaned of all trash and debris. Material for backfilling shall consist of suitable materials as defined in EMMC [15.30.040](#) and shall be placed in layers not exceeding eight inches in uncompacted thickness. Each layer shall be compacted by hand or machine tampers or by other suitable equipment to a density equal to 95 percent of maximum dry density as measured by AASHTO T180 method C. No frozen material is allowed in the backfill. [Ord. O-13-2015 § 1 (Exh. A); Ord. O-09-2014 (Exh. A); Ord. O-03-2010 § 1 (Exh. A § 5.030)].

**15.25.040 Construction of embankments and fills.**

Unsuitable materials that occur in the foundation for embankments and fills shall be removed by clearing, stripping and/or grubbing. Where suitable materials occur, after stripping, the foundation shall be scarified to a depth of not less than eight inches, and the loosened material shall be

moistened and compacted as hereinafter specified for each layer. All materials in embankments and fills shall be placed, moistened, and compacted as provided in this chapter.

When the embankment or fill exceeds the amount of excavation, sufficient additional material shall be obtained from borrow pits provided by the contractor. All material proposed to be imported shall be subject to the review and approval of the city engineer or his/her designee prior to starting of hauling operations.

The materials used for embankment and fill construction shall be free from sod, grass, trash, rocks larger than six inches in diameter and all other material unsuitable for construction of compacted fills. Grading of completed embankments and fills shall bring the surfaces to a smooth, uniform condition with final grades being within 0.1 foot of the design grade. Within a city right-of-way, materials must meet A1 or A2 soil classification. [Ord. O-13-2015 § 1 (Exh. A); Ord. O-09-2014 (Exh. A); Ord. O-03-2010 § 1 (Exh. A § 5.040)].

#### **15.25.050 Compacting earth materials.**

The material shall be deposited in horizontal layers having a thickness of not more than eight inches after being compacted as hereinafter specified; provided, that when mechanical equipment is used for placing and compacting the material on a sloping foundation, the layers may be placed parallel to the foundations. The distribution of materials shall be such that the compacted material will be homogeneous and free from lenses, pockets, or other imperfections. No frozen material may be used. Prior to and during compaction operations the material shall have the optimum moisture content required for the purpose of compaction and the moisture content shall be uniform throughout the layers, insofar as practical. Moistening of the material shall be performed at the site of construction, but such moistening shall be supplemented, as required by sprinkling at the site of excavation. If the moisture content is more than optimum for compaction, the compaction operations shall be delayed until such time as the material has dried to the optimum moisture content. When the material has been conditioned as hereinbefore specified, the backfill or embankment shall be compacted as follows:

- A. Under roadways and extending one foot beyond the proposed curb line, the fill or embankment material shall be compacted to a density equal to not less than 95 percent of maximum dry density as measured by AASHTO T180 method C or the modified proctor test ASTM D1557.
- B. Under sidewalks and driveways, the fill or embankment material (to at least one foot each side of the edge of the slab) shall be compacted to a density equal to not less than 95 percent of maximum dry density as measured by AASHTO T180 method C or the modified proctor test ASTM D1557.
- C. Other fills and embankments not listed above shall be compacted to a density equal to not less than 90 percent of maximum dry density as measured by AASHTO T180 method C or the modified proctor test ASTM D1557. [Ord. O-13-2015 § 1 (Exh. A); Ord. O-09-2014 (Exh. A); Ord. O-03-2010 § 1 (Exh. A § 5.050)].

#### **15.25.060 Road subgrade preparation.**

In both cut and fill areas the paving subgrade shall be scarified to a depth of eight inches and compacted to the equivalent of 95 percent of maximum dry density as measured by AASHTO T180 method C or the modified proctor test ASTM D1557. No rocks larger than two inches in diameter, organic material, soft clay, spongy material or other deleterious material will be permitted in this scarified subgrade layer. Rough subgrades shall be shaped and graded to within a tolerance of 0.15 foot of design grade and drainage shall be maintained at all times. The developer shall provide to the city engineer or his/her designee the results of a subsurface investigation performed by the developer's engineer and the recommendation as to whether existing material is adequate for road construction.

During the rolling operation, moisture content of the subgrade layer shall be maintained at no less than 97 or more than 105 percent of optimum moisture content. Rolling shall be continued until the entire road bed (to one foot back of curb) is compacted to the specified density to a minimum depth of eight inches. [Ord. O-13-2015 § 1 (Exh. A); Ord. O-09-2014 (Exh. A); Ord. O-03-2010 § 1 (Exh.

A § 5.060)].

**15.25.070 Slope safety.**

All slope construction shall be in accordance with all city, state and federal regulations. Plans and specifications for structures must be approved by the city if the excavation is greater than five feet. No permanent slopes steeper than 3:1 shall be allowed without a retaining structure unless otherwise approved in writing by the city engineer or his/her designee. Cut slopes greater than 3:1 slope in bedrock may be allowed, provided the geotechnical report demonstrates that the bedrock is of sufficient depth and strength to support such cuts. The width of the excavation shall be increased if necessary to provide space for sheeting, bracing, shoring and/or other supporting installations. Unsafe slopes will be the cause for immediate shutdown of the project. [Ord. O-13-2015 § 1 (Exh. A); Ord. O-09-2014 (Exh. A); Ord. O-03-2010 § 1 (Exh. A § 5.070)].

**15.25.080 Water settling.**

Water settling may be permitted with pre-approval by the city engineer or his/her designee, depending upon the type of soil and location. When water settling is approved, a city representative shall be at the job site during the compaction. When the material has dried sufficient to allow compaction tests, the contractor shall dig test holes for compaction tests at locations and depths required by the city engineer or his/her designee. [Ord. O-13-2015 § 1 (Exh. A); Ord. O-09-2014 (Exh. A); Ord. O-03-2010 § 1 (Exh. A § 5.080)].

**15.25.090 Removal and replacement of defective fill.**

Fill not conforming to the requirements of this chapter shall be reworked to the requirements or removed and replaced with acceptable fill. [Ord. O-13-2015 § 1 (Exh. A); Ord. O-09-2014 (Exh. A); Ord. O-03-2010 § 1 (Exh. A § 5.090)].

**15.25.100 Permit required for earth products processing and storage.**

A. Any person desiring to perform any crushing, screening, storage, stockpiling or processing of sand, gravel, dirt, rock or other earth products for use on the property or within the approved project area where the materials are being extracted shall obtain a permit from the city engineer. The city engineer may deny the permit if the city engineer determines extraction, processing or storage will negatively impact neighboring properties, or include conditions in the permit, including, but not limited to, noise restrictions, types of equipment and machinery, dust and pollution control measures, geographic restrictions, berming, duration of project, and hours of operation. Application for a permit shall be filed with the city engineer on a form or forms to be furnished by the city.

B. No crushing, screening, storage, stockpiling or processing of sand, gravel, dirt or rock earth products shall be allowed for sale or use of such material outside the project area unless otherwise permitted under Chapter [17.54](#) EMMC (Extractive Industries Overlay Zone).

C. It shall be unlawful for any person to commence work until the city engineer has approved the application and until a permit has been issued for such work. Violations of the provisions of this section shall result in civil penalties of \$100.00 per day for the first seven days of violation and \$250.00 per day for all subsequent days of violation. The city engineer may also issue a stop work order for any project or property in violation of this section. [Ord. O-13-2015 § 1 (Exh. A); Ord. O-09-2014 (Exh. A)].

**15.25.110 Native fill used for trenches and road sections.**

Native fill will meet A1 or A2 classifications with a 20 percent maximum on fines passing 200 sieve and be three-inch minus. Native fill used in roadways/trenches will be completely free of organics and rocks larger than three-inch diameter. Also native fill will be screeded and mixed to maintain consistency. [Ord. O-13-2015 § 1 (Exh. A)].

**Chapter 15.30**  
**EXCAVATION AND BACKFILL FOR TRENCHES**

Sections:

[15.30.010 General.](#)

[15.30.020 Trench safety.](#)

[15.30.030 Disposal of materials.](#)

[15.30.040 Engineered fill material.](#)

[15.30.050 Testing.](#)

[15.30.060 Blasting.](#)

**15.30.010 General.**

This chapter covers excavation and backfill of trenches for the installation of storm sewer, sanitary sewer, water lines, electrical lines, and gas lines in streets and subdivisions. Due to varying ground composition, structure, and collapsible soils, excavation and engineered backfill for trenches shall comply with the APWA Standard Specifications or better as required or deemed needed based on review, inspection, and determination by the city engineer or his/her designee. All OSHA requirements must be maintained in trenches at all times. [Ord. O-13-2015 § 1 (Exh. A); Ord. O-03-2010 § 1 (Exh. A § 6.010)].

**15.30.020 Trench safety.**

All construction shall be done in accordance with the provisions of the Utah State Industrial Commission and OSHA regulations. No trenches shall be left open at any time unless guarded with adequate barricades, warning lamps and signs.

When required, excavation shall be braced and shored to support the walls of the excavation to eliminate sliding and settling and as may be required to protect the workers, the work in progress, and existing utilities and improvements. All such sheeting, bracing and shoring shall comply with the requirements of the Utah State Industrial Commission and OSHA.

Any injury or damage resulting from lack of adequate bracing and shoring shall be the responsibility of the developer/contractor and the developer/contractor shall, at his/her own expense, effect all necessary repairs or reconstruction resulting from such damage. No inspections will be done in unsafe trenches and will be the cause for immediate shutdown at the project. [Ord. O-13-2015 § 1 (Exh. A); Ord. O-03-2010 § 1 (Exh. A § 6.020)].

**15.30.030 Disposal of materials.**

All excavation material which is not required for or is unsuitable for backfill shall be immediately removed from the area and not obstruct streets, sidewalks and driveways.

Gutters and irrigation ditches shall be kept clean of excavated material. [Ord. O-13-2015 § 1 (Exh. A); Ord. O-03-2010 § 1 (Exh. A § 6.030)].

**15.30.040 Engineered fill material.**

Engineered fill (Type A1 or A2 as defined by AASHTO) shall be required backfill for all trenches in the city right-of-way or public utility easements containing city owned and maintained utilities. The contractor is responsible for supplying gradation reports showing proper gradation to meet A1 or A2 classification. [Ord. O-13-2015 § 1 (Exh. A); Ord. O-03-2010 § 1 (Exh. A § 6.040)].

**15.30.050 Testing.**

Tests to determine acceptability of backfill placed will be done by a firm hired by the developer. The testing company/developer will use standard procedures of the American Society of Testing Materials (ASTM) and/or American Association of State Highway Transportation Officials (AASHTO). Compaction tests will be required at least every 100 feet per lift per trench. Each lift shall be six to 12 inches as determined by Eagle Mountain City and Eagle Mountain City's testing firm. Lift height will depend on the equipment and material used and the contractor's ability to

properly compact the material. If the backfill so tested does not meet the requirements of this chapter, the trench shall be re-excavated and the backfill replaced in accordance with this chapter. [Ord. O-13-2015 § 1 (Exh. A); Ord. O-03-2010 § 1 (Exh. A § 6.050)].

**15.30.060 Blasting.**

Blasting will not be allowed except by permission from the city engineer or his/her designee as directed by the fire chief. The contractor shall comply with all laws, ordinances, and applicable safety code requirements and regulations relative to the handling, storage, and use of explosives and protection of life and property. He/she shall be fully responsible for all damage attributable to his/her blasting operations.

Excessive blasting or overshooting will not be permitted and any material outside the authorized cross-section which may be shattered or loosened by blasting shall be removed by the contractor. [Ord. O-13-2015 § 1 (Exh. A); Ord. O-03-2010 § 1 (Exh. A § 6.060)].

**Chapter 15.35  
WATER LINES**

Sections:

[15.35.010 General.](#)

[15.35.020 Culinary water pipe.](#)

[15.35.030 Water main bedding materials.](#)

[15.35.040 Water main type and locations.](#)

[15.35.050 Water meters and service lines.](#)

[15.35.060 Water meter standards.](#)

[15.35.070 Tapping of water lines.](#)

[15.35.080 Testing and flushing.](#)

[15.35.090 Disinfection of water lines.](#)

[15.35.100 Backflow prevention and cross-connection control rules and regulations.](#)

[15.35.110 Water system extensions.](#)

**15.35.010 General.**

The installation specifications for water systems shall conform to the APWA Standard Specifications unless noted otherwise in this chapter.

- A. Inspection. All pipe used shall be carefully inspected prior to installation. Any or all defective pipe shall be rejected.
- B. Minimum Cover. All water mains and service laterals shall have a minimum cover of four feet to the top of the pipe, minimum of three feet at installation.
- C. Twelve gauge locator wire along water main to setters and fire hydrants.
- D. Metallic caution tape placed two feet above water main.
- E. All valves to be flanged to tees.
- F. Valves 12-inch and above to be butterfly valves.
- G. Bolts at the top of fire hydrant barrel to be no lower than one inch above finished grade and no higher than six inches above finished grade.
- H. Water services (setters) to be installed prior to bacteria and pressure tests. [Ord. O-13-2015 § 1 (Exh. A); Ord. O-03-2010 § 1 (Exh. A § 7.010)].

**15.35.020 Culinary water pipe.**

PVC or ductile iron pipe is allowed to be used within subdivisions. Pressures, water hammer, surges, and other dynamic water characteristics shall be taken into consideration during the design and construction of the water system. The required pipe class shall be determined based upon characteristics. [Ord. O-13-2015 § 1 (Exh. A); Ord. O-03-2010 § 1 (Exh. A § 7.020)].

**15.35.030 Water main bedding materials.**

Water main lines must be bedded using sand or similar materials. No gravel of any kind will be allowed. All bedding material must meet AASHTO A3 soil classification with 100 percent passing the No. 4 sieve. [Ord. O-13-2015 § 1 (Exh. A); Ord. O-03-2010 § 1 (Exh. A § 7.025)].

**15.35.040 Water main type and locations.**

Water mains shall be located on either the north or east side of a roadway and eight feet from the centerline.

Water mains shall be minimum one foot vertical above the sewer. Separation between water and sewer mains shall be 10 feet (horizontally) minimum unless authorized in writing by the city engineer or his/her designee.

Water mains shall be either polyvinyl chloride (C-900 PVC, for pipes eight inches to 12 inches) or DIP (poly wrapped) with minimum pressure class of 250 psi for pipes greater than 12 inches. HDPE may be used for borings upon the approval of the city engineer or his/her designee. No bends will be allowed in water lines and fittings will be required. All fitting to be Mega-lug fittings. [Ord. O-13-2015 § 1 (Exh. A); Ord. O-03-2010 § 1 (Exh. A § 7.030)].

**15.35.050 Water meters and service lines.**

Prior to the installation of the water service line, the engineer retained by the developer shall stake out the water meter location and provide the grade at which the lid is to be set.

Minimum service line size is three-quarter inch. All water service lines shall start with a corporation stop at the main and shall be of poly pipe with stiffeners or type "K" copper and meter setters of 21-inch or taller and are braced with dual unions and meet height specs in a 21-inch can for water meters. A four-inch ring and lid shall be used and installed with the top of the setter at a depth of not less than 18 inches and not more than 22 inches from the lid of the meter box. Meters two inches and larger shall be placed in vaults (see standard drawing). All meter setters shall have dual check valves. Meter boxes shall be placed between the sidewalk line and property line with combination curb, gutter, and sidewalk or in the planter if available so that a fence may be placed on property without interfering with the maintenance and reading of said meter. No meters shall be set in sidewalks or driveways. Meter boxes shall be in good repair and relatively free from obstruction to ensure ease in maintenance and reading (not full of dirt past the base of the meter, having trash present and being badly bent to create a hazard). Damaged boxes shall be replaced. Meter boxes shall be from level to one inch high from the final grade of sidewalk. See detail.

Lids shall have a one-inch hole in the top for the touch-read sensor and read Eagle Mountain Water Meter on lid.

Water service lines shall be minimum one foot vertical above the sewer. Water meters shall be located at the centerline of single-family lots unless authorized by the city engineer or his/her designee. On narrow lot subdivisions (lot width less than 50 feet), water laterals are to be located on alternating lot lines, although in no instances shall connections be made to the water main closer than three-foot intervals. Separation between water and sewer mains shall be 10 feet (horizontally) minimum unless authorized in writing by the city engineer or his/her designee.

A separate and independent service lateral for water service shall be provided for every building used as a dwelling, except in cases of undue hardship where the city council deems it necessary to make an exception. The water user shall bear full responsibility for the upkeep and maintenance of all water system lines and fixtures beyond the water meter.

From and after the effective date of the ordinance codified in this chapter, all dwelling units and premises under separate ownership shall be served by individual water meters, except in cases of undue hardship or in planned unit developments when approved by the city council. [Ord. O-13-2015 § 1 (Exh. A); Ord. O-03-2010 § 1 (Exh. A § 7.040)].

**15.35.060 Water meter standards.**

All water meters shall be purchased from the city. All structures, dwelling units, and establishments using water from the city culinary water system must have such number and size of water meters connected to their system as are necessary to meet the requirements of the Utah Plumbing Code. Meters will be furnished by the city at the expense of the property holder, at the city's cost for said meter. Meter readings shall be taken at regular intervals as determined by the superintendent of the division and shall be submitted to the city treasurer for the purpose of making necessary billings for water service.

Water meters will not be placed in driveways or under sidewalks. If a water meter must be moved

out of a driveway, the maximum lateral movement is 24 inches. If a fitting is required to allow the meter to be relocated, the contractor must notify the public utilities department so that an inspector can be present to verify the fitting is installed in accordance with city standards. Backfill on the relocated service lateral must conform to the engineered backfill (A1 or A2) requirement of the city. [Ord. O-13-2015 § 1 (Exh. A); Ord. O-03-2010 § 1 (Exh. A § 7.050)].

**15.35.070 Tapping of water lines.**

Tapping valves may only be used when previously approved by the city engineer or his/her designee. Tapping saddles with an "O" ring may be used if the water main line to be tapped is larger than the new water main line. Where the tap is the same size as the existing main, cast iron or stainless steel tapping sleeves shall be used, which encase the full perimeter of the pipe. The valve shall be a tapping valve with a guide lip on the flanged side. The opposite side of the valve shall have a mechanical joint connection.

Service taps shall be a minimum of 36 inches apart. No taps will be allowed within 36 inches of the end of the pipe. [Ord. O-13-2015 § 1 (Exh. A); Ord. O-03-2010 § 1 (Exh. A § 7.060)].

**15.35.080 Testing and flushing.**

A. A minimum pressure 50 percent in excess of the maximum line operation pressure (or 200 pounds, whichever is greater) shall be maintained on the portion being tested for a minimum period of two hours, using either pneumatic or hydraulic means to maintain the pressure. After installation, fire hydrants must be covered with a black garbage bag taped down until all testing has been completed.

B. After pressure testing, all pipelines shall be flushed. Flushing shall be accomplished through hydrants or, if a hydrant does not exist at the end of the line, the contractor shall install a tap sufficient in size to provide for two-and-one-half-foot-per-second flushing velocity in the line.

C. A leakage test shall be conducted concurrently with the pressure test.

1. "Leakage" shall be defined as the quantity of water that must be supplied into the newly laid pipe, or any valved section thereof, to maintain pressure within five psi of the specified test pressure after the air in the pipeline has been expelled and the pipe has been filled with water.

2. Allowable Leakage. No pipe installation will be accepted if the leakage is greater than that determined by the following formula:

$$L = \frac{SD(P)^{0.5}}{133,200}$$

in which L is the allowable leakage, in gallons per hour; S is the length of pipeline tested, in feet; D is the nominal diameter of the pipe, in inches; and P is the average test pressure during the leakage test, in pounds per square inch gauge.

a. Allowable leakage at various pressures will be provided by inspectors.

b. When testing against closed metal-seated valves, an additional leakage per closed valve of 0.0078 gallon/hour/inch of nominal valve size shall be allowed.

c. When hydrants are in the test section, the test shall be made against the closed hydrant.

3. Acceptance of Installation. Acceptance shall be determined on the basis of allowable leakage. If any test of pipe laid discloses leakage greater than specified, the contractor shall, at its own expense, locate and repair the defective material until the leakage is within the specified allowance.

D. All visible leaks are to be repaired regardless of the amount of leakage.

E. All new water systems or extensions to existing systems shall be thoroughly flushed before

being placed in service. Flushing shall be accomplished through hydrants, or end-of-line blowoff assemblies at a minimum flushing velocity of two and one-half feet per second.

F. The following is the flow quantity required to provide a two-and-one-half-foot-per-second flushing velocity:

PIPE SIZE (IN.)	FLOW (G.P.M.)
4	100
6	220
8	390
10	610
12	880
16	1,567
18	1,980
20	2,450
24	3,525
30	5,507

[Ord. O-13-2015 § 1 (Exh. A); Ord. O-03-2010 § 1 (Exh. A § 7.070)].

**15.35.090 Disinfection of water lines.**

A. Disinfection of water mains shall be done in accordance with the latest edition of AWWA C651.

B. The pipe shall be clean prior to disinfection. If, in the opinion of the city, contamination is such that it cannot be removed by flushing, the pipe shall be cleaned by mechanical means and then swabbed with a one percent hypochlorite disinfection solution.

C. The pipeline shall be disinfected as outlined in AWWA C651. Chemicals to be used shall conform to one of the following: AWWA B300, hypochlorite; AWWA B301, liquid chlorine; AWWA B302, ammonium; and AWWA B303, sodium chlorite.

The tablet method shall consist of placing calcium hypochlorite tablets at the specified rate in the main during construction at the upstream end of each section of pipe. The tablet shall be attached with an adhesive, such as Permatex No. 1 or equal. The line shall then be filled slowly (velocities less than one foot/second), expelling all air pockets and maintaining the disinfection solution in the line for at least 24 hours, or 48 hours if the water temperature is less than 41 degrees Fahrenheit. The disinfection solution shall have a concentration of at least 25 mg/L of available chlorine. The continuous feed shall be done exactly as outlined in AWWA C651 and shall have 25 mg/L available chlorine after 24 hours. Under both methods the contractor shall not be allowed to flush the line until the chlorine residual test has been passed by the city.

D. After the chlorination, the line shall be thoroughly flushed with velocities greater than two and one-half feet/second with clean water and if necessary re-chlorinated until satisfactory bacteriological testing is obtained. If any of the tests fail, the contractor shall be responsible for the fees of additional tests. All new lines shall be isolated from existing lines when tested.

E. Following the approval of the testing and installation of a water main, the entire water line will be flushed through the end of the main via an approved outlet.

F. The developer shall take bacteria samples at the sites designated by the public works director or his/her designee for each job, based on the following formula:

1. a. Minimum of one sample up to 200 feet.
- b. Minimum of two samples up to 600 feet. (One in the middle and one on the end.)

- c. Minimum of one sample every 600 feet.
  - d. Sampling points to be established during the preconstruction meeting for each project.
2. If any sample point fails on the first test, the line will be flushed and retested at all sample points.
  3. If any sample point fails a second time, the complete line will be re-disinfected and retested at all sample points.
  4. If any samples come back marked "presence," which means coliform bacteria is present, the line will be re-disinfected and retested at all sample sites.
  5. After passing test let system "relax" 24 hours then take subsequent test.
  6. After second test of samples is acceptable system is ready for use.

G. Bacteriological reports shall consist of the following:

1. Date issued, project name, and the name, address, and telephone number of the testing laboratory.
2. Date and time of water sample.
3. Name of person collecting samples.
4. Test locations.
5. Initial and 24-hour disinfection residuals in ppm for each outlet tested.
6. Coliform bacteria test results for each outlet tested.
7. Certification that water conforms, or fails to conform, to bacterial standards of the state.

Water services will not be installed until bacteria sample results have been approved by the city engineer or his/her designee. [Ord. O-13-2015 § 1 (Exh. A); Ord. O-03-2010 § 1 (Exh. A § 7.080)].

**15.35.100 Backflow prevention and cross-connection control rules and regulations.**

This section enacts the cross-connection control and backflow prevention requirements applicable to the water system which is owned and operated by Eagle Mountain City.

A. Definitions.

1. "City" means Eagle Mountain City.
2. The city engineer, the water division director and the public works director are vested with the authority and responsibility for the implementation of the city's cross-connection control program.
3. "Approved backflow assembly" means a backflow assembly accepted by the Utah State Drinking Water Division as meeting an applicable specification or as suitable for the proposed use.
4. "Auxiliary water supply" means any water supply on or available to the premises other than the city's public water supply. These auxiliary waters may include water from another public potable water supply or any natural source, such as a well, spring, river, stream, harbor, irrigation water, used-water storage tanks or reservoirs which may or may not originate within the city. These waters may be contaminated or polluted or they may be objectionable and constitute an unacceptable water source over which the city does not have authority for sanitary control.
5. "Backflow" means the reversal of the normal flow of water caused by either back-pressure or back-siphonage.

6. "Back-pressure" means the flow of water or other liquids, mixtures, or substances under pressure into the distribution pipes of a potable water supply system from any source or sources other than the intended source.

7. "Back-siphonage" means the flow of water or other liquids, mixtures, or substances into the distribution pipes of a potable water supply system from any source other than the intended source, caused by the reduction of pressure in the potable water supply system.

8. "Backflow prevention assembly" means an assembly or means designed to prevent backflow. Specifications for backflow prevention assemblies are contained within the Utah Plumbing Code, Chapter 10 (Appendix J), and the Cross-Connection Control Program of Utah. All backflow prevention assemblies must be approved by the Utah State Drinking Water Division prior to installation. A listing of these approved backflow prevention assemblies may be found in the Cross-Connection Control Program for Utah.

9. "Contamination" means an impairment of the quality of the potable water supply by sewage, industrial fluids or waste liquids, irrigation or other nonpotable water, compounds or other materials to a degree which creates an actual or potential hazard to the public health through poisoning or through the spread of disease.

10. "Cross-connection" means any physical connection or arrangement of piping or fixtures between two otherwise separate piping systems, one of which contains potable water and the other water from a non-city source or nonpotable water or storage tanks or reservoirs of questionable safety, through which, or because of which, backflow may occur into the potable water system; including any temporary connections, such as swing connections, removable sections, four-way plug valves, spools, dummy sections of pipe, swivel or change-over devices or sliding multiport tubes.

11. "Cross-connection – controlled" means a connection between a potable water system and water from a non-city source or a nonpotable water system with an approved backflow prevention assembly properly installed and maintained so that it will continuously afford the protection commensurate with the degree of hazard.

12. "Cross-connection – containment" means the installation of an approved backflow assembly at the water service connection to any user's premises where it is physically and economically infeasible to find and permanently eliminate or control all actual or potential cross-connections within the user's water system, or the installation of an approved backflow prevention assembly on the service line leading to and supplying a portion of a user's water system where there are actual or potential cross-connections which cannot be effectively eliminated or controlled at the point of the cross-connection (isolation).

13. "User" means a dwelling or other service connected to the city water system regardless of the location within or outside the boundary of the city.

B. 1. An approved backflow prevention assembly shall be installed on each service line to a user's water system, at or near the property line, or immediately inside the building being served, but in all cases before the first branch line leading off the service line, whenever the city determines that such is necessary for protection of the water supply or in the best interest of the users of the city's water supply system.

2. The type of protective assembly required under this subsection shall depend upon the degree of hazard which exists at the point of cross-connection, i.e., whether direct or indirect, as defined in the Utah Plumbing Code.

3. All presently installed backflow prevention assemblies which do not meet the requirements of this section but were approved assemblies for the purposes described herein at the time of installation and which have been properly maintained shall, except for the inspection and maintenance requirements listed in subsection F of this section, be excluded from the

requirements of these rules so long as the city believes that they will satisfactorily protect the public water system. Whenever the existing assembly is moved from the present location or requires more than minimum maintenance or when the city finds that the maintenance of this assembly constitutes a hazard to health, the unit shall be replaced by the user with an approved backflow prevention assembly meeting the requirements of this chapter.

4. No water service connection to any premises shall be installed by any user of the city's potable water system or maintained by the user unless the water supply is protected as required by state laws, regulations and codes, and the provisions of this chapter. Service of water to any premises shall be discontinued by the user if a backflow prevention assembly required for control of backflow and cross-connections is not installed, tested and maintained, or if it is found that a backflow prevention assembly has been removed or bypassed, or if an unprotected cross-connection exists on the premises. Service will not be resumed by any user until such conditions or defects are corrected, and the city shall not furnish potable water to the premises of any user known by the city to be lacking suitable backflow prevention assemblies.

5. The user's system shall be open for inspection at all reasonable times to authorized representatives of the city to determine whether cross-connections or other structural or sanitary hazards, including violations of this chapter, exist. When such a condition becomes known, the city shall deny or immediately discontinue service to the premises by providing a physical break in the service line until the customer has corrected the condition in conformance with the state statutes and city regulations.

C. If, in the judgment of the director, an approved backflow prevention assembly is required at the user's private water system for the protection of the public potable water distribution system from contamination or pollution due to the backflow of contaminants through water service connections, the city or its designated agent shall give notice in writing to such user to install an approved backflow prevention assembly at a specific location or locations on his/her premises. Within 10 days after receipt of written notice, the user shall install such approved assembly at the user's own expense, and failure, refusal or inability on the part of the user to install, have tested, and/or maintain said assembly shall constitute grounds for discontinuing water service to the premises until such requirements are met.

D. The building official shall have the responsibility to review building plans and inspect plumbing as it is installed and to prevent cross-connections from being designed and built into structures which will connect to the water system. Where the review of building plans suggests or indicates potential for a cross-connection being made an integral part of the plumbing system, the building inspector shall require such cross-connections to either be eliminated or provided with an approved backflow prevention assembly in accordance with the plumbing code.

E. When employed by the user or the city to test, repair, overhaul and/or maintain backflow prevention assemblies, a backflow assembly technician shall have the responsibility and obligation:

1. To ensure that acceptable testing equipment and procedures are used for testing, repairing, or overhauling backflow prevention assemblies.
2. To make reports of such testing and/or repair to the user and the city, such reports to include the list of materials or replacement parts used.
3. To ensure that replacement parts are equal in quality to parts originally supplied by the manufacturer of the assembly being repaired.
4. To not change the design, material, or operational characteristics of the assembly during repair or maintenance.
5. To perform the work and be responsible for the competence and accuracy of all tests and reports.

6. To ensure that his license is current, and that the testing equipment being used is acceptable to the state of Utah and the city and is in proper operating condition.
7. To report a failing assembly to the city within five working days from the date the failure was detected. Failure to do so may be grounds for revocation of the technician's certification.
8. To be equipped with and be competent in the use of all necessary tools, gauges, and other equipment necessary to properly test, repair, and maintain backflow prevention assemblies.
9. To tag each double check valve, pressure vacuum breaker, reduced pressure backflow assembly and air gaps, showing the serial number, date tested and by whom. The technician's license number must also be on such tag.
10. In the case of a user requiring a commercially available technician, any certified technician is authorized to make the test and report the results of the same to the user and the city. If such a commercially tested assembly is in need of repair, the same shall be performed by a plumber licensed pursuant to Utah statutes.

F. 1. It is the duty and responsibility of the user at any premises where backflow prevention assemblies are installed to have certified inspections and operational tests made at least once per year at the user's expense. In those instances where the city deems the hazard to be great, it may require certified inspections and tests at more frequent intervals. All inspections and tests shall be performed by a certified backflow assembly technician, licensed through the state of Utah, and shall be made in accordance with the standards set forth by the Utah State Drinking Water Division.

2. Backflow prevention assemblies shall be installed in water supply lines to provide at least the degree of protection provided in the Utah Plumbing Code, Chapter 10 (Appendix J). All backflow prevention assemblies shall be exposed for easy observation and be readily accessible.
3. All backflow prevention assemblies installed in a potable water supply system for protection against backflow shall be maintained in good working condition by the user or other person or persons having control of such assemblies. The Utah State Drinking Water Division and the city may inspect such assemblies and, if found to be defective or inoperative, shall require the replacement thereof. No assembly shall be removed from use, relocated, or another assembly substituted without the approval of the city.
4. Each user shall cause all backflow prevention assemblies to be tested within 10 working days of installation.
5. No backflow prevention assembly shall be installed so as to create a safety hazard, e.g., installed over an electrical panel, steam pipes, boilers, pits, or above ceiling level. [Ord. O-13-2015 § 1 (Exh. A); Ord. O-03-2010 § 1 (Exh. A § 7.090)].

#### **15.35.110 Water system extensions.**

All extensions to the existing water system which are not covered by regulations in the approval of subdivisions and large-scale developments shall comply with the provisions of this section.

A. Any person desiring to extend the water system may make application to the city council. Such application shall be considered by the city council on a case-by-case basis and the council shall approve such applications if (1) the proposed extension is to be constructed consistent with the city's extension standards, (2) there is adequate reserve water available to supply said need, and (3) the existing distribution system is adequate to supply the needed water to the point of beginning of the extension.

B. The application shall contain a description of the proposed extension accompanied by a map showing the location thereof. Detailed engineering drawings showing the location and size of all lines, mains, service laterals, appurtenant facilities, anticipated water pressures and fire flows shall be included. The application shall also include an extension agreement signed by the applicant in a form approved by the city council by which the applicant agrees to construct the facilities, both on-

site and off-site, and accepts the conditions agreeing to reimbursement as outlined in subsection F of this section.

C. Before any such application is approved, the city council shall refer it to the water division superintendent for his review and comment. The application may also be referred to the planning commission and the city engineer for similar review and recommendation.

D. The design, location, materials and methods and standards of construction of water line extension shall be in accordance with city standards and specifications as approved by the city council.

E. The city council may require the construction of oversized and off-site facilities as a condition of the approval of any application governed by this section.

F. Upon completion of an extension, the applicant's share of the actual cost of making such extension shall be determined by the city engineer from as-built drawings to be provided by the applicant. Whenever an extension of a water main benefits property which is adjacent to the extension or extended from the end of an existing extension, other than that which is owned by the applicant, the city will enter a deferred credit on its books and records in the amount of the actual prorated cost of extension across the front of said benefited property and shall reimburse the applicant, his assignees or successors, upon collection by the city of charges assessed against such benefited property as service connections are made. All such reimbursements shall extend for a period determined by the city council from the date of the completion of the extension and acceptance by the city, or until the initial prorated cost of the extension along the frontage not owned by the applicant shall have been refunded.

A water main extension charge for each and every subsequent service connection to an extension under the provisions of this section shall be paid before such service connection is made, except for frontage owned by the applicant at the time of the application. The water main extension charge is separate and is in addition to any service connection charge required by the city.

The amount of an extension charge to benefited property shall be determined by the city council. All necessary fire hydrants and appurtenances that are provided in making the extension shall be included in determining reimbursement.

All extension charges levied for purposes of reimbursement shall be determined using the costs for installing water mains of eight inches in diameter. Where the city requires that the extension be made using larger lines, the difference between the cost of installing an eight-inch water line and the size required by the city may be subject to reimbursement by the property owners which are served by said extension in accordance with the city's reimbursement policy. All cost for the line size over eight inches shall be borne by the city upon approval of the city council. All main water line extensions become the property of the city upon acceptance by the city. [Ord. O-13-2015 § 1 (Exh. A); Ord. O-03-2010 § 1 (Exh. A § 7.100)].

**Chapter 15.40**  
**PRESSURIZED IRRIGATION**

Sections:

[15.40.010 General.](#)

[15.40.020 Installation.](#)

[15.40.030 Pipe and fittings.](#)

[15.40.040 Valves and couplings.](#)

[15.40.050 Meters, boxes and services.](#)

[15.40.060 Flushing.](#)

**15.40.010 General.**

A. Specifications. This chapter covers the installation of pressurized irrigation lines. See standard drawings related to pressurized irrigation.

B. Pipe. Polyvinyl chloride (PVC) pipe shall be used for all pressurized irrigation mains unless authorized by the city engineer or his/her designee.

C. Size. The city must approve the sizes of all proposed pressurized irrigation lines. The minimum size of pressurized irrigation pipe is four inches in diameter for main lines and one inch in diameter for services.

D. Location. Pressurized irrigation mains shall be located on either the north or east side of a street, five feet from the centerline (three feet off water line). See standard drawings for utility locations. [Ord. O-03-2010 § 1 (Exh. A § 8.010)].

**15.40.020 Installation.**

A. General. Pressurized irrigation distribution and transmission systems shall be installed according to the requirements and specifications of APWA 02510. PVC pipe shall also be installed according to the requirements and specifications of AWWA C605.

B. Pipe Cleanliness. All foreign matter or dirt shall be removed from the inside of the pipe before it is placed and it shall be kept clean during and after laying. No debris, tools, or other materials shall be placed in the pipe during laying operations. When laying of pipe is not in progress, the pipe shall be closed by a watertight plug.

C. Minimum Cover. All pressurized irrigation mains shall have a minimum cover of two feet to the top of the pipe.

D. Identification Tape. All pressurized irrigation mains shall be installed with identification tape that meets the requirements and specifications of APWA 02320. Tape shall be buried 12 inches below grade.

E. Lateral Displacement. All pipes shall be protected from lateral displacement resulting from impact or unbalanced loading during backfilling operations.

F. Restraining. Either thrust blocks or mechanical retaining devices shall be used for all tees, valves, plugs, caps, and bends. Restraining shall be accomplished according to the standard drawings.

G. Connection to Existing Pressurized Irrigation Lines. The contractor will be responsible to verify actual size, type of material, and location of existing utilities in the field. The fittings and materials required for construction must be approved by the city engineer or his/her designee. Where fitting sizes, such as tees and crosses, are shown on the plans, those sizes will be used. However, no attempt has been made to show all needed fittings or materials. [Ord. O-03-2010 § 1 (Exh. A § 8.020)].

**15.40.030 Pipe and fittings.**

A. General. Polyvinyl chloride (PVC) pipe shall be used for all pressurized irrigation mains 12 inches in diameter and smaller unless otherwise authorized by the city engineer or his/her designee. Ductile iron or polyethylene pipe shall be used for pressurized irrigation mains larger than two inches in diameter. Only PVC or polyethylene pipe may be used in corrosive soils.

B. Polyvinyl Chloride (PVC) Pipe. PVC pipe shall meet the requirements and specifications of APWA 15014 and AWWA C900, C905, and C909. Only purple, pressure class 150 psi pipe may be used for pressurized irrigation mains.

C. Ductile Iron Pipe. Ductile iron pipe shall meet the standards and specifications of APWA 15011. Only a pressure class of 150 psi or larger may be used. A tubular purple polyethylene encasement must be installed according to AWWA C105 over all ductile iron pipe and fittings. Flanges, when required, shall meet the requirements and specifications of AWWA C115.

D. Polyethylene Pipe. Polyethylene pipe shall meet the standards and specifications of APWA 15013.

E. Steel Pipe – Lined and Coated. Steel pipe shall meet the standards and specifications of APWA 15010.

F. Fittings. Use ductile iron fittings that conform to the provisions of ANSI/AWWA C110/A21.10 or C153/A21.53 unless otherwise recommended by the manufacturer and authorized by the city engineer or his/her designee. All PVC pipes being inserted into fittings shall have the bevel end removed. All the bolts and nuts of all the fittings shall be greased. All fittings shall have an eight mil vinyl wrap plastic cover. [Ord. O-03-2010 § 1 (Exh. A § 8.030)].

**15.40.040 Valves and couplings.**

A. General. All valves shall meet the requirements of APWA 02510 and 15030.

B. Resilient Seated Gate Valve. All valves on four-inch to 10-inch water mains shall be resilient seated gate valves. Valves shall also be of iron body, have nonrising bronze stems and meet the following specifications:

1. Mechanical Joint. When valves are mechanical joint, they shall be furnished with all necessary glands, followers, and bolts and nuts to complete installation.
2. Valve Stems. Bronze valve stems shall be interchangeable with stems of the double disc valves of the same size, direction of opening and manufacture.

C. Butterfly Valve. All valves 12 inches and larger shall be butterfly valves which meet the requirements and specifications of APWA 02510, 15030 and the following specifications:

1. General. Valve bodies shall be cast iron, ASTM A126, Class B. Body ends shall be flanged with facing and drilling in accordance with ANSI B16.1, Class 125; or mechanical joint in accordance with AWWA C111. All mechanical joint end valves shall be furnished complete with joint accessories (bolts, nuts, gasket, and glands). All valves shall conform with AWWA Standard C504, Table 3, Laying Lengths for Flanged Valves and Minimum Body Shell Thickness for All Body Types.
2. Disc. Valve disc shall be ductile iron ASTM A536, Grade 65-45-12. Valve disc shall be of the offset design providing 360-degree uninterrupted seating.
3. Shaft Bearings. Shaft bearings shall be contained in the integral hubs of the valve body and shall be self-lubricated sleeve type.
4. Coating. All valves shall be coated with epoxy in conformance to AWWA Standard C550, latest revision.

Interior wetted ferrous surfaces shall be coated a nominal 10 mils thick for long life, and body exterior shall have a minimum of three to four mils coating thickness in order to provide

superior base for filed-applied finish coats.

D. Valve Boxes. All buried valves shall be installed complete with two-piece, cast iron, slip-type, five-and-one-quarter-inch shaft valve box with drop lid. The lid shall have the word "IRRIGATION" or "DRAIN" according to the standard drawing cast in the metal.

Valves and valve boxes shall be installed where shown on the drawings. Valves and valve boxes shall be set plumb. Valve boxes shall be centered directly over the valve. Valves shall be aligned with property lines where possible. Earth fill shall be carefully tamped around the valve box to a distance of four feet on all sides of the box, or to the undisturbed trench face if less than four feet. Valves shall have the interiors cleaned of all foreign matter before installation.

All tops of valve boxes located in streets shall be installed one-quarter inch below grade. When a one-inch overlay is required a year after the road construction, the pavement surrounding the valve box shall be neatly cut to form a 30-inch round opening with the valve box centered, and a concrete collar shall be cast around the box. Valve boxes in off-road areas shall extend six inches above grade. Lid detail shall be similar to Comco C6517.

E. Couplings. Couplings shall be equal to the product of Smith-Blair or Dresser with cast iron couplings being used on all cast iron and PVC pipe. Couplings shall be straight, transition, or reducing style as required by the specific installation. All steel fittings and bolts shall be coated with a nonoxide coating and wrapped with polyethylene.

F. Pressure Regulation Valves. Pressure regulation valves (PRV) which are required in a development shall be designed by the developer's engineer and the design shall be submitted to the city engineer or his/her designee for review and approval prior to starting construction. All PRVs shall be Cla-Val with bypass, be placed in a concrete vault and have telemetry included.

G. Tapping Valves. Tapping valves may only be used when previously approved by the city engineer or his/her designee. Tapping saddles with an "O" ring may be used if the water main line to be tapped is larger than the new water main line. Where the tap is the same size as the existing main, cast iron or stainless steel tapping sleeves shall be used which encase the full perimeter of the pipe. The valve shall be a tapping valve with a guide lip on the flanged side. The opposite side of the valve shall have a mechanical joint connection.

H. Air Vacuum and Release Valves. Combination air, vacuum and release valves shall be installed according to the standard drawings at high points in the system as required by the city. [Ord. O-03-2010 § 1 (Exh. A § 8.040)].

#### **15.40.050 Meters, boxes and services.**

A. General. See the standard drawings for pressurized irrigation services. The minimum size of new pressurized irrigation service lines is one inch. Pressurized irrigation services shall be installed after electrical services. Every lot, including both sides of a twin home lot, shall have its own pressurized irrigation service.

B. Placement and Location. All meters and boxes shall have their location and grade staked prior to installation. No meters or boxes shall be set in sidewalks or driveways. Service taps shall be a minimum of 36 inches apart. No taps will be allowed within 36 inches of the end of the pipe. Service laterals shall extend perpendicular from the main to the meter box. For dual pressurized irrigation services, laterals shall extend perpendicular from the main to the tee. If a meter must be moved it may only be displaced a maximum of 24 inches to either side. If it must be moved more than 24 inches, a new service line must be installed. When a new service line is installed, the old corporation stop shall be shut off at the main and the old service line cut two feet from the main.

C. Meters and Boxes. All meters shall be paid for by the developer and purchased by the city. Meter boxes and pressurized irrigation boxes shall be in good repair. They shall not set at an angle or in a crushed or dented condition. The inside of boxes must be free of obstructions such as dirt, rocks or debris. Meters shall be installed by the developer or contractor.

D. Polyethylene Pipe. Only CTS SDR9 200 psi purple polyethylene pipe shall be used for pressurized irrigation service lines. Pipe damaged by scratches, cuts, kinks or buckled areas shall not be installed. The bottom of the trench shall be flat with no hollows, no lumps and no rock. If these conditions do not occur, pipe must be bedded in coarse sand. No rocks shall be allowed within six inches of pipe. Pipe shall be cut with either a wheel- or scissor-type tubing cutter with a blade specifically designed for plastic. Cuts shall be square and clean. Cutter manufacturer instructions shall be followed when cutting pipe. All connections shall have stainless steel stiffeners. There shall be no unnecessary bending of pipe. Taps shall be exactly horizontal to the pressurized irrigation main. If bending cannot be avoided, maximum bending radius shall be 25 times the pipe diameter. There shall be no bending within three feet of a fixed point and no "S" shape curves. [Ord. O-03-2010 § 1 (Exh. A § 8.050)].

**15.40.060 Flushing.**

A. General. All pressurized irrigation lines shall be flushed before being placed in service. Flushing shall be accomplished through the end of each line.

B. Velocity. The contractor shall install a tap sufficient in size to provide for two-and-one-half-foot-per-second flushing velocity in the line. The following is the flow quantity required to provide a two-and-one-half-foot-per-second flushing velocity:

<b>FOR FLUSHING (pipe diameter)</b>	<b>FLOW REQUIREMENTS (flow in gallons per minute)</b>
4 inches	100
6 inches	220
8 inches	390
10 inches	610
12 inches	880
16 inches	1,567
18 inches	1,980
20 inches	2,450
24 inches	3,525
30 inches	5,507

[Ord. O-03-2010 § 1 (Exh. A § 8.060)].

**Chapter 15.45  
SEWER LINES**

Sections:

[15.45.010 General.](#)

[15.45.020 Sewer pipe.](#)

[15.45.030 Sewer main bedding materials.](#)

[15.45.040 Sewer connection fees.](#)

[15.45.050 Manhole bases.](#)

[15.45.060 Connecting to existing sewers.](#)

[15.45.070 Sewer laterals.](#)

[15.45.080 Minimum slopes.](#)

[15.45.090 Cleaning.](#)

[15.45.100 Sewer lift stations.](#)

[15.45.110 Discharging waste from cesspools and septic tanks at sewage treatment plant.](#)

[15.45.120 Septic systems.](#)

**15.45.010 General.**

The installation specifications for sewer systems shall conform to the APWA Standard Specifications unless noted otherwise in this chapter. [Ord. O-13-2015 § 1 (Exh. A); Ord. O-03-2010 § 1 (Exh. A § 9.010)].

**15.45.020 Sewer pipe.**

Nonreinforced concrete, reinforced concrete, and PVC piping shall be used with Eagle Mountain City under the specifications and conditions in the respective pipe sections. Sanitary sewer shall be located on the south or west side of the street, five feet from the centerline. Water mains shall be minimum one foot vertical above the sewer. Separation between water and sewer mains shall be 10 feet (horizontally) minimum unless authorized in writing by the city engineer or his/her designee. [Ord. O-13-2015 § 1 (Exh. A); Ord. O-03-2010 § 1 (Exh. A § 9.020)].

**15.45.030 Sewer main bedding materials.**

Pipe bedding for sewer mains shall consist of three-quarter-inch or pea gravel, and shall extend six inches below the sewer main, and 12 inches above crown of pipe, or one pipe diameter, whichever is larger. [Ord. O-13-2015 § 1 (Exh. A); Ord. O-03-2010 § 1 (Exh. A § 9.025)].

**15.45.040 Sewer connection fees.**

A. Sewer Connection Fee. The schedule of charges to be imposed for sewer connections shall be set by the city council from time to time by resolution.

B. Reimbursement of Sewer Main Line Assessment Charges. When a main line or trunk line has been installed at the expense of some third party other than the owner of adjacent property to the street or easement in which a main or trunk line has been extended, is connected to by the adjacent property developer and an assessment is made against the property benefited by the main line, the third party who advanced the cost of installing the main or trunk line shall be entitled to reimbursement for that portion of the expenses incurred by him which is actual cost of extension with a maximum reimbursement not to exceed the actual cost incurred by the developer in making the main line extension go past the property of the developer who subsequently connects on the main or trunk line. Extension reimbursements shall not be paid after the expiration of 10 years from the original date of installation of the main or trunk line.

Third party other than owner of adjacent property to the street or easement, in which a main or

trunk line has been extended, shall file a report of actual cost of such main line extension with Eagle Mountain City. The report shall be the basis for assessment made against the property benefited by main line extension.

Before any sewer connection request by adjacent property is approved, such assessment made against the property shall be paid to Eagle Mountain City. Such payment shall be made to the party entitled to such payment by Eagle Mountain City. A fee in the amount established by the city will be collected by Eagle Mountain City for the administration of the fund transfer.

In no event shall the right of reimbursement exceed the amount of actual cost of extension. [Ord. O-13-2015 § 1 (Exh. A); Ord. O-03-2010 § 1 (Exh. A § 9.030)].

**15.45.050 Manhole bases.**

Manhole bases shall be constructed of concrete to the dimensions shown on the drawings. Main line sewer pipe and projecting ends of the sewer and pipe stubs shall be adequately supported to prevent displacement from line or grade during installation of the base. All manholes shall have the invert shape as indicated on the standard details to provide an adequate channel between the inlet and outlet pipes. The entire surface of the manhole invert, including channels and shelves, shall be steel-toweled to a smooth dense surface. All inverts of junction manholes shall be shaped while the bases of the manholes are under construction. All inverts shall follow the grades of the pipe entering the manholes. Manholes shall have a two-tenth-foot fall through manhole. Rubber boots shall be provided to connect the inlet and outlet pipes and provide watertight joints. [Ord. O-13-2015 § 1 (Exh. A); Ord. O-03-2010 § 1 (Exh. A § 9.050)].

**15.45.060 Connecting to existing sewers.**

Manholes used to connect the sewer to the existing sewer shall be plumb and centered on the existing sewer. The new pipe shall be placed against the existing pipe at the elevation designated by the engineer and the base poured as specified above. Care shall be taken not to disturb the alignment of the existing sewer during the excavation procedure. Any damage to the existing sewer shall be repaired. When connecting to existing manhole or stub pipe a test ball shall remain inflated in the downstream pipe to prevent contamination of existing mains. [Ord. O-13-2015 § 1 (Exh. A); Ord. O-03-2010 § 1 (Exh. A § 9.060)].

**15.45.070 Sewer laterals.**

Service lines shall be constructed of substantial materials approved by the Utah Plumbing Code for the particular application. Minimum pipe size shall be four-inch diameter. Sewer lateral cleanouts may not be placed under any permanent structures, including porches or bay windows.

All sewer laterals shall be connected to concrete sewer mains by use of the tapping tee (cast iron), a wax bowl ring and then secured with plumber’s tape and concrete or a wye connection. Connections to PVC shall use tapping tees. Sewer laterals to extend 12 feet beyond property line and marked with a two-inch by two-inch board at the end and a two-inch “S” stamped on the face of the curb and gutter. Any bend in a service line between the main line and the property line greater than 22.5 degrees needs to have a cleanout. No 90 degree bends are allowed. The minimum cover of sewer laterals is three feet six inches at the property line. [Ord. O-13-2015 § 1 (Exh. A); Ord. O-03-2010 § 1 (Exh. A § 9.070)].

**15.45.080 Minimum slopes.**

Slopes shall be designed to have a two-foot-per-second velocity unless otherwise approved by the city engineer. Minimum slopes for different size pipes are as follows:

Minimum Sewer Main Slopes	
Pipe Diameter	Minimum Slope
4 inches	2%
6 inches	1%
8 inches	0.334%

10 inches	0.248%
12 inches	0.194%
14 inches	0.158%
15 inches	0.144%
16 inches	0.132%
18 inches	0.113%
21 inches	0.092%
24 inches	0.077%
27 inches	0.066%
30 inches	0.057%
36 inches	0.045%

[Ord. O-13-2015 § 1 (Exh. A); Ord. O-03-2010 § 1 (Exh. A § 9.080)].

**15.45.090 Cleaning.**

After the sewer lines have been laid and the trench backfilled, they shall be thoroughly cleaned and tested for leakage and alignment in the presence of the city engineer or his/her designee before acceptance by the owner. Cleaning shall be done using a high pressure jet cleaning machine, producing a minimum of 800 psi. Wastewater and debris shall not be permitted to enter sewer lines in service, but shall be removed by a "sucker truck" at the lowest manhole of the extension. Such cleaning shall be done by private crews at the expense of the owner.

A. Displacement Test. The displacement test shall be conducted by the developer and inspector in the presence of the engineer and shall consist of the following: all sewer mains shall be washed and inspected using a television inspection unit. The televised inspection of any mains which reveals broken, misaligned or displaced pipe, or other defects, as designated by the city engineer or his/her designee, shall be remedied by the contractor. The televised inspection shall have the slope of pipe shown on tape throughout the inspection. After cleaning and inspection have been completed, the line shall be tested for leakage as specified in subsection B of this section.

B. Leakage Tests. The low pressure air test shall be conducted by the following method under the direction of the city engineer or his/her designee with equipment equal to Cherne Industrial, Inc.

All wyes, tees, or ends of lateral stubs shall be suitably capped and braced to withstand the internal test pressures. Caps shall be easily removable for future lateral connections or extensions. After a manhole to manhole section of line has been backfilled and cleaned, it shall be plugged at each manhole with pneumatic plugs.

Low pressure air shall be introduced into the sealed line until the internal air pressure reaches four psig greater than the average back-pressure of any ground water that may be over the pipe. At least two minutes shall be allowed for the air pressure to stabilize.

The portion of line being tested shall be accepted if the portion under test does not lose air at a rate greater than three-thousandths cubic feet per minute per square foot of internal pipe surface or two cubic feet per minute minimum when tested at an average three psig greater than any back-pressure exerted by ground water that may be over the pipe at the time of the test.

The pipe and joints shall also be considered acceptable when the time required in minutes for pressure to decrease from three and one-half to two and one-half psig (greater than the average back-pressure of any ground water that may be over the pipe) shall not be less than the time shown for the given diameters in the following table:

Pipe Diameter in Inches	Minutes
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4	2.0
6	3.0
8	4.0
10	5.0
12	5.5
15	7.5
18	8.5
21	10.0
24	11.5

If the installation fails to meet this requirement, the contractor shall determine at his/her own expense the source of leakage. He/she shall repair or replace all defective materials and/or workmanship. All sewer mains shall be tested, cleaned and accepted by Eagle Mountain City before laying the street surface. [Ord. O-13-2015 § 1 (Exh. A); Ord. O-03-2010 § 1 (Exh. A § 9.090)].

**15.45.100 Sewer lift stations.**

Sewer lift stations that are required in a development shall be designed by the developer's engineer and the design shall be submitted to the city engineer or his/her designee for review prior to starting construction. Lift stations will be the screw-type design, will have standby power, telemetry, and will be designed for regional areas, not individual subdivisions. Where applicable, a dry well/wet well design may be used as approved by the city engineer. Sewer lift stations will not be allowed if gravity flow can be accommodated. [Ord. O-13-2015 § 1 (Exh. A); Ord. O-03-2010 § 1 (Exh. A § 9.100)].

**15.45.110 Discharging waste from cesspools and septic tanks at sewage treatment plant.**

It shall be unlawful for any person, firm or corporation to discharge the waste material collected and gathered in cleaning cesspools or septic tanks at any place within the corporate limits of the city, except at the designated site created for such purposes at the sewage disposal treatment plant of Eagle Mountain City. Illegal discharges may result in fines up to \$2,480. [Ord. O-13-2015 § 1 (Exh. A); Ord. O-03-2010 § 1 (Exh. A § 9.110)].

**15.45.120 Septic systems.**

It is unlawful to construct a septic system within the city boundaries except in accordance with Chapter 13.20 EMMC. Septic systems approved in accordance with Chapter 13.20 EMMC must also be approved in writing by the Utah County health department prior to issuance of a building permit. Notwithstanding approval of a septic system in accordance with Chapter 13.20 EMMC, the city may require a property owner to connect to the sewer system at the property owner's cost and expense if the city determines, in the city's sole and absolute discretion, that the individual septic system, or the combination of multiple septic systems, is polluting the storm water or groundwater within the city, impairing any culinary or municipal wells located within the city, or violating any existing or future water source protection overlay zones. [Ord. O-13-2015 § 1 (Exh. A); Ord. O-07-2015 § 2 (Exh. A); Ord. O-03-2010 § 1 (Exh. A § 9.110)].

**Chapter 15.50  
STORM DRAINS**

Sections:

[15.50.010 General.](#)

[15.50.020 Pipe.](#)

[15.50.030 Minimum slopes.](#)

[15.50.040 Cleaning and testing.](#)

[15.50.050 Sumps.](#)

[15.50.060 Retention/detention basins.](#)

[15.50.070 Storm water pollution prevention plan.](#)

**15.50.010 General.**

The installation specifications for storm drain systems shall conform to the APWA Standard Specifications unless noted otherwise in this chapter.

All residential developments will be responsible to provide a storm drain system on site in the development that will contain a 100-year storm event. The maximum allowable storm water discharge from any commercial and industrial development will be limited to two-tenths cfs/acre of development. All storm drain pipes shall have a minimum cover of two feet. Minimum size of storm drains is 12-inch diameter for tie-ins and 15-inch diameter for main lines.

No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, cooling water, or unpolluted industrial process waters to any sanitary sewer. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the director. Industrial cooling water or unpolluted process waters may be discharged, on approval of the director, to a storm sewer, combined sewer or natural outlet.

Storm drain manholes and sumps shall meet confined space requirements, and shall be equipped with ladder rungs and other such devices as required to ensure public safety. [Ord. O-13-2015 § 1 (Exh. A); Ord. O-03-2010 § 1 (Exh. A § 10.010)].

**15.50.020 Pipe.**

Piping used for storm water conveyance includes concrete and HP ADS piping. All pipe shall conform to the material and installation specifications included in this chapter. Storm drain bedding materials shall consist of three-fourths-inch gravel and extend six inches below and to the sides of the pipe and 12 inches above the crown of the pipe. [Ord. O-13-2015 § 1 (Exh. A); Ord. O-03-2010 § 1 (Exh. A § 10.020)].

**15.50.030 Minimum slopes.**

Minimum slopes for different size pipes are as follows:

**Minimum Storm Drain Main Slopes**

Pipe Diameter	Minimum Slope
12 inches	0.194%
14 inches	0.158%
15 inches	0.144%
16 inches	0.132%
18 inches	0.113%
21 inches	0.092%
24 inches	0.077%

27 inches	0.066%
30 inches	0.057%
36 inches	0.045%

[Ord. O-13-2015 § 1 (Exh. A); Ord. O-03-2010 § 1 (Exh. A § 10.030)].

**15.50.040 Cleaning and testing.**

After the storm drain lines have been laid and the trench backfilled, they shall be thoroughly cleaned and tested for leakage and alignment in the presence of the city engineer or his/her designee before acceptance by the owner. Cleaning shall be done using a high pressure jet cleaning machine, producing a minimum of 800 psi. Wastewater and debris shall not be permitted to enter storm drain lines in service, but shall be removed at the lowest manhole of the extension. Such cleaning shall be done by private crews at the expense of the owner.

Storm drain lines will be required to have a mandrel or TV test prior to acceptance and prior to the release of the warranty bond. Storm drain boxes or manholes shall be air tested under the general observation of the city inspector. [Ord. O-13-2015 § 1 (Exh. A); Ord. O-03-2010 § 1 (Exh. A § 10.040)].

**15.50.050 Sumps.**

Sumps shall not be used in Eagle Mountain City unless approved by the city engineer. If approved, all sumps must be constructed with a grease trap.

Additionally, sumps shall only be located as staked in the field and indicated on the plans. They shall be to the grade indicated by the cutsheets and as staked in the field. Excavation and backfill shall conform to Chapter 15.30 EMMC. If the sump is located in an area where the earth is stratified with gravel layers, care shall be taken during backfill to be sure that these layers are not sealed off from the sump beginning three feet below the bottom of the sump up to the top of the subgrade. One- to three-inch diameter drain rock shall be used. The original material shall be removed and the total backfill done with imported drain rock. After backfilling is completed, the entire excavation shall be thoroughly flooded to ensure that settlement is complete. Grates shall be set in place and adjusted for final elevation and alignment. The city requires a fabric barrier between the drain rock and road base (or other backfill).

Sumps may only be constructed of reinforced concrete, precast sections, and shall meet the requirements of ASTM C478-73 in accordance with standard detail drawings S-15, S-16, and S-17. Sumps shall have eccentric lids to ensure adjustments in alignment. [Ord. O-13-2015 § 1 (Exh. A); Ord. O-03-2010 § 1 (Exh. A § 10.050)].

**15.50.060 Retention/detention basins.**

A. Retention Basins. All retention basins shall be constructed with a maximum water depth of four feet. All retention basins shall have a series of interconnected sumps connected to curb inlet boxes or storm drain main lines. All retention basins shall be landscaped in accordance with city standards. All retention basins shall be constructed with a minimum slope of 5:1.

All retention basins shall be constructed for drainage areas designated in the general plan. Basins for smaller areas may be allowed only with prior written approval of the city engineer or his/her designee.

B. Detention Basins. All detention basins shall be constructed with a maximum water depth of 18 inches, with that depth remaining for no longer than a six-hour period. Detention basins must be landscaped and they may be located in park and recreational areas. Each detention basin shall have a manually controlled outlet to a storm drain main line. Detention ponds greater than 18 inches must have a minimum side slope of 5:1. Fencing around detention ponds may be required as determined by the city engineer or his/her designee.

Ponds must be constructed as they are required for the detention of the proposed improvements. If the ultimate design of a subdivision has located the detention basin in a future phase of the

subdivision, either a temporary detention basin must be constructed, or an easement for the approved detention must be given to the city and the detention basin must be constructed with the required phase. [Ord. O-13-2015 § 1 (Exh. A); Ord. O-03-2010 § 1 (Exh. A § 10.060)].

**15.50.070 Storm water pollution prevention plan.**

A storm water pollution prevention plan meeting all requires as mandated by the State of Utah Department of Environmental Quality shall be required and maintained for all construction within a subdivision. Elements of this SWPPP shall include BMPs to protect the existing and natural storm drainage systems from incurring increased sedimentation. BMPs will include as a minimum silt fences, inlet protection, and stabilized construction entrance. Additional BMPs may be required as needed and determined by a certified storm water plans reviewer. The SWPPP is to be approved by the city engineer and his/her designee. The approved SWPPP plan is to be maintained while any construction activities are occurring within a subdivision. Modifications to the SWPPP during the construction process if it becomes evident that additional modifications are needed to protect storm drainage structures or adjacent properties. [Ord. O-13-2015 § 1 (Exh. A)].

**Chapter 15.55**  
**RESTORATION OF SURFACE IMPROVEMENTS**

Sections:

[15.55.010 General.](#)

[15.55.020 Gravel surface.](#)

[15.55.030 Bituminous surface.](#)

[15.55.040 Cold weather patching.](#)

[15.55.050 Concrete surfaces.](#)

**15.55.010 General.**

The contractor shall be responsible for the protection and the restoration or replacement of any improvements existing on public or private property at the start of work or placed there during the progress of the work.

Existing improvements shall include but are not limited to permanent surfacing, curbs, ditches, driveways, culverts, fences, walls and landscaping. All improvements including landscaping shall be reconstructed to equal or better, in all respects, in a timely manner. The contractor shall be responsible for maintaining a road surface suitable for travel by the public. He/she shall be responsible for all dust and mud control and all claims and damages resulting from his/her failure to maintain the construction area.

All road cuts shall be repaired within two working days. All asphalt to be removed must be sawcut in a smooth straight line. [Ord. O-13-2015 § 1 (Exh. A); Ord. O-03-2010 § 1 (Exh. A § 11.010)].

**15.55.020 Gravel surface.**

Where trenches are excavated through gravel surfaced areas such as roads and driveways, etc., the gravel surface shall be restored and maintained as follows:

- A. All trenching backfill shall conform to the backfill requirements in EMMC [15.30.040](#).
- B. The gravel shall be placed deep enough to provide a minimum of six inches of material.
- C. The gravel shall be placed in the trench at the time it is backfilled. The surface shall be maintained by blading, sprinkling, rolling, adding gravel, etc., to maintain a safe uniform surface satisfactory to the engineer. Excess material shall be removed from the premises immediately.
- D. Material for use on gravel surfaces shall be obtained from sound, tough, durable gravel or rock meeting AASHTO T27 requirements. The following requirements for grading shall be met:

Passing 1-inch sieve	100%
Passing 3/4-inch sieve	85% – 100%
Passing No. 4 sieve	45% – 65%
Passing No. 10 sieve	10% – 30%
Passing No. 200 sieve	5% – 10%

[Ord. O-13-2015 § 1 (Exh. A); Ord. O-03-2010 § 1 (Exh. A § 11.020)].

**15.55.030 Bituminous surface.**

Where trenches are excavated through bituminous surfaced roads, driveways or parking areas, the surface shall be restored and maintained as follows:

- A. A temporary gravel surface shall be placed and maintained as required in EMMC [15.55.020](#) after the required backfill and compaction of the trench has been accomplished.

B. The trench shall be backfilled in accordance with EMMC [15.30.040](#).

C. The area over trenches to be resurfaced shall be graded and rolled with a roller weighing not less than 12 tons, or with the rear wheels of a five-yard truck loaded to capacity, until the subgrade is firm and unyielding. Mud or other soft or spongy material shall be removed and the space filled with gravel and rolled and tamped thoroughly in layers not exceeding six inches in thickness. The edges of trenches that are broken down during the making of subgrade shall be removed and trimmed neatly before resurfacing.

D. Before any permanent resurfacing is placed, the contractor shall cut the existing paving to clean, straight lines as nearly parallel to the centerline of the trench as practicable and 24 inches wider on each side of the trench than initial excavation. Said straight lines have no deviations from such lines, except as specifically permitted by the engineer.

E. Existing bituminous paving shall be cut back a minimum of 24 inches beyond the limits of any excavation or cave-in along the trench so that the edges of the new paving will rest on at least 20 inches of undisturbed soil. See also APWA Standard Detail 255, Asphalt Concrete T Patch.

F. Within two working days and weather permitting, the bituminous surface shall be restored by standard paving practices to a minimum thickness of four inches for local streets and six inches for collector, industrial, and commercial streets to match existing pavement height.

G. Pavement restoration shall include priming of pavement edges and subbase with an asphalt tack coat and placing and rolling plant mix bituminous material to the level of the adjacent pavement surfaces.

H. All pavement restoration shall conform to Chapter [15.60](#) EMMC. [Ord. O-13-2015 § 1 (Exh. A); Ord. O-03-2010 § 1 (Exh. A § 11.030)].

**15.55.040 Cold weather patching.**

Trenches cut during winter months or when asphalt plants are not operating shall be patched the same day of the cut with a good quality cold mix and maintained until asphalt plants open. When asphalt plants open, the cold patch shall be removed and a new patch of hot mix asphalt shall be placed within 20 days of plant opening. [Ord. O-13-2015 § 1 (Exh. A); Ord. O-03-2010 § 1 (Exh. A § 11.040)].

**15.55.050 Concrete surfaces.**

All concrete curbs, gutters, sidewalks and driveways shall be removed and replaced to the next joint or scoring lines beyond the damaged or broken sections; or, in the event that joints or scoring lines do not exist or are three or more feet from the removed or damaged section, the damaged portions shall be removed and reconstructed to neat, plane faces. On all new concrete improvements lamp black or other pigments shall be added to the new concrete to obtain the desired results.

All concrete work shall conform to the requirements of the APWA Standard Specifications. [Ord. O-13-2015 § 1 (Exh. A); Ord. O-03-2010 § 1 (Exh. A § 11.050)].

**Chapter 15.60**  
**STREET IMPROVEMENTS**

Sections:

[15.60.010 General.](#)

[15.60.020 Minimum road section.](#)

[15.60.030 Aggregate size.](#)

[15.60.040 Asphalt seam location.](#)

[15.60.050 Warranty repairs.](#)

[15.60.060 Manholes and valve boxes.](#)

[15.60.070 Street signs.](#)

**15.60.010 General.**

All street surfacing shall comply with the APWA Standard Specifications, unless noted otherwise in this chapter.

Prior to placing asphalt surfaces, temperatures shall be a minimum of 50 degrees Fahrenheit and rising, and be expected to maintain a temperature of greater than 50 degrees for a length sufficient to complete a reasonable quantity of paving. In no instance will asphalt be allowed to be placed in temperatures less than 47 degrees. No asphalt may be placed on frozen ground, or when overnight temperatures of less than 42 degrees are expected.

A soils investigation shall be performed for all new roads and those roads for which work will be performed. The results of this investigation and a design of the road cross-section shall be submitted to and accepted by the city engineer or his/her designee. This chapter covers the preparation of subgrade, the placing of base gravel, and the placing of asphalt surface on any city street. [Ord. O-23-2015 § 2 (Exh. A); Ord. O-13-2015 § 1 (Exh. A); Ord. O-03-2010 § 1 (Exh. A § 12.010)].

**15.60.020 Minimum road section.**

Unless approved otherwise by the city engineer or his/her designee, the public works director, or as directed by the city council, on residential roads, a minimum of nine inches of engineered fill, meeting Type A1 or A2 classifications as set forth by AASHTO with a maximum of 25 percent fines passing the number 200 sieve shall be placed over scarified native earth material. The minimum thickness of road base shall be six inches when used in conjunction with the engineered fill. The minimum thickness of asphalt in a city road shall be three inches. Road base to meet specification for state specs on road base. The subbase is to be prepared in accordance with the geotechnical report. If soils exhibit pumping, additional preparations may also be required as detailed in the geotechnical report, which may include over-excavation of materials or the placement of a geotextile fabric. Methods of remediation must be approved by the city engineer or his/her designee. Road sections on collector or arterial roads, or in commercial or industrial subdivisions may require an increased cross-section as determined by a geotechnical report. The minimum grade for a road shall be one percent unless approved otherwise. All roads shall have a cross slope between two percent and four percent. [Ord. O-13-2015 § 1 (Exh. A); Ord. O-03-2010 § 1 (Exh. A § 12.020)].

**15.60.030 Aggregate size.**

A one-half-inch minimum mix design is to be used on all residential streets. All collector roads shall require a minimum three-quarter-inch mix design. [Ord. O-13-2015 § 1 (Exh. A); Ord. O-03-2010 § 1 (Exh. A § 12.030)].

**15.60.040 Asphalt seam location.**

The contact point of two adjacent asphalt placements shall be located such that the seam is at a minimum five feet from the projected edge of the lip of gutter on the higher volume roadway. Cross

gutters may be required for all roadways intersecting off a roadway classified as a collector road as directed by the city engineer or his/her designee. [Ord. O-13-2015 § 1 (Exh. A); Ord. O-03-2010 § 1 (Exh. A § 12.040)].

**15.60.050 Warranty repairs.**

The city engineer or his/her designee shall determine at the time of the walkthrough the minimum type of surface maintenance that will be required for the subdivision or portions thereof. Crack sealing of seams will be required at a minimum for seams with horizontal gaps greater than one-fourth inch, or in instances which exhibit vertical separation. Slurry seals may be required in instances when asphalt patching occurs on more than 40 percent of any portion of the roadway. All slurry seals will be a Type II slurry.

All streets shall be swept clean prior to placement of slurry seal. All manholes and valves, including concrete collars, shall be protected from slurry seal. Any slurry seal in gutters or on other concrete shall be removed. A leveling course shall be applied where needed before the final slurry seal is laid. [Ord. O-13-2015 § 1 (Exh. A); Ord. O-03-2010 § 1 (Exh. A § 12.050)].

**15.60.060 Manholes and valve boxes.**

All manhole covers and valve boxes shall be raised to the proper grade after the placement of pavement. The cover shall be removed and raised to the proper elevation with concrete setting the frame one-quarter inch below the pavement grade. The following types of rings can be used:

A. Four thousand psi concrete can be used with epoxy coated rebar with two rings maximum each collar.

B. Six thousand psi concrete can be used with fiber mesh one and one-half pounds per yard three-fourths-inch monofilament.

All adjustments in the elevation from the manhole cone/lid to be made with Whirlygig, manhole riser collar system or equivalent. All adjustments in elevation to water valve boxes are to be made in the top "sliding" riser. If grade cannot be reached with existing top another base section cut to grade must be used. [Ord. O-13-2015 § 1 (Exh. A); Ord. O-03-2010 § 1 (Exh. A § 12.060)].

**15.60.070 Street signs.<sup>1</sup>**

All signs, post, and hardware shall be installed in accordance to the MUTCD Standards.

Sign post shall be two-and-three-eighths-inch round post, galvanized inside and out, powder coated with 8017 brown, 16 gauge with no holes, crash tested and NCHRP 350 approved.

All posts shall have a galvanized dome rain cap and powder coated with 8017 brown.

Signage shall be installed to post with a sign clamp assembly, center bolt and U-bolt to be one-half-inch diameter.

Post shall be anchored to a V-loc 23VRN anchor for two-and-three-eighths-inch round post with a 24-inch leg, with stabilizer bolt, and wedge.

All anchors shall be driven into soil, no digging and burying shall be allowed.

All signage shall be marked in the bottom corner (one-fourth inch tall, one inch wide) with date and year sign was made. [Ord. O-13-2015 § 1 (Exh. A)].

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<sup>1</sup> Code reviser's note: Ord. O-13-2015 adds these provisions as Section [15.60.060](#). The section has been editorially renumbered to avoid duplication of numbering.

**Chapter 15.65**  
**CONCRETE CURB, GUTTER, SIDEWALKS, AND TRAILS**

Sections:

[15.65.010 General.](#)

[15.65.020 ADA requirements.](#)

[15.65.030 Base material.](#)

[15.65.040 Testing and inspection.](#)

[15.65.050 Cold weather concrete.](#)

[15.65.060 Clean gutter.](#)

[15.65.070 Drive approaches.](#)

[15.65.080 Asphalt trails.](#)

**15.65.010 General.**

All concrete work shall comply with the APWA Standard Specifications, unless noted otherwise in this chapter. The work shall consist of curb and gutter, sidewalk, combination curb, gutter and sidewalk, cross gutters, and curb return constructed where indicated on the plans or as directed by the engineer and conforming in all respects to the specified lines, grades, and dimensions. A minimum slope along any curb and gutter shall be 0.7 percent and on cross gutter shall be one-half percent. Maximum grades on curb and gutter and streets shall be 10 percent. [Ord. O-13-2015 § 1 (Exh. A); Ord. O-03-2010 § 1 (Exh. A § 13.010)].

**15.65.020 ADA requirements.**

All pedestrian facilities will conform to the current federal ADA standards. Plastic inserts required per ADA mandate shall be yellow in color. [Ord. O-13-2015 § 1 (Exh. A); Ord. O-03-2010 § 1 (Exh. A § 13.020)].

**15.65.030 Base material.**

There shall be a minimum of six inches compacted crushed gravel road base under all concrete for public use on both sides. [Ord. O-13-2015 § 1 (Exh. A); Ord. O-03-2010 § 1 (Exh. A § 13.030)].

**15.65.040 Testing and inspection.**

A. Scope. All materials and processes involved in the construction shall be subject to testing and inspection as detailed in the various subsections of this section and in general compliance with ASTM E105-54T. Results of tests performed by recognized laboratories to the satisfaction of the engineer shall be accepted by the supplier as a basis for acceptance or rejection of any and all materials. Standard methods of sampling and testing shall be used. The latest appropriate ASTM tests and methods shall be considered to be standard, and will include but not be limited to concrete, cement, aggregates, additives, curing compounds, parting compounds and jointing materials.

B. Concrete. Where required by the engineer, samples of concrete will be tested to ensure quality concrete. The city engineer or his/her designee will take at least one of these tests for every 50 cubic yards of concrete poured or as required.

1. Samples of wet concrete may be tested for air content. Failure to indicate the entrained air specified in this section shall be a basis for rejection of all concrete represented by the test.
2. Samples of wet concrete may be tested for slump. Failure to indicate the required slump shall be a basis for rejection of all concrete represented by the test.
3. Concrete compression specimens shall be taken for each pour of section as required by the engineer. Such specimens shall attain the specified strength of 28 days with the provision that no specimen may indicate a compressive strength of less than 90 percent of the strengths

nominated and with further provision that results from specimens which, in the opinion of the testing authority and the engineer, are obviously faulty or defective may be rejected in determining the requirements. Should any specimens fail to satisfy these requirements, the concrete represented thereby shall be removed and replaced, except that the contractor may submit evidence based on ASTM designation C42-49 which shall be considered by the engineer in relation to this requirement.

C. Flow Tests. All curbs and gutters and cross gutters will have a flow test prior to final inspection to determine any low or high spots. (The city will be present.)

D. All forms or string lines must be inspected by Eagle Mountain City before concrete may be poured. [Ord. O-13-2015 § 1 (Exh. A); Ord. O-03-2010 § 1 (Exh. A § 13.040)].

**15.65.050 Cold weather concrete.**

Concrete shall not be placed when a descending air temperature in the shade and away from artificial heat falls below 35 degrees Fahrenheit. Concrete shall not be poured on frozen ground. Where high temperatures are likely to descend below 32 degrees Fahrenheit, concrete shall be covered or otherwise protected against freezing. The city engineer must approve the method by which the concrete is covered or protected. Admixtures other than calcium chloride may be added upon approval of the city engineer. [Ord. O-13-2015 § 1 (Exh. A); Ord. O-03-2010 § 1 (Exh. A § 13.050)].

**15.65.060 Clean gutter.**

Once curb and gutter and surface course is in place it shall be kept as clean as possible. When equipment is required to cross over sidewalk, bridging will be provided to protect concrete. Dirt and gravel will not be placed in gutter or on street. Gutter will flow freely at all times. [Ord. O-13-2015 § 1 (Exh. A); Ord. O-03-2010 § 1 (Exh. A § 13.060)].

**15.65.070 Drive approaches.**

All concrete for a drive approach shall be six inches thick in the public right-of-way with six inches of gravel base compacted to 95 percent density. [Ord. O-13-2015 § 1 (Exh. A); Ord. O-03-2010 § 1 (Exh. A § 13.070)].

**15.65.080 Asphalt trails.**

Asphalt trails shall be 10 feet wide along pedestrian corridors or unless otherwise approved by the city council. Asphalt trails shall consist of six inches of base and three inches of asphalt and shall be placed on undisturbed native material or documented fill material properly compacted. Base shall extend past trail edges six inches both sides. [Ord. O-13-2015 § 1 (Exh. A)].

**Chapter 15.70**  
**GENERAL SPECIFICATIONS FOR ELECTRICAL SERVICE**

Sections:

[15.70.010 General.](#)

[15.70.020 Service and service conditions.](#)

[15.70.030 Type of services and voltages available.](#)

[15.70.040 Use of service by customer and limitations.](#)

[15.70.050 Utilities installation.](#)

[15.70.060 Customer's installation and equipment.](#)

[15.70.070 Temporary and seasonal service.](#)

[15.70.080 Service extensions.](#)

[15.70.090 Underground distribution for new subdivisions.](#)

[15.70.100 Right-of-way.](#)

[15.70.110 Access to premises.](#)

**15.70.010 General.**

A. This chapter defines general requirements for facilities to be constructed and installed by developers, subdividers, owners, or contractors to provide electric service to standard types of occupancies and developments, including residential, commercial, industrial, and professional offices.

B. In general, all electrical facilities must comply with the National Electrical Code (NEC).

C. Contractors proposing to construct electric infrastructure for Eagle Mountain City shall possess a current and valid E100 contractor's license issued by the state of Utah, and have at least five years of verifiable experience constructing the same or similar electric infrastructure used in the city. Electric infrastructure includes, but is not limited to, the following:

1. Primary (voltage rating of two kV or higher) and secondary (voltage ratings of 600 volts or less) cables.
2. Conduits for primary and secondary cables.
3. Primary cable accessories (15 kV load break elbows, 15 kV dead break elbows, 15 kV cable terminators, 15 kV cable splices, etc.).
4. Secondary cable connections, including submersible and other types of buses.
5. Generators.
6. High voltage (two kV and higher) electrical equipment such as transformers, 200-ampere and 600-ampere sectionalizing enclosures, circuit breakers, circuit switchers, reclosers, disconnect switches, pad-mounted and other types of switchgear, substation and other bus work, and substation and other types of grounding systems.
7. Street lights.

D. Equipment Requirements.

1. Secondary junction boxes above ground No. AG20HDXCLNL Pencil or equivalent (including submersible buses). Before opening any live equipment, an authorized agent of the city power utility must be present.

2. All transformers, switchgears, and sectionalizer enclosures must have approved stickers on the inside and out. Electromark stickers: inside stickers No. EMN001-W-RE-L112; transformer outside sticker No. EMN002-W-A2-X83; switchgear outside sticker No. EMN003-W-A2-X83.
3. All primary and secondary cables shall be tagged with a permanent plastic tag such as Allflex GXF-Year tags or equivalent. See EMMC [15.70.090](#) for tagging requirements.
4. All switchgear ground sleeves are to be fibercrete.
5. All transformers and sectionalizer cabinets are to be stainless steel.

E. Safety Requirements.

1. Contractors and their employees shall meet or exceed the safety requirements of the most recent editions of the National Electrical Safety Code (NESC), the American Public Power Association (APPA) safety manual, and the Occupational Safety and Health Administration (OSHA) standards.
2. Contractors shall provide to the city a copy of the contractor's proposed safety plan and documentation showing evidence of compliance with required safety standards during preconstruction meetings and any other time requested by the city.
3. Failure to comply with city safety standards will disqualify contractor from installing or constructing electrical infrastructure within Eagle Mountain City.

F. Training and Experience Requirements.

1. Journeyman Requirements. All journeyman linemen working on or around city infrastructure shall meet the following requirements:
  - a. A journeyman lineman shall have satisfactorily completed a journeyman lineman certification program approved by the city.
  - b. Have a minimum of five years of documented experience working on the same type of infrastructure used in the city.
  - c. Provide one of the following:
    - i. Documentation showing a minimum of five years' experience as a lineman with another utility or union contractor.
    - ii. Pass a test administered by the city or their designee. The test shall include both written and practical sections designed to show competence in all aspects of underground line work. Failure to pass the test will result in the applicant being required to repeat their last year of coursework. Applicants failing the test shall not be eligible to retake the test for one year from the date the failed test was given.
2. Apprentice Requirements.
  - a. An apprentice lineman shall be enrolled in an approved journeyman lineman certification program.
  - b. Apprentices shall work under the immediate supervision of a licensed journeyman lineman at all times.
3. Training programs that are recognized by the city include the following:
  - a. International Brotherhood of Electrical Workers (IBEW).
  - b. Intermountain Power Superintendents Association (IPSA).
  - c. Northwest Lineman Training College.

- d. Rocky Mountain Power (PacifiCorp).
- e. Other large utilities training programs approved by the city.
- f. Other programs that are, in the opinion of the city, deemed to be equivalent. The city may elect to place special restrictions and limitations on the type and scope of work that can be done under a training program approved under this subsection.

A typical construction crew should include a foreman, one or more linemen, not more than two apprentice linemen per journeyman and a qualified equipment operator.

Individuals such as equipment operators, ground men, skilled helpers, mechanics, carpenters, cement finishers, general laborers, etc., who will not be directly involved in the installation of electric infrastructure need not meet the previously defined qualification requirements. [Ord. O-03-2012 § 1 (Exh. A § 14.010); Ord. O-03-2010 § 1 (Exh. A § 14.010)].

**15.70.020 Service and service conditions.**

A. Utility to Approve the Location. Utility shall approve the location of customer's service entrance and utility's meter, which shall be installed in accordance with this title.

Meters for single-family residences shall be located within 10 feet of the front corner of the house and shall be in front of any fences or obstructions.

Each residential unit in an apartment house or building designed for two or more dwelling units shall be provided with an independently metered electric service. The electric meter shall be installed on the outside of a readily accessible building in the location approved by the utility.

The utility will not be responsible for repair of any faulty wires, fixtures, devices, boxes, breakers, meter sockets or cabinets, etc. (wiring) beyond the point of delivery (connection) for the original installation.

B. Permits Required. Service will not be established until all necessary permits have been obtained and the customer's wiring has been inspected and approved by the city. The entire wiring installation shall be installed in accordance with the latest edition of the NEC and NESC and the specifications and regulations of utility.

However, utility reserves the right to inspect the wiring and to refuse service to any installation that is, in the opinion of utility, unsafe or whose operation may adversely affect electric service furnished other electric customers.

A fee may be levied by the utility to cover the costs incurred to extend its primary and/or secondary distribution system to provide electric service to a particular building, residence, or subdivision/development. This fee is levied to cover initial expenditures required to supply energy requirements of annexations and building sites not previously served. A fee may also be levied by the utility when its existing primary and/or secondary distribution system is upgraded to adequately supply requirements of new construction or development. It will be the developer's responsibility to pay all costs incurred for these.

The following specification standards and guidelines shall be applicable to the underground electrical systems of all subdivisions at Eagle Mountain, Utah:

1. High voltage electrical distribution systems in subdivisions shall be loop fed and be connected in a balanced three-phase network where practical, as determined by the utility.
2. All high voltage distribution systems in subdivisions shall be installed in accordance with the design and layout prepared by the developer and approved by the utility. An as-built map of the electrical distribution system shall be submitted to the utility after installation.
3. All electric distribution, primary and secondary systems are to be installed in polyethylene or PVC (schedule 40) conduit as shown on the design and layout. The developer shall provide

all required trenching, backfilling and conduit. All facilities must be inspected before backfilling.

4. The subdivider/developer shall energize all primary and secondary electrical distribution systems after final inspection and approved by the utility. All installations must be inspected and approved prior to backfilling of underground systems. All materials must meet or exceed the requirements of the Electrical Construction Standards as established by the utility.

5. Final grade shall be established for the placement of transformers, secondary splice boxes, and other necessary equipment. Costs incurred as a result of grade changes, such as resetting of transformers, shall be borne by the subdivider/developer.

6. Damaged equipment and material resulting from carelessness by equipment operators or a dig-in to electrical cable/conduit will be repaired at the expense of the responsible party.

7. All temporary power connections that are located on the housing foundations and that will be used to provide permanent power upon final completion and inspection of residence shall be anchored to the concrete foundation. Meter bases must also be supported.

8. When a customer requests service for a garage, shop, or any other building located on property currently receiving service from the utility, the customer will be required to pay applicable fees as established by the utility.

C. Normal Service. Service shall normally be single-phase, 120/240 volts, three wires. Contact the utility to determine the availability of other voltages and three-phase service.

All new single-phase electric services (200 amps or less) shall have an electrical service main disconnecting means on the outside of each premises.

D. Utility and Customer's Maintenance Responsibilities. The utility shall own, operate and maintain its service or service wires and conduit that has been installed by the utility, sometimes referred to as the "service drop," to the point of connection to service entrance conductors at customer's building. The customer's responsibility is the service riser and meter base. The customer is responsible for all costs which may accrue from improper installation or failure to the meter base or service riser.

E. Meter Socket. A meter socket shall be furnished by the contractor at contractor's expense in the manner specified by utility. The meter socket or cabinet (if used) location shall be approved by utility and, at all times, shall be kept sealed, and under the exclusive control of, and be maintained by, utility.

F. Service Drop Installations. The delivery point for residential, nonresidential, single-phase or three-phase customers shall be where utility's service conductors connect to customer's service at the entrance termination structure. Utility's responsibility and liability shall not extend beyond said connection (delivery) point. [Ord. O-03-2012 § 1 (Exh. A § 14.020); Ord. O-03-2010 § 1 (Exh. A § 14.020)].

**15.70.030 Type of services and voltages available.**

A. Voltage Options. The utility's standard service voltage, available to all customers, is single-phase, 120/240 volts, three-wire, and 60 hertz. A list of all nominal voltage levels both single-phase and three-phase that the utility may choose to offer and/or require follows:

1. 120 volts, two-wire, single-phase service (available only at utility's option).
2. 120/240 volts, three-wire, single-phase service.
3. 120/208 volts, four-wire, wye, three-phase service.
4. 277/480 volts, four-wire, wye, three-phase service.
5. At utility's available primary voltage.

6. At utility's available transmission voltage.

B. Other Voltages. Where customer desires service at voltages or phases other than those utility elects to furnish, any additional transformers, conversion or accessory equipment required shall be supplied and installed by the customer at customer's expense, including backup facilities.

Utility reserves the right to meter service at either primary or secondary voltage. Billings shall be determined in accordance with the applicable rate schedule.

C. Three-Phase Service. Normally only single-phase service is available. However, three-phase service may, at utility's option, be furnished where three-phase facilities of adequate capacity are already installed immediately adjacent to the point where three-phase service is to be delivered to customer, or where, as determined by utility, it is economically feasible to extend such three-phase facilities to the customer's delivery point.

Utility reserves the right to refuse to extend or install three-phase facilities to serve motors individually rated at 20 horsepower or less and to furnish only single-phase service for such motors. In such event, customer may elect to install single-phase to three-phase conversion equipment, approved by the utility, to operate three-phase motors. All three-phase transformers shall have a minimum of two-inch to four-inch conduits from power source.

D. Transformation Equipment. For large or unusual loads, utility reserves the right to require customer to accept service at distribution primary voltage and to furnish the required transformation equipment.

E. Unusual Extensions. Where an unusual extension of primary or secondary or transformation facilities is required (such as for three-phase service), the furnishing of service will require a written agreement between customer and utility, in conformance with the provisions set forth in this section. [Ord. O-03-2012 § 1 (Exh. A § 14.030); Ord. O-03-2010 § 1 (Exh. A § 14.030)].

**15.70.040 Use of service by customer and limitations.**

A. Interconnection of Buildings. Where a customer's installation contains two or more buildings and such buildings are not separated by street, alley, railroad right-of-way, or other public thoroughfare and where there is no other intervening property occupied by others, the customer, at customer's expense and responsibility, subject to the approval of utility, may interconnect such buildings so as to enable customer to receive all electric service through one service and meter location and to be so billed.

The utility shall not permit the use of electricity or natural gas from a single service for two or more buildings, unless the buildings are under a common ownership or leasehold. The buildings must be classed as one fire risk and operated as a single continuous property.

This privilege is not transferable and automatically terminates if and when the buildings cease to be under a common ownership or lease.

Nothing in this chapter shall be construed to relieve or absolve the responsibility of any person owning, operating or installing any electrical wiring, appliances, apparatus or equipment for damages to anyone injured or damaged either in person or property by any defect therein, nor shall the utility or city or any agent thereof be held liable by reason of the inspection authorized herein or the issuance of the certificate of inspection by the city.

B. Power Factor Corrective Equipment and Voltage Control. Utility reserves the right to require the customer to install and maintain, at customer's expense, such power factor corrective and/or load limiting equipment as is necessary to limit load and voltage fluctuations so that it is not necessary for utility to provide excess capacity and facilities.

All customer installations of neon, fluorescent or other types of gaseous tube lighting, including signs, shall be equipped with power factor correction equipment so that the power factor (of each unit or each group of units controlled through one switch) will not be less than 90 percent lagging.

Similarly, all air conditioning equipment installed after the effective date of the ordinance codified in this chapter shall be equipped so that, when in operation, the equipment's power factor is not less than 90 percent lagging.

C. Power Factor Voltage Control. Where customer installs power factor corrective equipment, utility reserves the right to require customer to install such controls as are necessary, in utility's opinion, to prevent voltage or other disturbances on utility's system that are detrimental to the electric service furnished other customers. If, upon request of utility, such voltage control equipment is not installed by customer, the billing for service shall be based on nonoperation of all power factor corrective equipment and all electric service shall be subject to disconnection by the utility.

D. Fluctuating Load Limitations. Where large fluctuating single-phase loads (such as spot welders) are served, in order to limit voltage variations so variations will not be detrimental to service furnished to other customers, utility reserves the right to require such loads to be supplied by means of a three-phase to single-phase motor generator or other three-phase to single-phase conversion equipment. All such conversion equipment shall be installed, owned, operated and maintained by customer at customer's expense.

E. Separate Transformers for Special Loads. In the event a separate service or transformer installation or additional transformer capacity is required to adequately serve fluctuating loads (X-ray equipment, welders, etc.), such service shall be metered and billed separately in conformance with the applicable rate schedule or schedule of special charges.

Customer's wiring used to supply such fluctuating loads shall be installed in a continuous run of rigid conduit and cable approved by utility. [Ord. O-03-2010 § 1 (Exh. A § 14.040)].

#### **15.70.050 Utilities installation.**

A. Definitions. As used herein, "customer" or "property owner" shall be considered as one and the same.

B. Installation of Service Entrance Facilities. Service entrance facilities shall be maintained at customer expense. Such facilities, consisting of but not limited to cable or conduit and appurtenances, shall extend from the point of connection with utility's service wires to the meter base. Entrance wiring shall not be concealed and shall always be in plain view for inspection by utility.

C. Furnishing of Meter and Meter Socket Base. Outdoor socket-mounted meters will be used by utility whenever practical. The socket-type meter base will be furnished, installed and maintained by customer at customer's expense and at the location approved by utility. Utility will furnish, install, and maintain its meter.

The utility will connect its service drop conductors to customer's service entrance wires that extend down to the customer's meter base.

D. Utility to Own and Maintain Metering Equipment. All meters, including instrument transformers, shall be furnished, installed, owned and maintained by the utility. If instrument transformers are required, utility reserves the right to require customer to furnish and install, at customer's expense, a suitable steel cabinet to house utility's instrument transformers and accessories. Said suitable steel cabinet shall contain only utility's metering equipment and shall be equipped so that it can be sealed by utility, who shall have sole access to same.

The utility will install and maintain one electric meter per residence or business. All commercial businesses will be electrically metered on a demand basis and billed accordingly. Building additions will not be supplied from a separate meter or additional meter; existing metering must be modified to accommodate additional power requirement. All meters will be tested periodically.

The utility will not permit the usage of electricity from a single service by two or more buildings, unless the buildings are under a common ownership or leasehold. The buildings must be classed as one fire risk and operated as a single continuous property.

E. Underground Service Requirements. Upon request by customer, an underground service installation will be made, subject to the following conditions:

1. Customer shall, at customer's expense, excavate a trench in conformance to utility's specifications and install such conduit as may be specified by utility to extend between customer's service entrance location on customer's building and the utility's pad-mounted transformer or secondary junction box. The minimum burial depth shall be 30 inches and the minimum conduit size shall be a three-inch schedule 40 PVC (two-inch schedule 40 PVC in subdivisions developed before March 2012) conduit with a one-quarter-inch pull rope installed in the conduit. See Electrical Construction Standards and Materials. Upon completion of the conduit installation, customer shall schedule an inspection with the power department. Once the work is approved, the customer shall backfill the trench at the customer's expense. Backfill must be compacted in accordance with Chapter [15.30 EMMC](#). The utility will pull the service wire and make the connection. As indicated in the NEC and NESC, no service smaller than 100 A will be accepted other than by utility approval.
2. Electric Meter Base Location. Customer's electric meter bases shall be installed at a location approved by the utility. Meters enclosed by additions to existing structures will be required to be relocated on the outside of such addition in an accessible location, or the customer may install remote metering. The cost of installing remote metering shall be borne by the customer. All electrical meter bases are to be set at four feet six inches to six feet (center of meter socket) above final (permanent) grade and shall be at least five feet from natural gas meters. Additionally, meter bases shall be located at least 10 inches horizontally from any other obstacles including fences and window wells.

F. Relocation of Service Entrance Wiring. When it is necessary, for any reason other than utility's convenience, to relocate a customer's service entrance wiring, all expense incidental to such relocation shall be borne by customer and customer shall contact the utility to obtain approval of the new point of delivery and meter location.

G. Moving of Equipment to Be at Customer's Expense. In the event a customer or property owner requests utility to move or relocate any poles, anchors, or other appurtenances of utility, the utility reserves the right to charge such customer or property owner for the costs incurred.

H. Mobile Homes and Trailer Courts. For mobile homes and trailer courts, where the trailers are to be individually metered and billed, utility will install the required main service to a centrally located termination pole and provide the meters. Utility reserves the right to master meter mobile home parks.

All other facilities located beyond the service loop termination pole, including the main disconnect, service drop, secondary meter sockets, and all other facilities required to serve the individual trailers, shall be furnished and installed by the mobile home or trailer court owner (customer) at customer's expense. It is the responsibility of the customer to maintain all facilities beyond the main service drop.

I. Other Service Delivery Points. Where energy is to be delivered at a point other than the delivery point approved by utility, customer shall pay the additional costs involved. [Ord. O-03-2012 § 1 (Exh. A § 14.050); Ord. O-03-2010 § 1 (Exh. A § 14.050)].

**15.70.060 Customer's installation and equipment.**

A. Meter Location and Facilities to Be Furnished by Customer. The customer shall furnish and maintain, without charge to utility, a suitable meter location approved by utility. No meter shall be installed in any location where it may be unnecessarily exposed to heat, cold, dampness or other cause of damage, or in any unduly dirty or inaccessible location.

Outdoor socket-mounted meters will be used by utility whenever practical. The meter socket shall be furnished and installed by customer or customer's electrical contractor, subject to utility's approval, at customer's expense.

The meter socket shall be mounted at a height of not less than four and one-half feet, nor more than six feet above ground or ground line, as the case may be.

The meter socket shall, at all times, be kept sealed and under control of utility and shall be maintained by utility.

When a combination of three-phase and single-phase service is supplied to the same premises, all meters and service entrance disconnects shall be at the same location.

B. Service Entrance Requirements of Customer. The service entrance shall be defined as the facilities that consist of approved service entrance cable or conduit enclosing conductors and appurtenances. Said conductors shall extend from the point of connection with utility's meter installation and thence to and including customer's service entrance disconnect.

All service entrance conductors and conduit shall be continuous, unbroken, and completely exposed for external inspection throughout their entire length, extending from the point of connection to utility's service wires to the meter socket (or meter cabinet if installed) and thence to customer's service disconnect.

C. For further details as to service facilities to be installed by utility and customer, delivery point, liability and related matters, contact utility.

D. Service Entrance Mast Pipe. The service entrance mast pipe shall be installed by customer, at customer's expense, and shall conform to utility's specifications. The service entrance mast pipe shall be of galvanized steel of not less than three inches nominal diameter (two inches in subdivisions developed before March 2012) and shall be attached to the foundation with a minimum of two unistruts. Each unistrut shall be anchored to the foundation using at least two three-eighths-inch diameter anchor bolts.

E. *Repealed by Ord. O-03-2012.*

F. *Repealed by Ord. O-03-2012.*

G. *Repealed by Ord. O-03-2012.*

H. Service to Mobile Homes and Trailer Courts through One Meter. For service to trailer courts where more than one dwelling unit, mobile home, or trailer is supplied through one meter, the furnishing of such service shall be subject to the provisions set forth in this title.

I. Location of Multiple Meters. Where more than one meter is required for a building, such as an apartment house, all of the meter sockets shall be located side by side at an outside location approved by the utility.

J. Meter Location Regarding Remodeling. When remodeling, where two or more houses or dwelling units are combined to form one building, the meter socket shall be moved to a single location. In all remodeling where the meter is changed or moved, or wiring changes made, outdoor meter sockets and an approved new service entrance shall be installed by customer at customer's expense.

K. Meter Accessibility. In the event a structural change is made by a customer that results, in the opinion of utility, in an undesirable meter location, the meter socket, meter cabinet, and/or service entrance installation shall be moved by the customer at customer's expense to an accessible location approved by utility.

Whenever the construction of a building on an adjacent lot prevents proper access to any meter, or access to the point of attachment of service drop conductors, or results in inadequate service drop clearance, the customer shall move, at customer's expense, the meter socket and service entrance to a location that is acceptable to utility.

L. Outdoor Meters for Nonresidential General Service. All single-phase meters installed for nonresidential use shall be socket-type. The meter socket shall be furnished and installed by customer at customer's expense.

M. Instrument Transformers for Metering. In all outdoor installations requiring current transformers, whether single-phase or three-phase, the customer shall provide an approved meter cabinet for current transformers and meter connections. The utility shall furnish any instrument transformers or other devices required to properly meter customer's requirements. Such instrument transformers and devices shall be installed by utility.

N. Any cabinets required to house said instrument transformers and accessory equipment shall be furnished and installed by customer at customer's expense. This requirement applies to all installations.

Such metering or instrument cabinets are for the exclusive use of utility and shall, at all times, be under the control of, and kept sealed by, utility.

O. Additional Capacity Requirements. In the event a customer makes application for additional capacity, subject to provisions of the applicable rate schedule, customer shall pay the utility to install the transformer capacity, service wires and other equipment required to provide the requested additional capacity.

An application may be required of the customer for service involving the furnishing of additional capacity or equipment by the utility. The application shall state that any service entrance wiring and main disconnects required for the utilization of such additional capacity to be furnished by utility shall be considered as permanent fixtures belonging to the property being served, except for replacement or enlargement if necessary.

P. Substation May Be Required of Customer. The utility reserves the right, where unusual capacity or voltage is required, to require the customer to install a complete substation as provided for in utility's rate schedule. In such an event, the customer will receive the substation ownership discount specified in the applicable rate schedule.

When customer furnishes the necessary complete substation to accept service at primary service voltage, such substation shall be owned and maintained by the customer and shall include the necessary transformers, structures, controls, and protective equipment, and shall be of such quality and construction as meets utility approval.

Q. Attachments on Utility's Facilities Prohibited. Customer shall not install wiring or attachments on poles or other equipment of utility (other than on a utility-approved metering pole), unless specifically authorized, in writing, by the utility.

R. Electric Building Water Heating Standards. Residential water heating installations shall conform to utility's standards and specifications which, among other things, specify that the heating elements shall be interconnected so that the total demand of the water heater cannot exceed 5,500 watts.

S. Load to Be Balanced on Circuits. The customer shall use reasonable care in designing electric wiring and circuits, and the connection of loads to the circuits, so that the loads on the individual phases and circuits of utility's service are reasonably balanced at all times.

T. Upon the completion of the installation of any electrical wiring, it shall be the duty of the person doing the work to notify the city, who shall inspect the same, and, if approved, shall issue a certificate of proper inspection which shall contain the date of such inspection and summary of the result. It shall be unlawful for any person to turn on or connect any installation until such a certificate shall be issued. It shall also be unlawful to make any change, alterations, or extension in or to the installation of any electrical wiring after inspection, without notifying the city, and securing a permit for the change, alterations, or extension.

U. Upon application for inspection of any electrical system as hereinafter provided, the inspector shall, after inspection and examination, issue a certificate showing the result of such examination and any corrections in said work necessary to be made. [Ord. O-03-2012 § 1 (Exh. A § 14.060); Ord. O-03-2010 § 1 (Exh. A § 14.060)].

**15.70.070 Temporary and seasonal service.**

- A. Customer shall supply and install a temporary power pedestal as approved by the utility. Equipment shall be in good condition and maintained by the customer at customer's expense.
- B. If there is any damage to city facilities or equipment, the contractor shall be required to pay for the cost of replacing the damaged equipment. A fee shall be charged for all temporary and seasonal hookups. All temporary services will be metered. Each contractor will be responsible for providing their units. All inspections and accounts must be in place before temporary power is hooked up. Residential units will be charged at the residential rate. In addition to regular fees, any damage caused to electrical systems by the contractor/temporary power user will be repaired by the contractor responsible at his expense.
- C. Lots must have a valid building permit number to receive a temporary service. [Ord. O-03-2012 § 1 (Exh. A § 14.070); Ord. O-03-2010 § 1 (Exh. A § 14.070)].

**15.70.080 Service extensions.**

- A. Single-Phase Routine Extensions. Utility will extend its single-phase distribution facilities to provide electric service to new customers for installations that, in opinion of utility, consist of a permanent structure, normally occupied with electric service being used on a year-round basis.
- For such permanent installations utility will furnish overhead lines, without an additional charge. Customer shall reimburse utility for purchase cost of transformer and installation of the transformer. Utility will install the transformer facilities.

Where the extension is part of a subdivision development, utility reserves the right to specify the point of origin.

- B. Unusual Extensions and Three-Phase Service. Where an extension, enlargement or expansion of utility's facilities is involved (including the furnishing of three-phase service), utility reserves the right to require a nonrefundable fee where, as determined by utility, the probable or actual revenue is insufficient to justify the investment and operating expenses of the required facilities.

Utility reserves the right not to furnish three-phase service to customers when utility determines that single-phase service will adequately supply customer's load requirements, or for initial installations to provide temporary or seasonal service and the like. [Ord. O-03-2010 § 1 (Exh. A § 14.080)].

**15.70.090 Underground distribution for new subdivisions.**

- A. General Requirements. Primary and secondary distribution facilities in all new subdivisions shall be installed underground and at the expense of the subdivider or developer. Such facilities shall be constructed in accordance with the specifications and standards adopted by the utility. The facilities shall be located in easements dedicated to the utility and in locations approved by the utility.
- B. Right-of-Way Easements. Before any tracts of land or subdivision lots are sold, necessary right-of-way easements shall be executed between the owner of the entire subdivision or tract of land and the utility. Said easement shall constitute a covenant that shall be a part of, and shall run concurrently with, each and every subsequent deed transfer that involves any parcel of land located within the subdivision. Said covenant shall grant to utility whichever of the following provisions utility deems as being appropriate and necessary.
- A suitable perpetual right-of-way easement that will permit the installation, operation, maintenance and replacement of all utility's distribution facilities and appurtenances required to serve every lot or tract of land in the subdivision, including the right of ingress and egress by utility and the right to trim trees and shrubbery, is required.
- C. Equipment and Cable Labeling – Tagging and Color Coding. Electrical equipment shall be labeled on the outside of the equipment with unique labels that match the labeling shown on the electrical system drawings. The labels shall be self-adhering and permanent, and use black cutout lettering at

least three inches in height. The labels shall be applied in a readily visible location on the front of transformers, and 200-ampere and 600-ampere sectionalizing enclosures. Labels shall be applied in a readily visible location on the front and back of pad-mounted switchgear.

Primary and secondary cables shall be color coded and/or tagged within all equipment. Color coding of primary cable phases shall be provided by applying one or more bands of white tape to the cable, proximate to the cable entrance of 200-ampere load break and 600-ampere dead break elbows, and cable terminations (pot heads or terminators). The phase color coding shall use one white band for Phase A, two white bands for Phase B and three white bands for Phase C. A space of approximately one-half inch shall be left between adjacent white bands.

Tagging of primary and secondary cables shall use write-on tags. Markers used to write on the tags shall have permanent (waterproof) ink. The tags shall indicate the designation of the nearest adjacent equipment from/to which the primary or secondary cable extends. It shall also designate the general direction to the nearest adjacent equipment. The direction designation shall use the directions north (N), south (S), east (E), west (W), northeast (NE), northwest (NW), southwest (SW), and southeast (SE), as applicable.

Tags shall be securely attached to cables using plastic or nylon cable ties to prevent the tags from falling off of the cables. The tags shall be placed near the cable entrance of 200-ampere load break and 600-ampere dead break elbows, and cable terminations (pot heads or terminators).

Tags used for tagging of primary and secondary cables shall be Allflex [phone number: (800) 989-8247] Catalog No. GXF-Y (bags of 100) or GFGY (each) or approved equal.

D. Street Lighting. Street lighting will be installed throughout all developments using the following criteria:

1. Street lights will be installed at all intersections with the only exception being where a four-way intersection has an offset of less than 100 feet.
2. Street lights will be installed at a minimum spacing of 300 feet and a maximum spacing of 600 feet. They will be installed at the closest property line to the midpoint between the lights on either side.
3. Street lights placed between corners will be shown on the electrical construction drawing, and will indicate the direction that the street light will be aimed. Street lights at intersections may aim to the center of the intersection or may be set at a 90-degree angle along collector and larger roads.
4. Any street that extends more than 600 feet without an intersection will have a street light at approximately the midpoint.
5. Each street light will be installed so that the street light pole is located 24 inches from the top back of the curb to the center of the pole in a public utility easement or public right-of-way.
6. Streetlights shall be located at least 10 feet from fire hydrants.
7. A ground wire shall be connected to the street light pole using NEC-approved methods and a separate ground wire shall be run from the pole base to the closest secondary pedestal or transformer. If the street light is fed from a secondary pedestal, an eight-foot by five-eighths-inch copper-clad ground rod must be installed at the pedestal, and street light ground will be attached to the ground rod using the NEC-approved connector.
8. Pole. A 14-foot aluminum street light pole shall be used. The pole shall be manufactured by Holophane and shall be green with base. All bases must be embedded in concrete with a standard bolt pack. The hole shall be 20 inches in diameter and four feet deep unless approved otherwise by the energy department manager.
9. Luminaire. The luminaire shall be of a style that is approved by the city in conformance with

Chapter [17.56](#) EMMC.

E. Conduit Systems. Conduit systems shall be designed and installed in such a manner as to minimize the amount/number of conduits and number of junction boxes. Junction boxes shall be installed behind transformers and secondary pedestals as indicated on Drawings E-5, E-6, and E-7.

F. Development Specifications. The specification drawings show detail of various underground service and distribution installations for a typical development. The circled numbers on the specification drawings refer to footnotes (Drawing E-25). These sheets include notes and specific details for each installation.

G. Electrical Plan Drawings. A detailed set of electrical drawings shall be provided to the utility by the developer, stamped by a licensed electrical engineer.

H. Electrical Contractor Requirements. The following requirements are applicable to electrical contractors:

1. Contractor shall be responsible for installing all conduit (for primary, secondary and street light cables), transformers and transformer ground-sleeves or pads, primary and secondary junction boxes, 200- and 600-ampere sectionalizing enclosures, pad-mounted switchgear, etc., as indicated in utility's standards.

2. Faulted Circuit Indicator. Faulted circuit indicators (fault indicators or FCIs) shall be installed in accordance with the following application criteria:

a. Six-Hundred-Ampere (Amp) Main Feeders. Install 600-amp (trip setting) automatic reset three-phase FCIs on all 600-amp main feeders as follows:

i. On all load (outgoing) terminations/elbows at switch positions in pad-mounted switchgear.

ii. On all load (outgoing) 600-ampere elbows in 600-amp sectionalizing enclosures.

b. Two-Hundred-Ampere Taps. Install 200-amp (trip setting) automatic reset single-phase FCIs on all phases of 200-ampere taps as follows:

i. On all load (outgoing) 200-ampere elbows in 200-amps sectionalizing enclosures.

ii. On all load (outgoing) 200-ampere elbows in 600-amps sectionalizing enclosures.

c. Pad-Mounted Transformers. Install 200-ampere (trip setting) automatic resetting single-phase FCIs on all phases of 200-ampere taps when five or more pad-mounted transformers are installed on one or more phases of a tap between adjacent 200-ampere sectionalizing enclosures. Install the FCIs on the 200-ampere elbows in the/a center transformer between the two 200-ampere sectionalizing enclosures. FCIs shall be of the following type and manufacturer as approved by the utility:

i. Six-hundred-amp three-phase FCIs shall be Fisher Pierce Series 1515B (Catalog Number 1515B B-6W1.5-10GN-B) or approved equal.

ii. Two-hundred-amp single-phase FCIs for installation on the test point of 200-ampere elbows shall be Cooper Power Systems S.T.A.R. Type TPR or approved equal.

iii. Contractor shall be responsible for all secondary connections.

iv. Ground rods shall be installed by the contractor at all transformer pads and primary enclosures.

v. Due to the increasing problems with equipment settling, 95 percent compaction or three-quarter-inch washed gravel is required under all transformer pads, sectionalizer cabinets, switchgear, and primary and secondary junction boxes.

Ninety-five percent compaction is required in all trenches. Contractor shall provide engineer's report of 95 percent compaction if gravel is not used.

vi. Primary and secondary junction boxes and enclosures shall be level and set according to utility's construction standards. Opening mechanisms and locking devices on all transformer equipment shall be located four inches to six inches above final grade. Opening mechanisms and locking devices in all primary and secondary junction boxes shall be located 10 inches above final grade.

vii. If during the warranty period boxes settle, the developer shall be required to re-level to the above specifications. If primary enclosures or transformers settle during the warranty period, the utility shall re-level the equipment and bill the developer.

viii. All primary conduits shall have a muletape pull rope in the conduit, securely tied off in each pad or enclosure.

ix. All conduits that are to be left stubbed in the development shall have a No. 14 solid copper wire or equivalent conductor installed in the conduit.

x. All conduits shall have a red "Caution – Power Cable" tape at least four inches wide installed one foot below finish grade.

xi. All metal conduits shall be coated with corrosion protective tape, minimum tape width two inches.

xii. Commercial developments only: Single-phase and three-phase self-contained meter bases shall be installed by the developer, and shall have bypass capability in the meter base. The contractor's portion of the underground distribution facilities shall be completely installed, inspected, and the electrical hookup fee paid before the utility will complete the final electrical hookup.

xiii. All bends in conduit shall have ridged steel longsweep elbows for the purpose of pulling wire and have muletape installed.

xiv. Contractor shall verify the integrity of all conduits by pulling a mandrel through each conduit. Mandrel testing shall be witnessed by the energy department utility inspector.

xv. Phasing of all high voltage cables shall be done with a city lineman present.

#### I. Electric Infrastructure Requirements.

##### 1. Subdivider/developer shall:

a. At subdivider/developer's expense provide and install all primary conductors and terminations for the project; and

b. Provide and install at subdivider/developer's expense transformer set on pad provided by subdivider/developer and make necessary connections.

##### 2. Development Costs.

a. The subdivider/developer shall pay the total costs to provide electrical service to and through their project, from the point of connection to the existing utility distribution facilities as determined by the utility.

b. The utility shall bill the subdivider/developer or the electrical contractor involved with the project for the work that the utility does for the project. It shall be the subdivider/developer or electrical contractor's responsibility to reimburse the utility for the costs incurred by the utility for service to the project. These costs will include, but are not limited to, transformers, high voltage primary cable, primary cable terminations and

primary grounding connections.

c. The hookup fee shall be paid in full before the development will be approved for final hookup.

J. Facilities Ownership and Maintenance. When a project is completed and the electrical facilities have been accepted by the utility, they shall be owned and maintained by the utility at its expense as long as service requirements remain unchanged. [Ord. O-12-2014 (Exh. A); Ord. O-03-2012 § 1 (Exh. A § 14.090); Ord. O-03-2010 § 1 (Exh. A § 14.090)].

**15.70.100 Right-of-way.**

A. Construction within Right-of-Way. To the extent feasible, utility's distribution and transmission lines and appurtenances will be constructed within the right-of-way boundaries of streets, roads and alleys. Whenever, in the opinion of utility, it is not practical to construct and install its facilities within the limits of streets, alleys and other public thoroughfares, utility will construct and install such facilities on private rights-of-way.

B. Furnishing of Right-of-Way. Whenever it is necessary for utility to occupy private right-of-way, property owner shall furnish or assist in acquiring, without charge to utility, such right-of-way as is necessary and will assist utility in securing such other right-of-way as may be necessary to provide service to customer. [Ord. O-03-2010 § 1 (Exh. A § 14.100)].

**15.70.110 Access to premises.**

A. Utility Access to Premises. Any properly identified representative of the utility shall, at all reasonable hours, have free access to and from the premises of the customer for the purpose of inspecting customer's installations and electric equipment and for the purpose of reading, repairing, testing, or removing the utility's meter or its other property. When, in the opinion of utility, emergency conditions exist with respect to utility's service, utility's representative shall have immediate and free access to customer's premises. [Ord. O-03-2010 § 1 (Exh. A § 14.110)].

**Chapter 15.75**  
**GENERAL SPECIFICATIONS FOR GAS SERVICE**

Sections:

[15.75.010 General.](#)

[15.75.020 Service conditions.](#)

[15.75.030 Type of service.](#)

[15.75.040 Utility specification.](#)

[15.75.050 Right-of-way.](#)

[15.75.060 Access to premises.](#)

[15.75.070 Excavation and backfilling.](#)

[15.75.080 Gas mains.](#)

[15.75.090 Workmanship and defects.](#)

[15.75.100 Protective covering.](#)

[15.75.110 Installation.](#)

[15.75.120 Installing pipe underground.](#)

[15.75.130 Pipe joints.](#)

[15.75.140 Valve boxes.](#)

[15.75.150 Qualification checklist for contractors installing gas lines.](#)

**15.75.010 General.**

This chapter defines the general requirements for gas service to be designed and built by the developer, subdivider, owner, or contractor for all types of construction (to include residential, commercial, industrial, and professional office). Contractors installing gas lines must possess a valid Utah E100 or S410 license.

A. All pipeline installation shall be in accordance with 49 CFR Part 192 and ASME B31.8. Any discrepancy in the two shall favor the wording of 49 CFR Part 192. All installation must be coordinated with the Utah State Division of Public Utilities Pipeline Safety.

B. Welding Steel Piping. Piping shall be welded in accordance with qualified procedures using performance-qualified welders and welding operators. Procedures and welders shall be qualified in accordance with ASME 17. Welding procedures qualified by others, and welders and welding operators qualified by another employer, may be accepted as permitted by ASME B31.1. The engineer shall be notified at least 24 hours in advance of tests and the tests shall be performed at the work site if practicable. The engineer shall be furnished with a copy of qualified procedures and a list of names and identification symbols of qualified welders and welding operators. The welder or welding operator shall apply his assigned symbol near each weld he makes as a permanent record.

C. Jointing Polyethylene Piping. Piping shall be joined by performance-qualified joiners using qualified procedures in accordance with AGA-01. Manufacturer's prequalified joining procedures shall be used. All joints shall be inspected by a qualified inspector in the joining procedures being used in accordance with AGA-01. Joiners and inspectors shall be qualified at the job site by a person who has been trained and certified by the manufacturer of the pipe to train and qualify joiners and inspectors in each joining procedure to be used on the job. Training will include use of equipment, explanation of the procedure and successfully making joints which pass tests specified in AGA-01. The contractor shall submit a copy of the training procedure and qualification of the trainer for approval of the engineer. The engineer shall be notified at least 24 hours in advance of

the date to qualify joiners and inspectors. The contractor shall provide the engineer a copy report of each inspector's and joiner's training and test results.

D. Standard Products. Materials and equipment shall be the standard products of a manufacturer regularly engaged in the manufacture of the products and shall essentially duplicate items that have been in satisfactory use for at least two years prior to bid opening. Asbestos or products containing asbestos shall not be used. Equipment shall be supported by a service organization that is, in the opinion of the engineer, reasonably convenient to the site. Valves, flanges, and fittings shall be marked in accordance with MSS SP-25.

E. Verification of Dimensions. The contractor shall become familiar with all details of the work, verify all dimensions in the field, and shall advise the engineer of any discrepancy before performing the work.

F. Handling. When shipping, delivering, and installing, pipe and components shall be handled carefully to ensure a sound, undamaged condition. Particular care shall be taken not to damage pipe coating. No pipe or material of any kind shall be placed inside another pipe or fitting after the coating has been applied, except as specified in EMMC [15.75.110](#), Installation. Plastic pipe shall be handled in conformance with AGA-01.

G. The publications listed below form a part of this chapter to the extent referenced. The publications are referred to in the text by basic designation only.

AMERICAN GAS ASSOCIATION  
(AGA)

AGA (1985) A.G.A. Plastic  
Pipe Manual for Gas  
Services

AMERICAN NATIONAL STANDARDS  
INSTITUTE, INC. (ANSI)

ANSI B1.20.1 (1983) Pipe Threads,  
General Purpose (Inch)

ANSI B16.11 (1980) Forged Steel  
Fittings, Socket-  
Welding and Threaded

ANSI B16.21 (1978) Nonmetallic Flat  
Gaskets for Pipe  
Flanges

AMERICAN PETROLEUM INSTITUTE  
(API)

API Spec 5L (May 31, 1998; 37th  
Edition) Line Pipe

API Spec (June 1998, 19th  
Edition) Pipeline Valves  
(Steel Gate Plug, Ball,  
and Check Valves)

AMERICAN SOCIETY FOR TESTING  
AND MATERIALS (ASTM)

ASTM A53 (1988a) Pipe, Steel,  
Black and Hot-Dipped,  
Zinc-Coated Welded  
and Seamless

ASTM A181 (1987) Forgings,  
Carbon Steel for

- General-Purpose  
Piping
- ASTM D2513 (1988b) Thermoplastic  
Gas Pressure Pipe,  
Tubing, and Fittings
- ASTM D2517 (1981; R 1987)  
Reinforced Epoxy  
Resin Gas Pressure  
Pipe and Fittings
- ASTM D2683 (1988) Socket-Type  
Polyethylene Fittings  
for Outside Diameter-  
Controlled Polyethylene  
Pipe and Tubing
- ASTM D3261 (1988a) Butt Heat  
Fusion Polyethylene  
(PE) Plastic Fittings for  
Polyethylene (PE)  
Plastic Pipe and Tubing
- ASTM D3350 (1984) Polyethylene  
Plastic Pipe and  
Fittings Materials
- AMERICAN SOCIETY OF  
MECHANICAL ENGINEERS (ASME)
- ASME 16 (1986; Addenda: Dec.  
1986, Dec. 1987, Dec.  
1988) Boiler and  
Pressure Vessel Code;  
Section VIII, Division 1,  
Pressure Vessels
- ASME 17 (1986; Addenda: Dec.  
1986, Dec. 1987, Dec.  
1988) Boiler and  
Pressure Vessel Code;  
Section IX, Welding  
and Brazing  
Qualifications
- ASME B16.5 (1988; Errata) Pipe  
Flanges and Flanged  
Fittings
- ASME B16.9 (1986) Factory-Made  
Wrought Steel  
Buttwelding Fittings
- ASME B16.40 (1985) Manually  
Operated  
Thermoplastic Gas  
Shutoffs and Valves in  
Gas Distribution  
Systems
- ASME B31.1 (1989) Power Piping
- ASME B31.8 (1989) Gas

Transmission and  
Distribution Piping  
Systems

AMERICAN WATER WORKS  
ASSOCIATION (AWWA)

AWWA C203 (1986) Coal-Tar  
Protective Coatings  
and Linings for Steel  
Water Pipelines –  
Enamel and Tape –  
Hot-Applied

FEDERAL SPECIFICATIONS (FS)

FS L-C-530 (Rev C) Coating, Pipe,  
Thermoplastic Resin

MANUFACTURERS  
STANDARDIZATION SOCIETY OF  
THE VALVE AND FITTING  
INDUSTRY, INC. (MSS)

MSS SP-25 (1978; R 1988)  
Standard Marking  
System for Valves,  
Fittings, Flanges and  
Unions

MSS SP-84 (1985) Steel Valves –  
Socket Welding and  
Threaded Ends

MILITARY SPECIFICATIONS (MS)

MS MIL-T- (Rev A) Tape,  
27730 Antiseize,  
Polytetrafluoroethylene,  
with Dispenser

NATIONAL ASSOCIATION OF  
CORROSION ENGINEERS (NACE)

NACE RP-02 (1974) High Voltage  
Electrical Inspection of  
Pipeline Coatings Prior  
to Installation

STEEL STRUCTURES PAINTING  
COUNCIL (SSPC)

SSPC SP-6 (1985) Commercial  
Blast Cleaning

UNDERWRITERS LABORATORIES,  
INC. (UL)

UL-06 (1989; Supplement  
1989) Gas and Oil  
Equipment Directory

[Ord. O-03-2010 § 1 (Exh. A § 15.010)].

**15.75.020 Service conditions.**

A. The utility shall approve of the location of all infrastructure placed within Eagle Mountain City.

Typical cross-sections are provided to show the typical location of the proposed lines.

B. Approvals Required. All distribution work must be accepted by Eagle Mountain City prior to any connections.

C. Extension Requirements. Where the furnishing of service requires an extension of the utility's distribution or transmission lines, or other facilities, they shall be installed at the owner or developer's expense.

D. Nominal Service. Service shall nominally be two-inch 40 psi polyethylene pipe.

E. Utility Maintenance Responsibility. The utility shall own, operate, and maintain its service laterals and lines from the meter to and including the infrastructure in the utility's right-of-way or easements.

F. Meter. The meter will be supplied by the utility and paid for by the hookup fee.

G. Cleanup. All garbage and scrap pipe must be cleaned up prior to contractor leaving job site. Also, no garbage is to be buried in trenches.

H. Damages. If pipeline is damaged by contractor and they are qualified to do the repair, they may do so upon approval of the gas supervisor. If contractor is not qualified, Eagle Mountain City will do the repair and contractor will be billed accordingly. Any scratch or ding more than 10 percent of the wall thickness must be cut out and replaced. If pipe is touched by any piece of machinery the piece of pipe must then be replaced.

I. Blue Stakes. Any excavation being done requires the proper license and a valid Blue Stake ticket. Violation of this rule results in a stop work order and/or fines. [Ord. O-03-2010 § 1 (Exh. A § 15.020)].

**15.75.030 Type of service.**

A. Pressure. The maximum pressure provided by the infrastructure shall not exceed 40 psi.

B. Unusual Conditions. Where an unusual extension or demand is placed upon the system, the city reserves the right to require special conditions.

C. Pressure Regulator. The developer or owner shall be responsible to maintain or protect the home from potential pressure spikes. [Ord. O-03-2010 § 1 (Exh. A § 15.030)].

**15.75.040 Utility specification.**

A. Steel Pipe.

1. Steel pipe shall conform to ASTM A53, Grade A or B, Type E or S, or API Specification 5L seamless or electric resistance welded, as specified in ASME B31.8.

2. Fittings two inches and larger shall conform to ASME B16.5, Class 150, for flanged fittings and ASME B16.9 for butt weld fittings.

B. Steel Forged Branch Connections. Connections shall conform to ASTM A181, Class 60, carbon steel.

C. Flange Gaskets. Gaskets shall be non-asbestos compressed material in accordance with ANSI B16.21, one-sixteenth-inch thickness, full face or self-centering flat ring type. The gaskets shall contain aramid fibers bonded with styrene butadiene rubber (SBR) or nitrile butadiene rubber (NBR), suitable for maximum 600 degrees Fahrenheit service and meeting applicable requirements of ASME B31.8.

D. Pipe Threads. Pipe threads shall conform to ANSI B1.20.1.

E. Polyethylene Pipe, Tubing, Fittings and Joints. Polyethylene pipe, tubing, fittings and joints shall conform to ASTM D3350 and ASTM D2513, pipe designations PE 2306 and PE 3406, rated SDR 11 or less, as specified in ASME B31.8. Pipe sections shall be marked as required by ASTM D2513.

Butt fittings shall conform to ASTM D3261 and socket fittings shall conform to ASTM D2683. Fittings shall match the service rating of the pipe.

F. Sealants for Steel Pipe Threaded Joints.

1. Sealing Compound. Joint sealing compound shall be as listed in UL-60, Class 20 or less.
2. Tape. Tetrafluoroethylene tape shall conform to MS MIL-T-27730.

G. Identification. Pipe flowing markings and metal tags for each valve, meter, and regulator shall be provided as required by the engineer.

H. Insulating Joint Materials. Insulating joint materials shall be provided between flanged or threaded metallic pipe systems where shown to control galvanic or electrolytic action.

1. Threaded Joints. Joints for threaded pipe shall be steel body nut type dielectric type unions with insulating gaskets.

I. Flanged Joints. Joints for flanged pipe shall consist of full face sandwich-type flange insulating gasket of the dielectric type, insulating sleeves for flange bolts and insulating washers for flange nuts.

J. Gas Transition Fittings. Gas transition fittings shall be manufactured steel fittings approved for jointing steel and polyethylene pipe.

K. Piping.

1. All low pressure piping shall be polyethylene pipe SDR PE 2406 per ASTM D2513. Minimum depth shall be 36 inches.
2. All high pressure piping shall be steel pipe Grade B or X-42. Minimum depth shall be 42 inches.
3. Service lines shall be polyethylene pipe. Minimum depth shall be 24 inches.

L. Valves shall be suitable for shutoff or isolation service and shall conform to the following: Steel valves two inches and larger installed underground shall conform to API Specification 6D, carbon steel, butt weld, Class 150 with square wrench operator adapter.

M. Steel Valve Operators. Valves eight inches and larger shall be provided with worm or spur gear operators, totally enclosed, greased, packed, and sealed. The operator shall have open and closed stops and position indicators. Locking feature shall be provided where indicated. Wherever the lubricant connections are not conveniently accessible, suitable extensions for the application of lubricant shall be provided. Valves shall be provided with lubricant compatible with gas service.

N. Polyethylene Valves – One-Half Inch to Eight Inches. Polyethylene valves for underground installation only shall conform to ASME B16.40. Polyethylene valves in sizes one-half inch to eight inches may be used with polyethylene distribution and service lines as a contractor option to steel valves.

O. Dead End Markers. At the end of all gas lines a dead end marker needs to be placed. No scrap pipe can be used for dead end markers. The locate wire needs to be run up the dead end marker above grade for a locate point. Also on mains in undeveloped areas a marker sign and locate wire need to be brought up every 500 inches for locating purposes. Signs will be placed by Eagle Mountain City. [Ord. O-03-2010 § 1 (Exh. A § 15.040)].

**15.75.050 Right-of-way.**

A. Construction within Right-of-Way. To the extent feasible, utility's distribution and transmission lines and appurtenances will be constructed within the right-of-way or public utility easements of streets, roads, or alleys. Whenever, in the opinion of the utility, it is not practical to construct and install its facilities within the limits of the streets, roads, alleys, or other public thoroughfares, the

utility will construct and install such facilities on private rights-of-way.

B. Furnishing Right-of-Way. Whenever it is necessary for utilities to occupy private rights-of-way, the property owner shall furnish or assist in acquiring, without charge to the utility, such right-of-way as necessary and will assist the utility in securing such other right-of-way as may be necessary to provide service to the developer. [Ord. O-03-2010 § 1 (Exh. A § 15.050)].

**15.75.060 Access to premises.**

A. Utility Access to Premises. Any properly identified representative of the utility shall, at all reasonable hours, have free access to and from the premises of the consumer for the purpose of inspecting consumer's installations and gas equipment and for reading, repairing, testing, or removing the utility's meter or its property. When, in the opinion of the utility, emergency conditions exist with respect to the utility's service, utility representatives shall have immediate and free access to consumer's premises. [Ord. O-03-2010 § 1 (Exh. A § 15.060)].

**15.75.070 Excavation and backfilling.**

A. Earthwork shall be as specified in Chapter [15.30](#) EMMC, Excavation and Backfill for Trenches.

B. Excavation around High Pressure. Any excavation around high pressure must be supervised by Blue Stake personnel and/or the gas department at all times. Any high pressure line exposed needs to be inspected for damage before backfill. [Ord. O-03-2010 § 1 (Exh. A § 15.070)].

**15.75.080 Gas mains.**

Pipe for gas mains shall be steel or polyethylene as shown on the plans. Steel pipe and fittings shall be coated with protective covering as specified. [Ord. O-03-2010 § 1 (Exh. A § 15.080)].

**15.75.090 Workmanship and defects.**

Pipe, tubing, and fittings shall be clear and free of cutting burrs and defects in structure or threading and shall be thoroughly brushed and chip- and scale-blown. Defects in pipe or tubing or fittings shall not be repaired. When defective pipe, tubing, or fittings are located in a system, the defective material shall be replaced. [Ord. O-03-2010 § 1 (Exh. A § 15.090)].

**15.75.100 Protective covering.**

A. Protective Covering for Underground Steel Pipe. Except as otherwise specified, protective coverings shall be applied mechanically in a factory or field plant specially equipped for the purpose. Valves and fittings that cannot be coated and wrapped mechanically shall have the protective covering applied by hand, preferably at the plant that applies the covering to the pipe. Joints shall be coated and wrapped by hand. Hand coating and wrapping shall be done in a manner and with materials that will produce a covering equal in thickness to that of the covering applied mechanically. Piping installed in valve boxes or manholes shall also receive the specified protective coating. The coatings shall consist of one of the following:

1. Coating System. The coating system shall be inspected for holes, voids, cracks, and other damage during installation.
2. Inspection of Pipe Coatings. Any damage to the protective covering during transit and handling shall be repaired before installation. After field coating and wrapping has been applied, the entire pipe shall be inspected by an electric holiday detector with impressed current in accordance with NACE RP-02 using a full ring, spring-type coil electrode. The holiday detector shall be equipped with a bell, buzzer, or other type of audible signal which sounds when a holiday is detected. All holidays in the protective covering shall be repaired immediately upon detection. Occasional checks of holiday detector potential will be made by the engineer to determine suitability of the detector. All labor, materials and equipment necessary for conducting the inspection shall be furnished by the contractor.
3. Ferrous Surfaces. Shop primed surfaces shall be touched up with ferrous metal primer. Surfaces that have not been shop primed shall be solvent-cleaned. Surfaces that contain loose rust, loose mill scale, and other foreign substances shall be mechanically cleaned by power wire brushing (or commercial sandblasted) and primed with ferrous metal primer.

Primed surface shall be finished with two coats of exterior oil paint. [Ord. O-03-2010 § 1 (Exh. A § 15.100)].

**15.75.110 Installation.**

A. The distribution system shall be installed at the expense of the contractor including all testing and inspection costs.

1. All work shall be performed in accordance with the Department of Transportation (DOT) 49 CFR Parts 191 and 192.
2. Drawings. As-builts are required upon completion before work will be accepted. Mains will be installed as per approved plans unless otherwise specified by the city inspector. Eagle Mountain City will require an electronic copy and a hard copy of all as-builts.
3. Installation of Pipe. Fusers must complete Eagle Mountain's written and fusion test before any fusing can be done. Pipe needs to have slack left in pipe for expanding and contracting of pipe. No bolt-on, mechanical or permasert couplings or fittings will be accepted. However, socket, butt, saddle, and electrofusion are all approved. All riser brackets need to have at least three wedge anchors; no Hilti nails. Service lines on single-family dwellings cannot be split off of one line. All gas lines need to have a 14-gauge locate wire installed with pipe. Any pipe installed must be scratch-free and in good condition. All risers must be left locked and plugged until meter is set. Anyone welding or working on high pressure must provide proof of Division of Pipeline Safety certification before any work can be done on pipeline.

B. Bedding. If conduit is not used, all pipe shall be bedded with at least three inches of sand and bed with six inches of shading.

C. Minimum Distance. Minimum distance for placement of structures and facilities near main transmission lines:

1. As used in this subsection C:
  - a. "Main" has the meaning set forth in 49 CFR 192.3.
  - b. "Minimum distance" means:
    - i. The width of a recorded easement when the width is described;
    - ii. Fifteen feet when the width of a recorded easement is undefined; or
    - iii. For any underground facility, it means an area measured one foot vertically and three horizontally from the outer surface of a main or transmission line.
  - c. "Transmission line" has the meaning set forth in 49 CFR 193.3.
  - d. "Underground facilities" has the meaning set forth in Section 54-8a-2, Utah Code Annotated 1953.
2.
  - a. After April 30, 1995, a building or structure requiring slab support or footings, or an underground facility, may not be placed within the minimum distance of a main or transmission line.
  - b. Subsection (C)(2)(a) of this section does not apply if:
    - i. The building or structure is used for public or railroad transportation, natural gas pipeline purposes, or by a public utility subject to the jurisdiction or regulation of the Public Services Commission.
    - ii. In order to receive natural gas service, the building or structure must be located within the minimum distance of the pipeline.
    - iii. The owner or operator of the main transmission line has been notified prior to

construction or placement pursuant to Section 54-8a-4, Utah Code Annotated 1953, and has given written permission.

iv. The commission by rule exempts such action from the provisions of subsection (C)(2)(a) of this section.

v. An owner or operator of a main transmission line may obtain a mandatory injunction from the district court of the judicial district in which the main transmission line is located against any person who violates subsection (C)(2) of this section.

vi. The penalties specified in Title 54, Chapter 7, Utah Code Annotated 1953, Hearing, Practice, and Procedure, and in Section 54-13-6, Utah Code Annotated 1953, do not apply to a violation of this section.

D. Marking Tape. All polyethylene lines shall be installed with locator wire and warning tape.

E. Trenches shall be backfilled in accordance with Chapter [15.30](#) EMMC. All mains must have a minimum of 30 inches of cover, services also must have 30 inches of minimum cover to the back of the easement, then 24 inches is required. High pressure lines must have a minimum of 48 inches of cover. All trenches must be compacted to 95 percent in the roadway and 90 percent out of the roadway. Compaction tests are required on mains. All trenches must be cleaned up to original condition. Contractor is responsible for any damages on the site during excavation. All gas services and mains must be shaded with washed cyclone sand or equivalent as per inspector. Sand must be three inches under pipe and 12 inches of cover over pipe. Gas riser needs to be buried up to red line on riser with sand. Once pipe is placed in trench it must be shaded the same day. If pipe needs to be left open for a tie-in you are allowed 10 days.

F. Fusion. All polyethylene line shall be joined with a heat fusion process and personnel approved by Eagle Mountain City.

G. Testing. All pipe shall be tested at 100 psi with a median of air or nitrogen, for at least 15 minutes for every 100 feet. For example, 98 feet requires a 15-minute test; 101 feet requires a 30-minute test, and so on. The minimum test is 15 minutes regardless of length. Any fittings that can't be tested by air must be soap tested.

H. Installation of the gas distribution system, including all equipment, shall be in conformance with the manufacturer's recommendations and applicable sections of ASME B31.8, 49 CFR Part 192, and with AGA-01. Pipe cutting shall be done without damage to the pipe. Unless otherwise authorized, cutting shall be done by an approved type of mechanical cutter. Wheel cutters shall be used where practicable. On steel pipe six inches and larger, an approved gas-cutting-and-beveling machine may be used. Cutting of plastic pipe shall be in accordance with AGA-01.

I. Valve installation in plastic pipe shall be designed to protect the plastic pipe against excessive torsional or shearing loads when the valve is operated and from any other stresses which may be exerted through the valve or valve box. [Ord. O-03-2010 § 1 (Exh. A § 15.110)].

#### **15.75.120 Installing pipe underground.**

A. Gas mains and service lines shall be graded as indicated. Joints in steel pipe shall be welded, except as otherwise permitted for installation of valves. Mains shall have 48-inch minimum cover and shall be placed on firmly compacted select material for the full length. Where roads are to be cut, 48-inch minimum cover from future grade shall be maintained. Where indicated, the main shall be encased, bridged, or designed to withstand any anticipated external loads as specified in ASME B31.8. The encasement material shall be standard weight black steel pipe with a protective coating as specified. The pipe shall be separated from the casing by insulating spacers and sealed at the ends with casing bushings. Trench shall be excavated below pipe on blocks to produce uniform grade will not be permitted. The pipe shall be clean inside before it is lowered into the trench and shall be kept free of water, soil, and other foreign matter that might damage or obstruct the operation of the valves, regulators, meters, or other equipment. When work is not in progress, open ends of pipe or fittings shall be securely closed by expandable plugs or other suitable means. Minor

changes in line or gradient of pipe that can be accomplished through the natural flexibility of the pipe material without producing permanent deformation and without overstressing joints may be made when approved. Changes in line or gradient that exceed the limitations specified shall be made with fittings specified. When polyethylene piping is installed underground, foil-backed magnetic tape shall be placed above the pipe to permit locating with a magnetic detector. After laying of pipe and testing, trench shall be backfilled to 12 inches over pipe with compacted bank sand within 12 hours of inspection and then tested. All exposed ends are to be capped immediately during installation. Remaining backfill is to be select soil compacted in eight-inch layers to finish grade.

B. In rocky areas the gas pipe must maintain a minimum cover of 24 inches, in accordance with 49 CFR 192.327. The contractor shall be required to excavate the trench if there is rock present. The engineer must approve all areas that will have the 24-inch cover.

C. Excavation under pond areas shall be performed as indicated on drawing details. [Ord. O-03-2012 § 1 (Exh. A § 15.120); Ord. O-03-2010 § 1 (Exh. A § 15.120)].

**15.75.130 Pipe joints.**

A. Pipe joints shall be designed and installed to effectively sustain the longitudinal pullout forces caused by the contraction of piping or superimposed loads.

B. Threaded Steel Joints. Threaded joints in steel pipe shall have tapered threads evenly cut and shall be made with UL-approved graphite joint sealing compound for gas service or tetrafluoroethylene tape applied to the male threads only. Caulking of threaded joints to stop or prevent leaks will not be permitted.

C. Welded Steel Joints. All gas pipe weldments shall be as indicated. Changes in direction of piping shall be made with welding fittings only; mitering or notching pipe to form elbows and tees or other similar type construction will not be permitted. Branch connection may be made with either welding tees or forged branch outlet fittings. Branch outlet fittings shall be forged, flared for improvement of flow where attached to the run, and reinforced against external strains. Beveling, alignment, heat treatment, and inspection of weld shall conform to ASME B31.8. Weld defects shall be removed and repairs made to the weld, or the weld joints shall be entirely removed and rewelded. After filler metal has been removed from its original package, it shall be protected or stored so that its characteristics or welding properties are not affected adversely. Electrodes that have been wetted or have lost any of their coating shall not be used.

D. Polyethylene Pipe Jointing Procedures. Jointing procedures shall conform to AGA-01. Indiscriminate heat fusion joining of plastic pipe or fitting made from different polyethylene resins by classification or by manufacturer shall be avoided if other alternative joining procedures are available. If heat fusion joining of dissimilar polyethylenes is required, special procedures are required. The method of heat fusion joining dissimilar polyethylene resins shall be shop- and field-tested prior to adoption.

E. Connections between Metallic and Plastic Piping. Connections shall be made only outside, underground and with the approved transition fittings. [Ord. O-03-2010 § 1 (Exh. A § 15.130)].

**15.75.140 Valve boxes.**

A. Valve boxes of cast iron not less than three-sixteenths-inch thick shall be installed at each underground valve, except where concrete or other type of housing is indicated. Valve boxes shall be provided with locking covers that require a special wrench for removal. A wrench shall be furnished for each box. The word "gas" shall be cast in the box cover. The valve box shall be protected against movement by a suitable concrete slab at least two feet square. When in a sidewalk, the top of the box shall be in a concrete slab two feet square and set flush with the sidewalk. Boxes shall be adjustable extension-type with screw or slide-type adjustments. Valve boxes shall be separately supported, not resting on the pipe, so that no traffic loads can be transmitted to the pipe.

B. Construction within Right-of-Way. To the extent feasible, utility's distribution and transmission

lines and appurtenances will be constructed within the right-of-way or public utility easements of streets, roads, or alleys. Whenever, in the opinion of the utility, it is not practical to construct and install its facilities within the limits of the streets, roads, alleys, or other public thoroughfares, the utility will construct and install such facilities on private rights-of-way.

C. Furnishing Right-of-Way. Whenever it is necessary for utilities to occupy private rights-of-way, the property owner shall furnish or assist in acquiring, without charge to the utility, such right-of-way as necessary and will assist the utility in securing such other right-of-way as may be necessary to provide service to the developer. [Ord. O-03-2010 § 1 (Exh. A § 15.140)].

**15.75.150 Qualification checklist for contractors installing gas lines.**

A. Contractors shall possess current Utah E100 and/or S410 licenses.

B. All persons fusing on gas pipe must hold a current Eagle Mountain City certification.

C. Any contractor working for Eagle Mountain City must provide a copy of their operation's qualification plan before performing any work.

D. Any new contractor shall have sufficient proof of prior experience and also obtain an Eagle Mountain City certification.

E. All contractors shall provide as-builts of gas mains and service lines upon completion of the project in a timely manner.

F. All contractors must follow the regulations found in the DOT 49 CFR manual.

G. All installations shall conform to Eagle Mountain City's latest construction development standards.

H. If a contractor is found in violation of the items in the checklist in this section, a stop work order will be issued until the matter is resolved.

I. Any contractor working in Eagle Mountain City must have a valid Blue Stakes ticket.

J. To schedule certification times, contact the gas superintendent at 789-6674.

K. All certifications must be renewed annually. [Ord. O-03-2010 § 1 (Exh. A)].

**Chapter 15.80**  
**HILLSIDE SITE DEVELOPMENT**

Sections:

[15.80.010 Average slope definition.](#)

[15.80.020 Certified report required.](#)

[15.80.030 Certified report specifications.](#)

[15.80.040 Liability.](#)

[15.80.050 Retaining walls.](#)

**15.80.010 Average slope definition.**

For the purpose of this chapter, the definition of "average slope" shall be as follows: The average slope of the parcel of land or any portion thereof shall be computed by applying the formula:

$$S = \frac{0.00229 \text{ IL}}{A}$$

to the natural slope of the land before any grading is commenced, as determined from a topographic map having a scale of not less than one inch equals 100 feet and a contour interval of not less than five feet, where:

0.00229 = A conversion factor of square feet to acres;

S = Average percent slope;

I = Contour interval, in feet;

L = Summation of the length of contour lines, in feet, within the subject parcel;

A = Areas in acres of the parcel being considered. [Ord. O-03-2010 § 1 (Exh. A § 16.010)].

**15.80.020 Certified report required.**

It shall be unlawful for the owner, developer, or any contractor or other person to excavate, grade, level, or build upon any lot or property within the city when the average slope of the lot exceeds 25 percent. Building within 200 feet of slopes in excess of 25 percent will require a slope stability report to address the potential for landslides. Such report must be reviewed and approved by the city engineer or his/her designee. Each lot within a hillside development shall indicate a proposed building envelope and driveway location. The lot width shall be such that the maximum 12 percent driveway shall not be exceeded, unless a steeper driveway is approved by both the city engineer or his/her representative and the building department based on specific design considerations such as a southern-facing or heated driveway. Nor shall any person grade, level, or improve in any manner any parcel of land which is crossed by a natural or manmade watercourse or existing utility before such person has submitted to the city engineer a certified report from a qualified civil engineer licensed in the state of Utah containing the information set forth in EMMC [15.80.030](#). [Ord. O-03-2010 § 1 (Exh. A § 16.020)].

**15.80.030 Certified report specifications.**

The certified report required in EMMC [15.80.020](#) shall contain at least the following information:

A. A plat of the property showing the following:

1. Contour lines at five-foot intervals. Existing contours shall be indicated by dashed lines and proposed contours by solid lines;
2. Elevations at the corners of foundations and at the corners of driveways; and
3. Show or reference any existing or potential ground water flows which may cause unstable conditions such as debris flow or slides.

B. Assessment of the civil engineer as to the seriousness of any development problems such as erosion, drainage, flood and geologic hazards or unstable soil conditions and their potential effect on adjoining properties and on any proposed improvements to be built on the property.

C. The proposed method for handling the problems noted in subsection B of this section. [Ord. O-03-2010 § 1 (Exh. A § 16.030)].

**15.80.040 Liability.**

The purpose of this chapter is to point out to the owner and/or developer of any property that the liability and responsibility of such persons to protect the integrity of their own and adjoining properties, existing watercourses and utilities lies upon the person doing the development and upon the owner of the property being developed and not upon the city or any other person. The city may require additional information on any development or building which may have potential hazards. [Ord. O-03-2010 § 1 (Exh. A § 16.040)].

**15.80.050 Retaining walls.**

Retaining walls shall not be built over or adjacent to city utilities. Retaining walls shall not be allowed in public utility easements. [Ord. O-03-2010 § 1 (Exh. A § 16.050)].

**Chapter 15.85**  
**SURFACE IRRIGATION SYSTEMS**

Sections:

[15.85.010 General.](#)

**15.85.010 General.**

Specifications for surface and drip irrigation systems, including drip irrigation for xeriscape areas, included as a part of city-owned open space, trails, park strips, etc., shall conform with the APWA Standard Specifications and the Eagle Mountain City landscape construction standards. [Ord. O-03-2010 § 1 (Exh. A § 17.010)].

**Chapter 15.90**  
**EXEMPTED NONRESIDENTIAL DEVELOPMENTS**

Sections:

[15.90.010 Definition.](#)

[15.90.020 Property owners in default to city.](#)

[15.90.030 Approval criteria.](#)

[15.90.040 Relief criteria.](#)

**15.90.010 Definition.**

“Exempted nonresidential development” is hereby defined as real estate improvements including churches, schools, commercial, manufacturing, wholesale, retail and storage facilities which generate sales tax and or commercial property tax, or provide other important cultural, educational or social benefits to the population of the city based on findings of fact approved by the city council on a case-by-case basis after application by the property owner. [Ord. O-17-2001 § 1].

**15.90.020 Property owners in default to city.**

The city council may upon application of the property owner of a proposed exempted nonresidential development, by resolution, permit the processing and approval of development applications for exempted nonresidential development by property owners who are delinquent or in default in obligations and payments to the city. [Ord. O-17-2001 § 2].

**15.90.030 Approval criteria.**

Approval of an application under this chapter requires that the applicant demonstrate to the satisfaction of the city council that the proposed use substantially benefits existing residents of the city and that adequate utility capacity exists in all utilities to serve the improvements proposed in the application. [Ord. O-17-2001 § 3].

**15.90.040 Relief criteria.**

An applicant for relief under this chapter must demonstrate to the satisfaction of the city council that important cultural, educational, or social benefits are provided by the applicant’s proposed exempted nonresidential development land use in the city; or in the case of commercial retail, wholesale, storage, manufacturing, or other commercial uses that the economic benefit to the city from increased property tax, sales tax, or other revenue and the associated benefits of commercial development in the city sufficiently outweigh the interest of the city in the prompt collection of accounts receivable or the financial contribution of the applicant to the construction of capital facilities. [Ord. O-17-2001 § 4].

**Chapter 15.95**  
**INTERNATIONAL CODES**

Sections:

[15.95.010 Adopted.](#)

[15.95.015 Building permits.](#)

[15.95.020 International Fire Code appendices.](#)

[15.95.030 Application fees.](#)

[15.95.040 Existing permits.](#)

[15.95.050 Savings.](#)

Prior legislation: Ords. O-03-2001, O-02-2001 and 004.

**15.95.010 Adopted.**

The 2000 Edition of the International Building Code (IBC) as modified by Chapter 11 of the 2001 Edition of the Supplement to the International Building Code promulgated by the International Code Council, the amendments adopted under the rules enacted by the state of Utah together with standards incorporated into the IBC by reference, including, but not limited to, the 2000 Edition of the International Energy Conservation Code (IECC) promulgated by the International Code Council, the 2000 Edition of the International Residential Code (IRC) promulgated by the International Code Council and the 2000 Edition of the International Mechanical Code (IMC), together with all applicable standards set forth in the 2000 International Fuel Gas Code (IFGC) as revised, amended, and adopted by the state of Utah are hereby enacted by Eagle Mountain City. [Ord. O-01-2002 § 1].

**15.95.015 Building permits.**

A. Section R105.5 of the 2009 International Residential Code is hereby amended and re-enacted to read as follows:

R105.5 Expiration. Every permit issued shall become invalid and expire unless the work authorized by such permit is commenced within 180 days after the date of issuance of the permit, or if the work authorized by such permit is suspended or abandoned for a period of 180 days after the date the work is commenced. Work authorized by the permit is hereby defined as abandoned and suspended unless satisfactory work is substantially completed for inspection and the building department is contacted and notified within the times specified in the following schedule to perform inspections of completed work: notice to the building department to perform footing inspection on completed work must be received within 180 days after issuance of the permit; notice to the building department to perform foundation inspection of completed work must be received within 180 days after the footing inspection; notice to the building department to perform underground plumbing/heating inspection of completed work must be received within 180 days after the foundation inspection; notice to the building department to perform four way inspection of completed work, including gas and electric meter inspection, must be received within 180 days after the underground plumbing/heating inspection; notice to the building department to perform the final inspection on substantial completion of the work must be within 180 days after the four way, electric meter and gas meter inspection.

The building official is authorized to grant, in writing, one or more extensions of time to complete work, but not more than three extensions, for periods of not more than 180 days each. An application for extension of time shall be requested in writing by the holder of the permit and justifiable cause demonstrated for extension of the time to complete the required work.

The terms "Suspended" and/or "abandoned" shall mean that the work necessary to perform or complete one or more of the required inspections has not been completed, the required inspection has not been requested by the contractor of record and the

completed inspection has not been performed by the building department within a 180 day period as specified herein.

The intent of this amendment is to manage all residential building permits assuring projects are moving forward minimizing the impact to the surrounding property owners and neighborhoods during the construction process.

The contractors of record, including owner-builders, are responsible to maintain a valid building permit. Upon expiration of a building permit, prior to commencing any construction completion or further construction work, the contractor shall contact the building department and apply to renew the building permit and pay all applicable fees. These fees include, but may not be limited to the building permit fees. Additional fees may be required such as connection fees, impact fees, investigation fees and other fees as determined applicable. The permit is not active or renewed until all required fees have been paid and written notice is issued by the building department that the permit is active and renewed.

Regardless of any extensions or inspection dates a permit shall expire for all residential occupancy groups 2 1/2 years after the issue date. The owner/applicant/contractor or designee will be required to renew the building permit prior to performing any further work.

This section R105.5 shall not apply to commercial or industrial occupancy group permits or permits for unfinished space within occupied homes.

B. This section shall take effect and the terms hereof shall apply to all building permits for new residential construction issued by Eagle Mountain City on or after January 1, 2012. [Ord. O-20-2011 §§ 1, 2].

**15.95.020 International Fire Code appendices.**

A. The following appendices of the 2003 International Fire Code adopted by the state of Utah are hereby adopted and in force in Eagle Mountain City:

1. Appendix B – Fire Flow Requirements for Building;
2. Appendix C – Fire Hydrant Locations and Distributions;
3. Appendix D – Fire Apparatus and Access Roads; provided, however, that Section D103.2 shall not be enforced in Eagle Mountain City;
4. Appendix E – Hazardous Categories;
5. Appendix F – Hazard Ranking;
6. Appendix G – Cryogenic Fluids – Weight and Volume Equivalents.

B. It is the intent of this section to incorporate and adopt by reference the International Fire Code appendices named herein as they may be amended and updated from time to time as the state approves fire code changes. Therefore, the current version of each appendix shall be enforced in Eagle Mountain City after approval by the Eagle Mountain fire code official, unless a specific action is taken by the city council of Eagle Mountain City to exclude the applicability of a specific provision for use within Eagle Mountain City. [Ord. O-12-2006 §§ 1, 2].

**15.95.030 Application fees.**

Each application for all permits required under the codes which are adopted by reference, as set forth more specifically in EMMC [15.95.010](#), shall be accompanied by an application fee in the amount set forth more specifically in and according to Table 15.95.030, which shall be paid by the permit applicant and collected by the city prior to the issuance of the permit for which the application is filed.

**Table 15.95.030 – Building Permit Fees**

Total Valuation	Fee
\$1.00 to \$500.00	\$23.50
\$501.00 to \$2,000	\$23.50 for the first \$500.00 plus \$3.05 for each additional \$100.00, or fraction thereof, to and including \$2,000
\$2,001 to \$25,000	\$69.25 for the first \$2,000 plus \$14.00 for each additional \$1,000, or fraction thereof, to and including \$25,000
\$25,001 to \$50,000	\$391.75 for the first \$25,000 plus \$10.10 for each additional \$1,000, or fraction thereof, to and including \$50,000
\$50,001 to \$100,000	\$643.75 for the first \$50,000 plus \$7.00 for each additional \$1,000, or fraction thereof, to and including \$100,000
\$100,001 to \$500,000	\$993.75 for the first \$100,000 plus \$5.60 for each additional \$1,000, or fraction thereof, to and including \$500,000
\$500,001 to \$1,000,000	\$3,233.75 for the first \$500,000 plus \$4.75 for each additional \$1,000, or fraction thereof, to and including \$1,000,000
\$1,000,001 and up	\$5,608.75 for the first \$1,000,000 plus \$3.65 for each additional \$1,000, or fraction thereof
<b>Other Inspections and Fees:</b>	
1. Inspections outside of normal business hours (minimum charge – two hours)	\$47.00 per hour <sup>1</sup>
2. Reinspection fees assessed under provisions of Section 305.8	\$47.00 per hour <sup>1</sup>
3. Inspections for which no fee is specifically indicated (minimum charge – one-half hour)	\$47.00 per hour <sup>1</sup>
4. Additional plan review required by changes, additions or revisions to plans (minimum charge – one-half hour)	\$47.00 per hour <sup>1</sup>
5. For use of outside consultants for plan checking and inspections, or both	Actual costs <sup>2</sup>

1. Or the total hourly cost to the jurisdiction, whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved.

2. Actual costs include administrative and overhead costs.

[Ord. O-01-2002 § 2].

**15.95.040 Existing permits.**

All building permits issued by the city prior to the date of the ordinance codified in this chapter shall be governed by the code in place at the date of the issuance of the permit issued prior to the date of the ordinance codified in this chapter. In the implementation of this chapter and the administration of the codes adopted herein, the building official, in the exclusive discretion of the building official, may enforce less stringent provisions of the prior codes for a period of six months where such

enforcement does not create a hazard to human life or substantial risk of significant loss of property. [Ord. O-01-2002 § 3].

**15.95.050 Savings.**

Except as provided above, this chapter amends all prior ordinances and resolutions in conflict herewith, but does not amend, modify, or repeal any requirements in place for permits pending at the date of the ordinance codified in this chapter or for fees or charges required for applications, permits or services, damage deposits, or for any other purpose by the consolidated fee schedule of Eagle Mountain City. [Ord. O-01-2002 § 4].

**Chapter 15.100**  
**APWA STANDARD SPECIFICATIONS**

Sections:

[15.100.010 Adopted.](#)

[15.100.020 Enforcement.](#)

[15.100.030 Violation – Penalty.](#)

**15.100.010 Adopted.**

The American Public Works Association Manual of Standard Specifications for Construction (hereinafter “APWA Standard Specifications”), 1997 Edition, promulgated by the Utah Chapter of the American Public Works Association, et al., is hereby adopted in its entirety along with attached addendum. [Ord. 98-10 § 1].

**15.100.020 Enforcement.**

The Eagle Mountain city engineer or his designee shall enforce the APWA Standard Specifications. When there are practical difficulties involved in carrying out the provisions of the APWA Standard Specifications, the city engineer or his designee may grant modifications for individual cases. The city engineer or his designee shall first find that a special individual reason makes the strict letter of the APWA Standard Specifications impractical and that the modification is in conformance with the intent and purpose of the APWA Standard Specifications. The details of any action granting modifications shall be recorded in the files of the city engineer. [Ord. 98-10 § 2].

**15.100.030 Violation – Penalty.**

Any person, firm or corporation who violates any provision of the APWA Standard Specifications shall be deemed guilty of a Class C misdemeanor and shall be subject to a fine under Section 76-3-301, Utah Code Annotated 1953, or by imprisonment in the Utah County jail for a period not exceeding 90 days, or by both such fine and imprisonment. [Ord. 98-10 § 3].

**Chapter 15.105**  
**FLOOD DAMAGE PREVENTION**

Sections:

[15.105.010 Definitions.](#)

[15.105.020 General provisions.](#)

[15.105.030 Administration.](#)

[15.105.040 Variance procedures.](#)

[15.105.050 Provisions for flood hazard reduction.](#)

[15.105.060 Penalties for noncompliance.](#)

**15.105.010 Definitions.**

Unless specifically defined below, words or phrases used in this chapter shall be interpreted to give them the meaning they have in common usage and to give this chapter its most reasonable application.

“Alluvial fan flooding” means flooding occurring on the surface of an alluvial fan or similar landform, which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.

“Apex” means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

“Area of shallow flooding” means a designated AO, AH, or VO zone on a community’s Flood Insurance Rate Map (FIRM), if available, with a one percent chance or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

“Area of special flood hazard” is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. When floodplain mapping is completed, the area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AE, AH, AO, A 1-99, VO, V1-30, VE or V.

“Base flood” means the flood having a one percent chance of being equaled or exceeded in any given year.

“Basement” means any area of the building having its floor sub grade (below ground level) on all sides.

“Critical feature” means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

“Development” means any manmade change in improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

“Development permit” shall refer to building permits issued under the city building code.

“Elevated building” means a nonbasement building (A) built, in the case of a building when floodplain mapping is completed, in Zones A 1-30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor, or in the case of a building in Zones V1-30, VE, or V, to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers), or sheer walls parallel to the flow of the water, and (B) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A 1-30, AE, A, A99, AO, AH, B, C, X, and D,

when floodplain mapping is completed, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.

In the case of Zones V 1-30, VE, or V when designated, "elevated building" also includes a building otherwise meeting the definition of "elevated building," even though the lower area is enclosed by means of breakaway walls if the breakaway walls met the standards of Section 60.3(e)(5) of the National Flood Insurance Program regulations.

"Existing construction" means, for the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures."

"Existing manufactured home park or subdivision" means, when applicable, a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

"Expansion to an existing manufactured home park or subdivision" means, when applicable, the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

"Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- A. The overflow of inland waters.
- B. The unusual and rapid accumulation or runoff of surface waters from any source.

"Flood hazard boundary map (FHBM)" means an official map of a community, issued by the administrator, where the boundaries of the flood or mudslide (i.e., mudflow) related erosion areas having special hazards have been designated as Zones A, M, and/or E.

"Flood Insurance Rate Map (FIRM)" means an official map of a community, when complete, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

"Flood Insurance Study" is the official report, when available, provided by the Federal Emergency Management Agency. The report contains flood profiles, water surface elevation of the base flood, as well as the Flood Boundary-Floodway Map.

"Flood proofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

"Flood protection system" means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within a community which may be subject to flooding and the extent of the depths of associated flooding. Such a system typically includes barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

"Floodplain" or "flood-prone area" means any land area susceptible to being inundated by water from any source (see definition of "flooding").

"Floodplain management" means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans,

flood control works and floodplain management regulations.

“Floodplain management regulations” means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction and other matters.

“Floodway (regulatory floodway)” means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

“Functionally dependent use” means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water.

“Highest adjacent grade” means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

“Historic structure” means any structure that is:

A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

1. By an approved state program as determined by the Secretary of the Interior; or
2. Directly by the Secretary of the Interior in states without approved programs.

“Levee” means a manmade structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

“Levee system” means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

“Lowest floor” means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building’s lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirement of Section 60.3 of the National Flood Insurance Program regulations.

“Manufactured home” means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term “manufactured home” does not include a “recreational vehicle.”

“Manufactured home park or subdivision” means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

“Mean sea level” means, for purposes of the National Flood Insurance Program, the National

Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced, when available.

"New construction" means, for the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For flood management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

"New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

"Recreational vehicle" means a vehicle which is (A) built on a single chassis; (B) 400 square feet or less when measured at the largest horizontal projections; (C) designed to be self-propelled or permanently towable by a light duty truck; and (D) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Start of construction," for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The "actual start" means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"Structure" means a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

"Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

"Substantial improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "start of construction" of the improvement. This includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either: (A) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications, which have been identified by the local code enforcement official and which are the minimum necessary conditions, or (B) any alteration of a "historic structure"; provided, that the alteration will not preclude the structure's continued designation as a "historic structure."

"Variance" is a grant of relief to a person from the requirement of this chapter when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this chapter. (For full requirements, see Section 60.6 of the National Flood Insurance Program regulations.)

"Violation" means the failure of a structure or other development to be fully compliant with the

community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required herein is presumed to be in violation until such time as that documentation is provided.

"Water surface elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas. [Ord. O-18-2010 § 1].

**15.105.020 General provisions.**

A. Lands to Which This Chapter Applies. This chapter shall apply to all areas which may be flooded within the jurisdiction of Eagle Mountain, Utah.

B. Basis for Establishing the Areas of Special Flood Hazard. Since areas of special flood hazard have not been identified, water surface elevations have not been provided, nor has sufficient data identifying the floodway or coastal high hazard area been provided by the Federal Emergency Management Agency (FEMA), the community shall obtain, review, and reasonably utilize data available from other federal, state or other sources.

C. Establishment of Development Permit. A development permit (building permit) shall be required to ensure conformance with the provisions of this chapter.

D. Compliance. No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this chapter and other applicable regulations.

E. Abrogation and Greater Restrictions. This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another chapter, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

F. Interpretation. In the interpretation and application of this chapter, all provisions shall be: (1) considered as minimum requirements; (2) liberally construed in favor of the governing body; and (3) deemed neither to limit nor repeal any other powers granted under state statutes.

G. Warning and Disclaimer or Liability. The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the areas of past flooding or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the city or any official or employee thereof for any flood damages that result from reliance on this chapter or any lawful administrative decision. [Ord. O-18-2010 § 2].

**15.105.030 Administration.**

A. Designation of the Floodplain Administrator. The Eagle Mountain City building official is hereby appointed the floodplain administrator to administer and implement the provisions of this chapter and other appropriate sections of 44 CFR (National Flood Insurance Program Regulations) pertaining to floodplain management.

B. Duties and Responsibilities of the Floodplain Administrator. Duties and responsibilities of the floodplain administrator shall include, but not be limited to, the following:

1. Maintain and hold open for public inspection all records pertaining to the provisions of this chapter.
2. Review building permit applications to determine whether proposed construction or other development, including the placement of manufactured homes, will be reasonably safe from flooding.
3. Review, approve or deny all applications for development permits required by adoption of this chapter.

4. Review permits for proposed development to assure that all necessary permits have been obtained from those federal, state or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.

5. Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the floodplain administrator shall make the necessary interpretation.

C. Permit Procedures.

1. Application for a building permit shall be presented to the floodplain administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard when defined.

The following information is required and shall be provided to the building official when requested:

- a. Elevation (in relation to mean sea level) of the lowest floor (including basement) of all new and substantially improved structures;
  - b. Elevation in relation to mean sea level to which any nonresidential structure shall be flood proofed;
  - c. A certificate from a registered professional engineer or architect that the nonresidential flood proofed structure shall meet the flood proofing criteria of EMMC [15.105.050](#);
  - d. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development; and
  - e. Maintain a record of all such information in accordance with subsection (B)(1) of this section.
2. Approval or denial of a building permit by the floodplain administrator shall be based on all of the provisions of this chapter and the following relevant factors:
- a. The danger to life and property due to flooding or erosion damage;
  - b. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
  - c. The danger that materials may be swept onto other lands to the injury of others;
  - d. The compatibility of the proposed use with existing and anticipated development;
  - e. The safety of access to the property in times of flood for ordinary and emergency vehicles;
  - f. The costs of providing governmental services during and after flood conditions, including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;
  - g. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
  - h. The necessity to the facility of a waterfront location, where applicable;
  - i. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

j. The relationship of the proposed use to the comprehensive plan for that area. [Ord. O-18-2010 § 3].

**15.105.040 Variance procedures.**

A. The planning commission (appeal board) as established by the city shall hear and render judgment on requests for variances from the requirements of this chapter.

B. The appeal board shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the building official in the enforcement or administration of this chapter.

C. Any person or persons aggrieved by the decision of the appeal board may appeal such decision to the district court for Utah County.

D. The floodplain administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.

E. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this chapter.

F. Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in EMMC [15.105.050](#) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

G. Upon consideration of the factors noted above and the intent of this chapter, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this chapter.

H. Variances shall not be issued within any designated floodway when mapping is complete if any increase in flood levels during the base flood discharge would result.

I. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

**J. Prerequisites for Granting Variances.**

1. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

2. Variances shall only be issued upon (a) showing a good and sufficient cause; (b) a determination that failure to grant the variance would result in exceptional hardship to the applicant; and (c) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

3. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

K. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use; provided, that (1) the criteria defined herein are met, and (2) the structure or other development is protected by

methods that minimize flood damages during the base flood and create no additional threats to public safety. [Ord. O-18-2010 § 4].

**15.105.050 Provisions for flood hazard reduction.**

A. General Standards. In all areas of special flood hazards, when mapping is completed, the following standards are required for all new construction and substantial improvements:

1. All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
2. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
3. All new construction or substantial improvements shall be constructed with materials resistant to flood damage;
4. All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
5. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
6. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and
7. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

B. Standards for Subdivision Proposals.

1. All subdivision proposals, including the placement of manufactured home parks and subdivisions, shall be consistent with this chapter.
2. All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet the requirements of this chapter.
3. All subdivision proposals, including the placement of manufactured home parks and subdivisions, shall have adequate drainage provided to reduce exposure to flood hazards.
4. All subdivision proposals, including the placement of manufactured home parks and subdivisions, shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage. [Ord. O-18-2010 § 5].

**15.105.060 Penalties for noncompliance.**

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this chapter and other applicable regulations. Violation of the provisions of this chapter shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$1,000 or imprisoned for not more than 30 days, or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent Eagle Mountain City from taking such other lawful action as is necessary to prevent or remedy any violation. [Ord. O-18-2010 § 7].

**Chapter 15.110**  
**IMPACT FEE ENACTMENT**

Sections:

[15.110.010 Findings – Authority – Purpose.](#)

[15.110.020 Definitions.](#)

[15.110.030 Impact fees imposed.](#)

[15.110.040 Impact fee amount and procedure.](#)

[15.110.050 Exemptions, adjustments, and credits.](#)

[15.110.060 Service area.](#)

[15.110.070 Appeal procedures.](#)

**15.110.010 Findings – Authority – Purpose.**

The council finds and determines that growth and development activities in the city will create additional demand and need for sanitary sewer facilities, and the council finds that persons responsible for growth and development activities should pay a proportionate share of the costs of such planned facilities needed to serve the growth and development activity. The council further finds that based on the impact fee facility plan and impact fee analysis that impact fees are necessary to achieve an equitable allocation to the costs borne in the past and to be borne in the future, in comparison with the benefits already received and yet to be received. The provisions of this impact fee enactment shall be liberally construed in order to carry out the purpose and intent of the council in establishing the impact fee program. [Ord. O-22-2015 § 1; Ord. O-14-2014 § 1; Ord. O-06-2014 § 1; Ord. O-19-2012 § 1].

**15.110.020 Definitions.**

Except as provided below, words and phrases that are defined in the Impact Fee Act shall have the same meaning in this impact fee enactment.

“Allowable credits” means the dollar value a developer may be allowed as an offset or a credit against an impact fee if the developer dedicates land for a system improvement, builds and dedicates some or all of a system improvement, or dedicates a public facility that the city and the developer agree will reduce the need for a system improvement. A credit against an impact fee shall be granted for any dedication of real property for, improvements to, or new construction of, any system improvements provided by the developer if the facilities are system improvements, or are dedicated to the public and offset the need for identified system improvements.

“Applicant” means a person or entity required to pay an impact fee under this impact fee enactment.

“Gross impact fee” means the stated impact fee assessed (prior to the computation of allowable credits, exemptions, or adjustments) for system improvements based on the requirements of this impact fee enactment.

“Impact fee agent” means the person or persons designated by the city council to evaluate impact fee applications and calculate gross impact fees, allowable credits, exemptions, adjustments, and net impact fees.

“Impact fee applicant” or “impact fee application” means an application submitted by an applicant for development approval that is required to pay an impact fee prior to obtaining subdivision approval or other development approval from the city council or the building official of the city prior to issuance of a building permit.

“Net impact fee” means the gross impact fee less all allowable credits, exemptions, adjustments, and credit adjustments required by this impact fee enactment.

“Single-family residential unit” or “equivalent residential unit” or “ERU” means the system

improvement capacity required for a dwelling unit intended for the use and occupancy of a single family with no restriction on time of use. [Ord. O-22-2015 § 2; Ord. O-14-2014 § 2; Ord. O-06-2014 § 2; Ord. O-19-2012 § 2].

**15.110.030 Impact fees imposed.**

A. Impact Fees. Based on the council approval and adoption of the impact fee facility plan and impact fee analysis, attached to the ordinance codified in this chapter as Exhibits A and B, the city council hereby adopts a sanitary sewer impact fee in the amounts set forth in the impact fee analysis.

B. Impact Fees Accounting. The city will establish a separate interest-bearing ledger account for each type of public facility for which impact fees are collected. Interest earned on such account shall be allocated to that account.

1. Reporting. At the end of each fiscal year, the city shall prepare a report on each fund or account showing the source and amount of all monies collected, earned, and received by the fund or account and each expenditure from the fund or account. The report shall identify impact fees by the year in which they were received, the project from which the funds were collected, the system improvements for which the funds were budgeted, and the projected schedule for expenditures. The report shall be in a format developed by the State Auditor that is certified by the city's chief financial officer and shall be transmitted annually to the State Auditor.

2. Impact Fee Expenditures. The city may expend impact fees collected pursuant to this impact fee enactment only for systems improvements that are (a) public facilities identified in the impact fee facility plan; and (b) of the specific public facilities type for which the fee was collected.

3. Time of Expenditure. Impact fees collected pursuant to this impact fee enactment are to be expended or encumbered for a permissible use within six years of the receipt of those funds by the city. For purposes of this calculation, the first funds received shall be deemed to be the first funds expended.

4. Extension of Time. The city may hold unencumbered fees for longer than six years if the council identifies in writing (a) an extraordinary and compelling reason why the fees should be held longer than six years; and (b) an absolute date by which the fees will be expended.

C. Refunds. The city shall refund any impact fees paid by a developer, plus interest actually earned when (1) the developer does not proceed with the building activity and files a written request for a refund; (2) the fees have not been spent or encumbered; (3) the developer has contributed in excess of their proportional costs; and (4) no impact has resulted.

D. Additional Fees and Costs. The impact fees authorized hereby are separate from and in addition to user fees and other charges lawfully imposed by the city, such as engineering and inspection fees, building permit fees, review fees, and other fees and costs that may not be included as itemized component parts of the impact fee.

E. Fees Effective at Time of Payment. Unless the city is otherwise bound by a contractual requirement, the impact fee shall be determined in accordance with the provisions of EMMC [15.110.040](#). [Ord. O-22-2015 § 3; Ord. O-14-2014 § 3; Ord. O-06-2014 § 3; Ord. O-19-2012 § 3].

**15.110.040 Impact fee amount and procedure.**

A. Impact Fee Imposed. Impact fees are hereby imposed on the basis of the impact fee analysis and shall be paid either as a condition of plat approval, as a condition of the issuance of a building permit, or as a condition to connecting to any current or future system improvements if a plat or building permit is not required in an amount set forth in the impact fee analysis.

B. Application Procedure. Each applicant for development approval shall make application in writing to the city on forms provided for the city for determination of the amount of the required impact fees

payable by the applicant. Each applicant shall provide all information requested by the city to allow the city to verify the accuracy of the information presented by the applicant. The impact fee agent shall consider the information presented by the applicant and determine the gross impact fee, allowable credit, exemptions, adjustments, and net impact fee.

C. Impact Fee Amount. The amount of the impact fees imposed hereby shall be the gross amount as set forth in the impact fee analysis. [Ord. O-22-2015 § 4; Ord. O-14-2014 § 4; Ord. O-06-2014 § 4; Ord. O-19-2012 § 4].

**15.110.050 Exemptions, adjustments, and credits.**

A. Exemption. The council may, on a project-by-project basis, authorize exemptions to the impact fee imposed for development activity that the council determines to be of broad public purpose to justify the exception, development activities attributable to low-income housing, the state, a school district, or a charter school (the school district and charter school on the same basis).

B. Adjustments. The council shall ensure that the impact fees are imposed fairly and may adjust impact fees at the time the fee is charged to (1) respond to unusual circumstances in specific cases, (2) respond to a request for a prompt and individualized impact review for the development activities of the state or a school district or a charter school and an offset or credit for a public facility for which an impact fee has been or will be collected, and (3) permit adjustments of the amount of the impact fee to be imposed on a particular development based upon studies and data submitted by the developer.

C. Credits. A developer, including a school district or charter school, shall receive a credit against or proportionate reimbursement of an impact fee if the developer dedicates land for a system improvement, builds and dedicates some or all of a system improvement, or dedicates a public facility that the city and the developer agree will reduce the need for a system improvement. A credit against the impact fee shall also be given for any dedication of land for, improvements to, or new construction of any system improvements provided by the developer if the facilities are system improvements, or are dedicated to the public and offset the need for identified system improvements. [Ord. O-22-2015 § 5; Ord. O-14-2014 § 5; Ord. O-06-2014 § 5; Ord. O-19-2012 § 5].

**15.110.060 Service area.**

Service areas are hereby established as set forth on the impact fee facilities plan and impact fee analysis. [Ord. O-22-2015 § 6; Ord. O-14-2014 § 6; Ord. O-06-2014 § 6; Ord. O-19-2012 § 6].

**15.110.070 Appeal procedures.**

A. Application. The appeal procedure applies to challenges to the legality of impact fees, the interpretation and/or application of those fees.

B. Request for Information Concerning the Fee. Any person or entity required to pay an impact fee pursuant to this impact fee enactment may file a written request for information concerning the fee with the city. The city will provide the person or entity with the impact fee analysis, impact fee facilities plan, and other relevant information relating to the impact fee within two weeks after receipt of the request for information.

C. Appeals to City Before Payment of Impact Fees. Any affected or potentially affected person or entity who wishes to challenge an impact fee imposed pursuant to this impact fee enactment prior to payment thereof may file a written request for information concerning their fee and the process under the city's appeal procedure.

D. Appeal to City After Payment of Impact Fees – Statute of Limitations for Failure to File. Any person or entity that has paid an impact fee pursuant to this impact fee enactment and wishes to challenge the fee shall file a written request for information concerning the fee after having paid the fee and proceed under the city's appeal process. The deadline for filing an appeal shall be as follows:

1. Within 30 days after the person making the appeal pays the impact fee, they may challenge whether the city complied with the notice requirements of the impact fee with respect to

imposition of the impact and the procedure.

2. Within 180 days after the person making the appeal pays the impact fee, they may challenge whether the city complied with other procedural requirements of the impact fee.
3. Within one year after the person making the appeal pays the impact fee, they may challenge the impact fee.

E. Appeal to City. Any developer, landowner, or affected party desiring to challenge the legality of any impact fee, or related fees or exaction under this impact fee enactment, may appeal directly to the city by filing a written challenge with the city before the deadlines provided above.

1. Hearing. An informal hearing will be held not sooner than five days nor more than 25 days after the written appeal to the city is filed.
2. Decision. After the conclusion of the informal hearing, the city shall affirm, reverse, or take action with respect to the challenge or appeal as the city deems appropriate. The decision of the city will be issued within 30 days after the date the written challenge was filed. In light of the statutorily mandated time restrictions, the city shall not be required to provide more than three working days' prior notice of the time, date, and location of the informal hearing, and the inconvenience of the hearing to the challenging party shall not serve as a basis of appeal of any final determination.

F. Denial of Due Process. If the city for any reason fails to issue a final decision on a written challenge to an impact fee, its calculation or application, within 30 days after the filing of the challenge with the city, the challenge shall be deemed to have been denied.

G. Judicial Review. Nothing in this impact fee enactment shall be interpreted to alter the statutory deadlines before which an action to challenge an impact fee must be initiated in the district court. After having been served with a copy of the pleadings initiating a court review, the city shall submit to the court the records of the proceedings before the city, including minutes, and if available, a true and correct transcript of any proceedings. [Ord. O-22-2015 § 7; Ord. O-14-2014 § 7; Ord. O-06-2014 § 7; Ord. O-19-2012 § 7].

**Title 16  
SUBDIVISIONS**

**Chapters:**

**Division I. Introduction**

[16.05 General Provisions](#)

[16.10 Master Development Plans](#)

**Division II. Approvals**

[16.15 Concept Plans](#)

[16.20 Preliminary Plats](#)

[16.25 Final Plats](#)

**Division III. Generally Applicable Requirements/Standards**

[16.30 General Requirements for All Subdivisions](#)

[16.35 Development Standards for Required Public Facilities](#)

[16.40 Storm Water Runoff and Surface Drainage](#)

**Division IV. Splits, Adjustments and Amendments**

[16.45 Lot Splits](#)

[16.50 Lot Line Adjustments](#)

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**Division V. Building Permits**

[16.60 Building Permits](#)

Prior legislation: Ords. O-10-2005, O-02-2005, O-22-2004, O-11-2004, O-02-2004, O-18-2003, O-15-2003, O-08-2003, O-20-2002, O-19-2002, O-16-2002, O-10-2002, O-05-2002, O-16-2001, 99-20, 99-17, 99-12, 99-11, 99-09, 99-04, 98-13 and 98-05.

**Chapter 16.05**  
**GENERAL PROVISIONS**

Sections:

[16.05.010 Short title.](#)

[16.05.020 What this chapter does.](#)

[16.05.030 Purpose.](#)

[16.05.040 Authority.](#)

[16.05.050 Exemptions for certain land divisions.](#)

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[16.05.080 General considerations.](#)

[16.05.090 General responsibilities.](#)

[16.05.100 Compliance required.](#)

[16.05.110 Penalties.](#)

[16.05.120 Vested rights – After adoption of the ordinance codified in this title.](#)

[16.05.130 Most restrictive standards apply.](#)

[16.05.140 Conflict with private agreements.](#)

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[16.05.160 Severability.](#)

[16.05.170 Exactions.](#)

[16.05.180 Public meetings.](#)

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[16.05.200 Land use authority.](#)

[16.05.210 Appeal authority.](#)

[16.05.220 Tables.](#)

**16.05.010 Short title.**

This title shall be known as the subdivision ordinance for Eagle Mountain City, and may also be so cited and pleaded. This subdivision ordinance shall be referred to herein as “this title,” and the chapters and sections hereinafter referred to shall be chapters and sections of this title, unless the context clearly indicates otherwise. [Ord. O-23-2005 § 3 (Exh. 1(2) § 1.1)].

**16.05.020 What this chapter does.**

This chapter establishes the purpose of this title, identifies the enabling statute pursuant to which it is adopted, requires approvals for all land divisions, land development, and construction activities except those that are specifically exempted. It also establishes application and review procedures, an appeal procedure, and other processes needed for the review of applications and the administration of this title. [Ord. O-23-2005 § 3 (Exh. 1(2) § 1.2)].

**16.05.030 Purpose.**

The purposes of this title are:

A. To provide for the health, safety, and welfare of the present and future inhabitants of Eagle

Mountain City;

B. To regulate future growth and development within the city in accordance with the general plan and to provide for the efficient and orderly growth of the city;

C. To provide procedures and standards for the physical development of subdivisions of land and construction of buildings and improvements thereon within the city including, but not limited to, the construction and installation of roads, streets, alleys, curbs, gutters, sidewalks, drainage systems, water and sewer systems, design standards for public facilities and utilities, access to public rights-of-way, dedication of land and streets, and granting easements or rights-of-way;

D. To provide for adequate safety from fire, flood or other dangers, and to prevent overburdening of the land and undue congestion of population;

E. To provide for coordinated development of the city and to assure sites suitable for building purposes and human habitation. [Ord. O-23-2005 § 3 (Exh. 1(2) § 1.3)].

**16.05.040 Authority.**

This title is adopted pursuant to the authority granted by the Municipal Land Use, Development, and Management Act (Section 10-9-801, et seq., Utah Code Annotated 1953). This title establishes regulations for approval of development applications pursuant to the subdivision or use of land for development purposes. No subdivision shall be recorded or subdivision lots sold unless the owner of the property proposed for sale of lots or land subdivision has complied with the provisions of this title and recorded said plats. [Ord. O-23-2005 § 3 (Exh. 1(2) § 1.4)].

**16.05.050 Exemptions for certain land divisions.**

Exemption of certain land divisions does not exempt development of the lot or parcel created from compliance with this or any other title, ordinance, policy or procedure that the city has established. No subdivision approval shall be required for:

A. Parcel Size. Any division of land in which all resulting parcels are more than 160 acres in size;

B. Court Decree. Any division of land that results from a court decree for the distribution of specific parcels of property;

C. Public Purpose. Any division of land that results from a condemnation proceeding or the voluntary sale or gift of land for a public purpose; or

D. Adjustment of Unplatted Property Lines. Any adjustment of unplatted property lines in which no new parcel is created and no new nonconforming lot, use, or building results. [Ord. O-23-2005 § 3 (Exh. 1(2) § 1.5)].

**16.05.060 Interpretation.**

When interpreting and implementing the provisions of this title, these provisions shall be considered as minimum requirements for the purposes set forth. Where the provisions of this title impose greater restrictions than any statute, other regulation, ordinance or covenant, the provisions of this title shall prevail. Where the provisions of any statute, other regulation, ordinance or covenant impose greater restrictions than the provisions of this title, the provisions of such statute, other regulation, ordinance or covenant shall prevail. In the case of Covenants, Conditions and Restrictions (CC&Rs) that may have been recorded within subdivisions and that contain greater restrictions than those imposed by the provisions of this title, those restrictions shall be enforced by the homeowners' association or other enforcement body as established and set forth in the CC&Rs. [Ord. O-23-2005 § 3 (Exh. 1(2) § 1.6)].

**16.05.070 Definitions.**

The definitions of important terms used in Eagle Mountain City's subdivision ordinance (this title) are contained in Chapter [17.10](#) EMMC. [Ord. O-23-2005 § 3 (Exh. 1(2) § 1.7)].

**16.05.080 General considerations.**

When subdividing or developing land, applicants and the city shall consider the following general

criteria:

A. General Plan. The general plan shall guide the use and future development of all land within the corporate boundaries of the city. The size and design of lots, the location and sizes of utilities, the design and construction of streets and other public facilities, the type and intensity of land uses and the provisions for any other facilities within a subdivision shall be considered against the projections of the general plan, the provisions of this title, and any other applicable title relating to development, land use or public utilities.

B. Natural Conditions. Trees, native land cover, natural watercourses and topography shall be preserved wherever possible. Master development plans and subdivisions shall be designed so as to prevent excessive grading and scarring of the landscape in conformance with the city's ordinances.

C. Community Facilities. Community facilities, such as parks, recreation areas, public utilities, open space, trails, and transportation facilities shall be provided in all developments in accordance with the general plan, the city's ordinances and adopted construction policies and standards. This title establishes the procedures for collecting relevant information on proposed master development plans, subdivisions, concept plans, site plans, etc., and circulation of the relevant information to boards, committees, utility departments and other public or semipublic agencies, so that the extension of community facilities and utilities may be accomplished in an orderly manner, coordinated with development activity. In order to provide public facilities to serve new development, developers and subdividers may be required to dedicate, grant easements, or otherwise preserve land or build facilities for schools, parks, playgrounds, police and fire stations, public ways, utility easements or other public purposes. [Amended during 2008 codification; Ord. O-23-2005 § 3 (Exh. 1(2) § 1.8)].

#### **16.05.090 General responsibilities.**

The following general responsibilities apply to the planning director, city staff members, consultants or other individuals or agencies responsible for the review and processing of development applications:

A. Applicant's Responsibilities. All developers or subdividers of real property shall prepare master development plans, concept plans, subdivision plats, site plans, conditional use materials or other application materials as indicated in this title and EMMC Title [17](#). Developers and subdividers shall pay for the design, construction and inspection of all public improvements required. The city shall process all development applications in accordance with the regulations set forth herein. No developer, subdivider or property owner shall alter the terrain, remove any vegetation, excavate or otherwise engage in any site development until they obtain the necessary permits and approvals as outlined in this title (see EMMC [16.30.080\(B\)\(8\)](#)) and EMMC Title [17](#).

B. Planning Director's Responsibilities. The planning director (or designee) shall prepare application forms for development processes outlined herein. Upon receipt of a completed development application, the planning director (or designee) shall refer the application to city departments, consultants, public or private agencies, governmental boards and committees or any other group or individual having responsibility for the review of such applications. The planning director (or designee) is responsible for coordinating and receiving comments or recommendations regarding development applications and the proper distribution or sharing of such comments and recommendations.

C. City Engineer's Responsibilities. The city engineer shall review development applications for compliance with engineering plans and specifications for required improvements. The city engineer shall also be responsible for reviewing the city's adopted capital facilities plans and other city requirements related to public facilities including streets, alleys, drainage systems, water and sewer systems, public utilities or other infrastructure considerations. Street layout and overall circulation shall be coordinated with the planning director. The city engineer shall be responsible for inspecting city-required improvements.

D. Public Works' Responsibilities. The city public works department shall review and make comments on the engineering plans and specifications for city-required improvements to the city engineer and planning director. The public works department may assist the city engineer in performing inspections.

E. Planning Commission's Responsibilities. The planning commission shall have the powers and duties defined by state law and Eagle Mountain City ordinances. The planning commission is generally charged with making investigations, reports and recommendations on development applications for conformance to the general plan, this title, EMMC Title 17, or other related requirements that fall under the planning commission's responsibilities. After reviewing development applications, the planning commission shall generally make a recommendation to the city council for approval, approval with conditions, disapproval based upon findings of facts, or the planning commission may table applications for reasonable periods of time to complete further investigations, conduct work meetings, or otherwise more completely consider all aspects of the development application.

F. Site Inspections. The filing of an application for a development approval constitutes permission for the mayor, city council, city staff, employees, consultants, planning commissioners or board of adjustment to inspect the proposed development site during their consideration of the application. The planning director may delay consideration of any application when inclement weather or snowpack prevents a useful site inspection. [Ord. O-23-2005 § 3 (Exh. 1(2) § 1.9)].

**16.05.100 Compliance required.<sup>1</sup>**

The following general requirements and standards apply to the development of property within the corporate boundaries of Eagle Mountain City:

A. Subdivision of Property. It shall be unlawful for any person to subdivide any tract or parcel of land that is located wholly or in part in the city except in compliance with this title. No plat of any subdivision shall be recorded until it has been submitted, reviewed and approved as provided herein.

B. Conveyance of Property. Land to be subdivided shall not be transferred, sold, or offered for sale, nor shall a building permit be issued for a structure thereon, until a final plat has been recorded in accordance with this title and the provisions of any applicable state statutes, and until the improvements required in connection with the development have been guaranteed as provided herein. No building dependent on public water, sewer, power or fire protection shall be permitted to be occupied until such facilities are fully provided and operational.

C. Compliance of Owner. All lots, plots or tracts of land located within a subdivision shall be subject to this title whether the tract is owned by the subdivider or a subsequent purchaser, transferee or contract purchaser of the tract or any other person.

D. Installation of Utilities. It shall be unlawful for any person to receive a building permit on a parcel or tract of land in a subdivision until all the required improvements are installed, which may include: (1) water and sewer utilities and all other underground utilities located under the street surface are installed; (2) all streets in the subdivision are rough-graded; and (3) curb and gutter has been installed. It shall be the responsibility of the subdivider to allow no human occupancy until all necessary utilities are installed and basic improvements are adequate to render the subdivision habitable. These improvements shall include paved streets and sidewalks (when required) which connect to street systems outside and adjacent to the subdivision. It shall be unlawful for any subdivider to sell any portion of an approved subdivision until the plat is recorded and until the prospective buyer or builder has been advised that the occupancy will not be permitted until all required improvements are completed. Recorded plats shall contain a notice to all potential buyers of this provision.

In the case of model homes, building permits may be issued prior to the completion of the improvements required by this title if the city engineer determines that access to the building site may be provided for the purposes of inspections and that the fire chief determines that there is

adequate water for fire flow. All other utilities (with the exception of phone service) shall be provided and operating prior to the issuance of a certificate of occupancy. [Ord. O-23-2005 § 3 (Exh. 1(2) § 1.10)].

**16.05.110 Penalties.**

It shall be a Class C misdemeanor for any person to fail to comply with the provisions of this title. In addition to any criminal prosecution, the city may pursue any other legal remedy to ensure compliance with this title, including, but not limited to, injunctive relief. [Ord. O-23-2005 § 3 (Exh. 1(2) § 1.11)].

**16.05.120 Vested rights – After adoption of the ordinance codified in this title.**

Vested rights to proceed with development under the provisions of this title, as it existed at the time an application for a permit was approved, shall be established by a master development plan approval, a minor development approval, or a major development approval in full compliance with its provisions. [Ord. O-23-2005 § 3 (Exh. 1(2) § 1.12)].

**16.05.130 Most restrictive standards apply.**

Eagle Mountain City adopts uniform codes to provide minimum standards for protecting the public health, safety, and welfare through regulating and controlling the design, construction, quality of materials, use and occupancy, location, and maintenance of all private and public buildings, infrastructure, and public facilities. These codes include: International Fire Code (IFC); International Building Code (IBC); International Residential Code (IRC); Manual of Uniform Traffic Control Devices (MUTCD); American Association of State Highway and Transportation Officials (AASHTO) standards; and Eagle Mountain City Construction Specifications and Standards. When these codes along with state or federal laws impose additional requirements on activities governed by this title, the most restrictive shall apply. [Ord. O-23-2005 § 3 (Exh. 1(2) § 1.13)].

**16.05.140 Conflict with private agreements.**

This title does not nullify easements, covenants, deed restrictions, and similar private agreements, but where any such private agreement imposes standards that are less restrictive than those adopted here, the provisions of this title shall apply. [Ord. O-23-2005 § 3 (Exh. 1(2) § 1.14)].

**16.05.150 Burden of proof.**

The burden of demonstrating compliance with this title rests with the developer or property owner. [Ord. O-23-2005 § 3 (Exh. 1(2) § 1.15)].

**16.05.160 Severability.**

If any provision of this title is held to be invalid by a court, the remainder shall continue to be in effect. [Ord. O-23-2005 § 3 (Exh. 1(2) § 1.16)].

**16.05.170 Exactions.**

In the carrying out of this title and EMMC Title [17](#), the land use authority may impose an exaction on a proposed development if there is an essential link that exists between a legitimate governmental interest and each exaction; and each exaction is roughly proportionate, both in nature and extent, to the impact of the proposed development. [Ord. O-23-2005 § 3 (Exh. 1(2) § 1.17)].

**16.05.180 Public meetings.**

All public meetings shall comply with the requirements of this section. Any challenge regarding notice of a public meeting shall occur within 30 days of the meeting or action, otherwise notice is considered to have been adequate and proper.

A. Post the agendas in three public places and submit a copy to the newspaper 24 hours in advance of the public meeting.

B. Notify all applicants on the agenda of the date, time, and place of the meeting. [Ord. O-23-2005 § 3 (Exh. 1(2) § 1.18)].

**16.05.190 Public hearings.**

All public hearings shall comply with the notice requirements contained Table 16.05.220(a), Public

Notice, and contained in the individual chapters of this title and EMMC Title 17. Any challenge regarding notice of the public hearing shall occur within 30 days of the meeting or action, otherwise notice is considered to have been adequate and proper. [Ord. O-23-2005 § 3 (Exh. 1(2) § 1.19)].

**16.05.200 Land use authority.**

Table 16.05.220(b), Land Use Authority, summarizes the person, board, commission, agency, or other body designated by the city council to act upon an application or land use application. Individual chapters of this title and EMMC Title 17 contain the specific process for the approval. In those cases where the planning commission has been identified as the land use authority, the city council reserves the right to become the land use authority by requesting that the item be scheduled for review and action by the council within 15 calendar days of the planning commission’s action. In cases where the city council exercises this option, then the planning commission is not the land use authority unless the city council remands the application back to the planning commission. In taking final action, the council may approve, approve with conditions, disapprove based upon findings of fact, table the application for further study and review or remand the application with changes back to the planning commission. [Ord. O-23-2005 § 3 (Exh. 1(2) § 1.20)].

**16.05.210 Appeal authority.**

Aggrieved applicants may appeal the decision of the land use authority to the appeal authority within the specified time. Table 16.05.220(c), Appeal Authority, identifies the appeal authority and time to appeal for the various applications. Appeals shall be filed by a written statement submitted to the city recorder detailing the grounds upon which the aggrieved applicant is appealing the land use authority’s decision. Upon receipt of such an appeal it shall be placed on the next available appeal authority’s agenda for which the item may be reasonably scheduled. The appeal authority shall review the decision of the land use authority and their findings of facts to determine if the land use ordinances were correctly applied to the application or decision. During this review the appeal authority shall determine if the original decision was valid or invalid. If it is determined that the decision is invalid then the appeal authority may eliminate the offending condition of approval or remand the application with their findings back to the land use authority for further action. The following provisions apply generally to appeals to development approvals and decisions:

- A. The appellant may only allege the land use authority erred in administering or applying the ordinance.
- B. The appellant has burden of proof.
- C. All theories whereby an appellant would appeal are raised to the appeal authority before appealing to district court.
- D. Legislative decisions shall be valid if reasonably debatable and not illegal.
- E. Administrative or quasi-judicial decisions shall be valid if supported by substantial evidence and not illegal. [Ord. O-23-2005 § 3 (Exh. 1(2) § 1.21)].

**16.05.220 Tables.**

**Table 16.05.220(a) Public Notice**

	<b>P.C. Hearing</b>	<b>C.C. Hearing</b>	<b>Notice Type</b>	<b>Notice Period</b>	<b>Affected Entities*</b>
<b>MASTER DEVELOPMENT PLANS</b>					
<b>Master Development Plan</b>	Yes	Yes	Published in paper – Direct mailed notice to property owners within 600 feet including at least 25 property owners and to affected entities – Post notice in three public	10 Days	Perhaps – Check definition of “affected entity”

			places		
<b>Master Development Plan Amendments</b>	Yes	Yes	Published in paper – Direct mailed notice to property owners within 600 feet including at least 25 property owners and to affected entities – Post notice in three public places	10 Days	Perhaps – Check definition of “affected entity”
<b>CONCEPT PLANS</b>					
<b>Concept Plans</b>	No	No	N/A	N/A	N/A
<b>PRELIMINARY PLATS</b>					
<b>Preliminary Plat</b>	Yes	No	Direct mailed notice to property owners within 600 feet including at least 25 property owners and to affected entities – Post notice in three public places	10 Days	N/A
<b>Preliminary Plat Major Amendment</b>	Yes	No	Direct mailed notice to property owners within 600 feet including at least 25 property owners and to affected entities – Post notice in three public places	10 Days	N/A
<b>Preliminary Plat Minor Amendment</b>	N/A	N/A	N/A	N/A	N/A
<b>FINAL PLATS</b>					
<b>Final Plats &amp; Final Plat Amendments</b>	N/A	N/A	N/A	N/A	N/A
<b>LOT SPLITS</b>					
<b>Lot Split – Planning Director</b>	N/A	N/A	Direct mailed notice to property owners within 300 feet including at least 15 property owners – Post notice in three public places	10 Days	N/A
<b>LOT LINE ADJUSTMENTS</b>					
<b>Lot Line Adjustments</b>	N/A	N/A	N/A	N/A	N/A
<b>RECORDED PLAT AMENDMENTS</b>					
<b>Recorded Plat</b>	No	Yes	Direct mailed notice to property owners within 600 feet including at least 25 property owners and to affected entities – Post notice in three public places	10 Days	Perhaps – Check definition of “affected entity”
<b>Recorded Plat – Vacating Street</b>	Yes	Yes	Published in newspaper one week for four consecutive weeks and posted in three public places – Direct mailed notice to property owners and affected entities	28 Days	Perhaps – Check definition of “affected entity”

BUILDING PERMITS					
Building Permit	N/A	N/A	N/A	N/A	N/A

NOTES: Posting the agenda for a public meeting on the website (<http://emcity.org>) counts as a public place, as does the state’s public notice website.

\* “Affected entities” may include but are not limited to: Camp Williams (Utah National Guard), Utah Department of Transportation, Utah County, Mountainland Association of Governments, Alpine School District, Timpanogos Special Service District, Saratoga Springs, Fairfield, and Cedar Fort.

**Table 16.05.220(b) Land Use Authority**

	Land Use Authority	
	Advisory Body	Land Use Authority
<b>MASTER DEVELOPMENT PLANS</b>		
Master Development Plan	Planning Commission	City Council
<b>CONCEPT PLANS</b>		
Concept Plan	None	Planning Commission
<b>PRELIMINARY PLATS</b>		
Preliminary Plat	Planning Commission	City Council
Preliminary Plat Major Amendment	Planning Commission	City Council
Preliminary Plat Minor Amendment	None	Development Review Committee
<b>FINAL PLATS</b>		
Final Plat & Final Plat Amendments	None	Development Review Committee
<b>LOT SPLITS</b>		
Lot Split	None	Planning Director
<b>LOT LINE ADJUSTMENTS</b>		
Lot Line Adjustment	None	Planning Director
<b>RECORDED PLAT AMENDMENTS</b>		
Recorded Plat Amendment	Planning Commission	City Council
Recorded Plat Amendment – Vacating Street	Planning Commission	City Council
<b>BUILDING PERMITS</b>		
Building Permit	None	Building Official

\* A major amendment includes an increase in lots or units, a decrease in improved open space, or a significant change to a road or lot configuration.

**Table 16.05.220(c) Appeal Authority**

	Land Use Authority	1st Appeal		2nd Appeal		3rd Appeal	
		Days to Appeal	Body	Days to Appeal	Body	Days to Appeal	Body
<b>MASTER DEVELOPMENT PLANS</b>							
Master Development Plan	City Council	30	District Court	N/A	None	N/A	None

<b>Master Development Plan Amendments</b>	City Council	30	District Court	N/A	None	N/A	None
<b>CONCEPT PLANS</b>							
<b>Concept Plan</b>	N/A	N/A	N/A	N/A	N/A	N/A	N/A
<b>PRELIMINARY PLATS</b>							
<b>Preliminary Plat</b>	City Council	30	District Court	N/A	None	N/A	None
<b>Preliminary Plat Major Amendment</b>	City Council	30	District Court	N/A	None	N/A	None
<b>Preliminary Plat Minor Amendment</b>	Development Review Committee	10	Planning Commission	10	City Council	30	District Court
<b>FINAL PLATS</b>							
<b>Final Plat &amp; Plat Amendments</b>	Development Review Committee	10	Planning Commission	10	City Council	30	District Court
<b>LOT SPLITS</b>							
<b>Lot Split</b>	Planning Director	10	Planning Commission	10	City Council	30	District Court
<b>LOT LINE ADJUSTMENTS</b>							
<b>Lot Line Adjustment</b>	Planning Director	10	Planning Commission	10	City Council	30	District Court
<b>APPROVED PLAT AMENDMENTS</b>							
<b>Recorded Plat</b>	City Council	30	District Court	N/A	None	N/A	None
<b>Recorded Plat – Vacating Street</b>	City Council	30	District Court	N/A	None	N/A	None
<b>BUILDING PERMITS</b>							
<b>Building Permit</b>	Building Official	30	District Court	N/A	None	N/A	None
<b>ADMINISTRATIVE DECISIONS</b>							
<b>Administrative Decisions*</b>	Planning Director	10	Planning Commission	10	City Council	30	District Court

\*Administrative decisions include but are not limited to: interpretations of this title, etc.

[Ord. O-07-2014 (Exh. A); Ord. O-23-2005 § 3 (Exh. 1(2) Tables 1.1 – 1.3)].

<sup>1</sup> Code reviser's note: Section [16.05.100\(D\)](#) has been amended pursuant to the intent of the city to remove provisions conflicting with the amendments of Ordinance O-04-2015.

**Chapter 16.10**  
**MASTER DEVELOPMENT PLANS**

Sections:

[16.10.010 What this chapter does.](#)

[16.10.020 Purpose.](#)

[16.10.030 Master development plans required.](#)

[16.10.040 General considerations.](#)

[16.10.050 Application.](#)

[16.10.060 Approval process.](#)

[16.10.070 Criteria for review of master development plans.](#)

[16.10.080 Expirations and extensions of approvals.](#)

**16.10.010 What this chapter does.**

This chapter establishes the requirements and review and approval processes for master development plans, master development plan agreements and required information to be submitted. [Ord. O-16-2010 § 2 (Exh. A); Ord. O-23-2005 § 3 (Exh. 1(2) § 2.1)].

**16.10.020 Purpose.**

Development of large tracts of land requires careful, detailed, and well-informed coordinated land use planning and additional planning, design and funding by or on behalf of the city for roads, water, sewer, dry utility infrastructure, parks and other kinds of public facilities and services to serve the public interest. It also involves major investments in land and infrastructure, which often take place before it is feasible for a developer to file an application specific enough to obtain development approval for a subdivision, site plan, building permit, etc. There are essentially three components that comprise the master development plan process: a land use plan, a utility plan, and an economic analysis. Dependent upon the location of existing utilities and project size, the master development plan process may require all three plans to be reviewed and approved simultaneously.

A. Land Use Plan – Zoning Districts. Approval of a land use and zoning plan for a specified geographic area that is being proposed for development;

B. Utility Plan – Required Infrastructure. All off-site utilities and other public infrastructure that will be required to be installed in order to service the proposed development, including an estimated demand on all city utility systems;

C. Economic Analysis – Funding Mechanisms. Funding mechanisms to provide for all off-site utilities and other public infrastructure. [Ord. O-16-2010 § 2 (Exh. A); Ord. O-23-2005 § 3 (Exh. 1(2) § 2.2)].

**16.10.030 Master development plans required.**

A. Parcel in Excess of 160 Acres. A master development plan containing a land use plan, utility plan, and economic analysis shall be required of any development that is in excess of 160 acres in size or which has a gross density of 5.21 dwelling units per acre or higher. Property that is proposed for development and contiguous to other parcels that are all held in common ownership shall be considered the same property for the purpose of this requirement. In such cases where multiple property owners of contiguous land propose development together, such parcels shall be considered the same property for the purpose of this requirement. Property shall not be divided in order to circumvent the size requirements with respect to the submittal of master development plans.

B. Annexations. A master development plan shall be required for property that is in excess of 160 acres and is pending annexation into the corporate boundaries of the city for the purposes of immediate development. Land that is in excess of 160 acres may be annexed into the city and shall

be zoned as agricultural and a master development plan required upon the development of the property.

C. City Council Discretion. Notwithstanding the requirement for a master development plan for parcels in excess of 160 acres, the city council may require, at its discretion, a master development plan for any development within the city. In certain cases, the planning commission may recommend that the city council waive the land use plan, utility plan, or economic analysis of the master development plan process depending upon the size of the parcel and location of the property to existing utilities. [Ord. O-16-2010 § 2 (Exh. A); Ord. O-23-2005 § 3 (Exh. 1(2) § 2.3)].

**16.10.040 General considerations.**

The following general considerations apply to all proposed master development plans:

A. Densities and Zoning Districts. In granting approval of a master development plan, the city allows a developer or owner to vest the right to a specified use, or range of uses, and density, or range of densities, within a specified area. A master development plan proposal is a zoning change request and must contain specific proposed zoning districts and site use designations authorized by EMMC Title [17](#) for each proposed major phase of the proposed master development plan and all land within the plan area.

B. Zoning Map and General Plan Amendments. An application for approval of a master development plan shall be processed as an application for a zoning map amendment and general plan future land use plan and transportation corridor map amendment if necessary.

C. Licensed Professionals. Every master development plan, including all phases of future development, shall have professionally licensed engineers, landscape architects, and other design professionals directly involved in the project that shall be available during presentations to the planning commission and the city council. Review of applications for the approval of master development plans shall be guided by the criteria established in this title.

D. Development Approvals. Approval of a master development plan does not constitute approval to proceed with development. A developer is required to obtain subdivision and development approvals required by this title and other city ordinances. Separate permits or approvals are required to grade property, excavate, install utilities, subdivide or otherwise improve property as dictated by state statutes and the city's ordinances.

E. Development Agreement. Creation of a development agreement that identifies land uses, zoning, residential densities, nonresidential land uses, public and private funding obligations, construction of public and private amenities, impact fees or other development credits, bonus density systems and phasing of the development shall be executed upon approval of the master development plan. [Ord. O-16-2010 § 2 (Exh. A); Ord. O-23-2005 § 3 (Exh. 1(2) § 2.4)].

**16.10.050 Application.**

Property owners or their duly authorized agent shall make application for a master development plan on forms prepared by the planning director. No master development plan application shall be processed without the submission of the application, all the supporting materials required by this chapter, and the processing fee. Incomplete applications shall not be processed under any circumstance.

A. Supporting Materials. All master development plan applications shall contain, at a minimum, the following information. The number of hard copies and electronic copies, as well as the appropriate format of each, will be determined by the planning director.

1. Legal Description. A legal description of the property.
2. Vicinity Map. A vicinity map showing the approximate location of the subject parcel with relation to the other major areas of the city.
3. Traffic Plan. A plan showing the major street layout with detailed traffic study prepared by a traffic engineer.

4. Public Notice. Addressed and stamped envelopes (the city's address will be the return addresses on the envelopes) of all property owners located within 600 feet of the proposed master development plan area (including a minimum of at least 25 adjacent property owners).

5. Fee. The processing fee required by the current consolidated fee schedule approved by the city council.

B. Land Use Plan. Master development plans that are required to submit a land use plan shall submit the following in addition to the items identified in subsection A of this section:

1. Existing Conditions. A map showing the existing physical characteristics of the site including waterways, geological information, fault lines, general soil data, and contour data at two-foot intervals.

2. Compatibility Statements. A statement explaining how the proposed development is compatible with surrounding land uses and other areas of the city and how internal compatibility will be maintained.

3. Environmental Impact Report. Five environmental impact reports and an electronic copy in an acceptable format detailing potential impacts of the proposal on existing vegetation and wildlife, watercourses, sources of water, waste generation, noise, etc. Sensitive lands, historical sites, and endangered plants should be identified. The planning director shall establish a format for this submission and identify those areas requiring specific attention.

4. Land Use Map. A map together with a general description of the proposed development indicating the general development pattern, land uses, proposed densities, open spaces, parks and recreation, trails and any other important elements of the project.

5. Zoning Districts. A compatibility statement that demonstrates compliance with the zoning district that exists on the subject property or the zoning district that is being proposed for the subject property.

6. Parks and Open Space Trail Plan. A plan showing the maps indicating how the proposed master plan will comply with the city's open space, parks, trails and recreation regulations.

C. Utility Plans. Master development plans that require a utility plan shall submit the following items in addition to those identified in subsection A of this section:

1. Grading, Drainage, and Erosion Plan. A grading, drainage and erosion plan showing the existing roadways, drainage ways, vegetation and hydrological conditions of a 10-year, 24-hour event and a 100-year, 24-hour event.

a. The major basin descriptions referencing all major drainage reports such as FEMA, major drainage planning reports, or flood insurance maps and the basin characteristics and planned land uses.

b. The subbasin description showing the historical drainage pattern and off-site drainage patterns both upstream and downstream of the property.

c. A general discussion of how the proposed system conforms to existing drainage patterns and off-site upstream drainage will be collected to protect development.

d. The water quality evaluation showing the water quality shall not be degraded from existing storm water quality including how solids are collected and not allowed to be discharged into downstream waters and how oils and greases are separated from storm water.

2. Infrastructure Map. A map showing the existing and proposed infrastructure including proposed roadways, utility locations and capacities and the estimated impacts of the proposed master development plan on all public utilities including potable water, irrigation water,

wastewater, transportation, fire protection, solid waste, parks and recreation demands of the proposed project.

D. Economic Analysis. Master development plans that require an economic analysis shall submit the following items in addition to those identified in subsection A of this section:

1. Financing Infrastructure. A financing infrastructure report describing in reasonable planning-level detail the cost of all infrastructures required to serve the area of the proposed plan. Engineering estimates of construction costs, based upon recent expenses incurred for similar facilities in the area, may be used. The financial element may suggest the use of special improvement districts with privately funded reserve funds or the use of other financial methods requiring the cooperation of the city or the use of public finance authorization legally and practically available to the city. The plan shall include the use of property collateral of the development proponent to assure the city that the proposal will not unduly burden the city, adjoining landowners who will not voluntarily participate in the project or other property owners in the city. The plan must show that the required infrastructure can be constructed by the developer or jointly by the city and the developer using the funding provided by the developer sponsored by publicly authorized financial methods proposed in the plan. [Ord. O-16-2010 § 2 (Exh. A); Ord. O-23-2005 § 3 (Exh. 1(2) § 2.5)].

**16.10.060 Approval process.**

Upon the completion of a concept plan, the developer shall file a properly completed master development plan application. The master development plan application shall not be construed as an absolute right upon submission of an application and does not require the approval body to take action based upon findings of facts. The planning commission and city council shall review and take action on proposed master development plans in accordance with the following procedure:

A. Planning Commission Review. Upon receipt of a complete master development plan application, the planning director shall schedule the application for a public hearing before the planning commission. The planning director shall cause all property owners within 600 feet of the boundaries of the proposed master development plan area (including a minimum of at least 25 adjacent property owners and affected entities if there be any) to be notified by first class mail of the time and place of the public hearing at least 10 days prior to the planning commission meeting. A copy of the public notice of the hearing shall also be posted in three public places (including the city offices) within the city at least 10 days prior to the hearing. The city recorder shall cause that this hearing is advertised in accordance with the requirements of any applicable state statutes.

B. City Council Review. The city council, after receiving a recommendation from the planning commission, shall also conduct a public hearing. The notice requirements for this hearing are identical to the planning commission hearing.

C. Development Agreement. Prior to taking final action on a proposed master development plan, the city council shall also approve a master development plan agreement negotiated with the developer. This agreement shall set forth the vesting granted to the property, phasing of the development, expiration date of the agreement, timing of construction of public improvements, maintenance of improvements, and any other special conditions relating to lot design, performance standards, necessary off-site conditions or improvements, shared open space, parks, location of utilities, physical characteristics of the subject property and any other conditions or methodologies that need to be identified within the development agreement. [Ord. O-16-2010 § 2 (Exh. A); Ord. O-23-2005 § 3 (Exh. 1(2) § 2.6)].

**16.10.070 Criteria for review of master development plans.**

Master development plans shall be evaluated using the following criteria. The planning commission and city council will determine compliance with these criteria:

A. General Criteria.

1. Slope. Is the slope of each area designated for a particular use or density suitable for that use or density?

2. Natural Hazards. Can the proposed uses reasonably be established without hazard of slope failure (rockfall, landslides, debris flows, and similar earth movements)?

3. Storm Water Runoff. Given proper planning (as will be required at the time of an application for a major development permit), can the proposed uses and densities reasonably be established without accelerating runoff and erosion in a way that would have adverse downslope or downstream impacts?

4. Protection of Natural Channels. Will the proposed uses and densities be reasonably compatible with the protection of natural channels?

5. Flooding. Will the proposed uses be reasonably safe from flooding, including alluvial fan flooding?

6. Soil Characteristics. Is the soil in each area designated for a particular use or density generally suitable for that use or density? Soil characteristics that shall be considered in answering this question include depth to rock, depth to water table, texture, permeability, expansiveness, corrosivity, and runoff potential. The suitability tables found in the Soil Survey of the Fairfield-Nephi Area, Utah, parts of Juab, Sanpete, and Utah Counties issued by the USDA Soil Conservation Service may be used in answering this question.

B. Criteria Related to Infrastructure.

1. Utilities. Can the proposed uses and densities be adequately served by Eagle Mountain's planned municipal utilities?

2. Streets. Can the proposed uses and densities be adequately served by Eagle Mountain's planned network of major streets?

3. Water Rights. Is there legally enforceable documentation to the satisfaction of the city attorney that substantiates the ability of the developer to convey water rights to the city based on the number of dwellings and commercial uses in the project and the area developed, including both building lots and common usable open space?

C. Criteria Related to Compatibility.

1. Compatible Densities – Adjacent Parcels. Will the proposed uses and densities be reasonably compatible with existing or planned uses on adjoining lands? Is the proposed plan consistent with the Eagle Mountain City future land use plan map? The answer to this question may be based on the assumption that the proposed uses and densities will comply with this title and EMMC Title [17](#), including the performance standards designed to help ensure land compatibility.

2. Compatible Densities – Internal Parcels. Will the proposed uses and densities be reasonably compatible with each other? The answer to this question shall be based on the assumption that the proposed uses and densities will comply with this title and EMMC Title [17](#), including the performance standards designed to help ensure land compatibility.

3. Buffering Incompatible Uses. Does the placement of proposed uses and densities help buffer potentially incompatible uses from one another?

D. Criteria Related to Design.

1. Open Space. Do the proposed densities include the planned community open space required by this title? Does the proposed pattern of uses and densities attempt to make effective use of the planned community open space?

2. Neighborhood Open Space. Are the proposed uses and densities consistent with the provisions of ample neighborhood open space? [Ord. O-16-2010 § 2 (Exh. A); Ord. O-23-2005 § 3 (Exh. 1(2) § 2.7)].

**16.10.080 Expirations and extensions of approvals.**

Master development plan approvals shall expire two years from the date of approval by the city council if a master development agreement has not yet been approved.

A. Extensions of Time. An extension of time may be requested by an applicant with the following requirements:

1. A written, signed request for an extension of time shall be received by the planning director prior to the expiration date of the project.
2. The request for an extension of time shall specify any progress made on the project's conditions of approval, and the reasons for the extension request, along with supporting documentation.

B. Criteria for Approving Extensions of Time. It is the responsibility of the applicant to request an extension of time prior to a project's expiration. The city is not responsible to remind applicants of expiration dates. The planning director shall approve or deny a request for an extension of time within a reasonable period of time after receiving the request. The planning director may grant up to a single one-year extension of time to any project that meets one of the following criteria:

1. The applicant must have shown a good faith effort to initiate the project by systematically completing predevelopment conditions.
2. The applicant's initiation of development activities is based on an action by the city or other public agency which has not taken place or was delayed, resulting in a time delay beyond the permit holder's control.

C. Appeals. An applicant may appeal the planning director's decision to the planning commission within 15 days of the date of the decision. The applicant may then appeal a decision of the planning commission to the city council within 15 days of the planning commission's decision. In no case shall the planning commission or city council approve more than a single one-year extension of time.

D. Resubmitting an Expired Project. A project that has expired may be resubmitted within two years of the expiration date for a fee to cover time and materials, not to exceed 50 percent of the original fee, if the project is substantially similar to the expired plan. The resubmitted project must be in compliance with the current development code at the time of resubmittal. [Ord. O-16-2010 § 2 (Exh. A)].

**Chapter 16.15**  
**CONCEPT PLANS**

Sections:

[16.15.010 What this chapter does.](#)

[16.15.020 Purpose.](#)

[16.15.030 No vesting with concept plan review.](#)

[16.15.040 Application.](#)

[16.15.050 Review of concept plans.](#)

**16.15.010 What this chapter does.**

This chapter establishes the concept plan review process, submittal requirements, and duties of the planning director and planning commission regarding the review and processing of concept plans. [Ord. O-23-2005 § 3 (Exh. 1(2) § 3.1)].

**16.15.020 Purpose.**

The concept plan review is an optional process (except when making application for a master development plan) that is offered as a means for applicants, developers or property owners to receive input from the planning director and planning commission on a proposed development prior to incurring the costs associated with further stages of the approval process. A concept plan is a required process prior to making application for a master development plan. [Ord. O-23-2005 § 3 (Exh. 1(2) § 3.2)].

**16.15.030 No vesting with concept plan review.**

The concept plan review does not create any vested rights to proceed with development in any particular configuration and developers may anticipate that the planning director and planning commission will raise other issues not addressed at the concept plan stage. [Ord. O-23-2005 § 3 (Exh. 1(2) § 3.3)].

**16.15.040 Application.**

Property owners or their duly authorized agents shall make application for a concept plan on forms prepared by the planning director. No concept plan application shall be processed without the submission of the application, all the supporting materials as required by this chapter, and the processing fee. Incomplete applications shall not be processed under any circumstances.

A. Supporting Materials. The following materials must be submitted with any application for a concept plan. The number of hard copies and electronic copies, as well as the appropriate format of each, will be determined by the planning director.

1. Concept Plan. The proposed concept plan, drawn to a scale of not more than one inch equals 100 feet, showing the following:
  - a. Property boundary with dimensions.
  - b. Ownership of all adjacent tracts of land.
  - c. Locations and widths of existing and proposed streets.
  - d. Configuration of proposed lots with minimum and average lot sizes.
  - e. Approximate locations, dimensions, and area of all parcels of land proposed to be set aside for park or playground use or other public use.
  - f. Those portions of property designated as floodplain and slopes in excess of 25 percent.
  - g. Total acreage of the entire tract proposed for subdivision.
  - h. General topography.

i. North arrow, scale, and date of drawing.

B. Fee. The processing fee required by the current consolidated fee schedule approved by the city council. [Ord. O-23-2005 § 3 (Exh. 1(2) § 3.4)].

**16.15.050 Review of concept plans.**

The concept plan review shall include an informal conference with the developer and the city's assigned staff, as well as an informal review of the plan by the planning commission. The developer shall receive comments from the assigned staff and other participants to guide the developer in the preparation of subsequent development applications. The planning commission shall not take any action on the concept plan review. Further, the commission's comments shall not be binding, but shall only be used for information in the preparation of future development applications. [Ord. O-23-2005 § 3 (Exh. 1(2) § 3.5)].

**Chapter 16.20**  
**PRELIMINARY PLATS**

Sections:

[16.20.010 What this chapter does.](#)

[16.20.020 Purpose.](#)

[16.20.030 Preliminary plat approval required.](#)

[16.20.040 Application.](#)

[16.20.050 Approval process.](#)

[16.20.060 Expirations and extensions of approvals.](#)

**16.20.010 What this chapter does.**

This chapter establishes the preliminary plat review and approval process, submittal requirements, and duties of the planning director, planning commission and city council regarding the review and processing of preliminary plats. [Ord. O-07-2014 (Exh. A); Ord. O-16-2010 § 2 (Exh. A); Ord. O-23-2005 § 3 (Exh. 1(2) § 4.1)].

**16.20.020 Purpose.**

The purpose of the preliminary plat application is to: review the specific layout of the lots created by the subdivision; ensure proper coordination of public and private street systems and circulation; review demand and availability of public utilities; review park and recreation sites; and review project densities. [Ord. O-07-2014 (Exh. A); Ord. O-16-2010 § 2 (Exh. A); Ord. O-23-2005 § 3 (Exh. 1(2) § 4.2)].

**16.20.030 Preliminary plat approval required.**

All proposed subdivision plats must receive preliminary plat approval by the planning commission and city council prior to action on the final plat application. The approved preliminary plat vests the applicant with density for the subdivision, street configuration, and lot layouts. [Ord. O-07-2014 (Exh. A); Ord. O-16-2010 § 2 (Exh. A); Ord. O-23-2005 § 3 (Exh. 1(2) § 4.3)].

**16.20.040 Application.**

Only property owners or their duly authorized agents shall make application for a preliminary plat. All applications shall be filed on forms prepared by the planning director. No preliminary plat application shall be processed without the submission of the completed application and all supporting materials as required by this chapter, including the processing fee. Incomplete applications shall not be processed under any circumstance.

A. Supporting Materials. The preliminary plat application shall be submitted with the materials listed below. However, the planning commission or city council may require additional supporting materials, if necessary, to demonstrate that the proposed development complies with this title and EMMC Title 17. The number of hard copies and electronic copies, as well as the appropriate format of each, will be determined by the planning director.

1. Preliminary Plat. A preliminary plat drawing will be required which shows accurate alignments, boundaries and monuments as certified by a land surveyor registered in Utah. Preliminary plats shall be prepared at a scale no smaller than one inch equals 100 feet. Plats of large areas may be prepared on multiple, serially numbered sheets with match lines and an index map. The vicinity and index maps shall appear on the first of the serially numbered sheets. The following data shall be included on the preliminary plat:

- a. A title block showing the name of the proposed development and its location by lot, block, and subdivision, or quarter-quarter section, section, township, range, principal meridian, county, and state;
- b. The name and address of a registered engineer licensed in the state of Utah who prepared the plat, together with a professional registration number;

- c. A north point and scale, including both graphic and written scales;
- d. The exterior boundaries of the proposed development;
- e. The location, nature, and boundaries of existing public streets and public or private easements in or adjacent to the proposed development, and county book and page number references to the instruments establishing the easements;
- f. A vicinity map that locates the proposed development within the city and its subdivision or section showing major streets, landmarks, and boundaries and recorded names of adjacent or nearby subdivisions;
- g. Existing contours at two-foot intervals. Elevations will be based on National Geodetic Survey area level data;
- h. The layout of streets, their proposed names and grades. Plats should not contain lots fronting onto arterial or collector streets. Proposed streets must provide connectivity to adjacent properties under other ownership if within 200 feet;
- i. The location, exterior dimensions to the nearest foot, and number of proposed lots and blocks, or other parcels to be created by the proposed development;
- j. The acreage of each proposed lot or parcel, and a table showing the total number of lots, total acreage of the area proposed for development, the total buildable acreage (excluding slopes greater than 25 percent, major utility corridors, and natural washes), the total acreage in lots, the average lot size, the total acreage in streets, and the total acreage of neighborhood parks, neighborhood squares, and other parcels proposed for dedication to public use or to be held in common by the owners;

PLAT CALCULATIONS	
TOTAL ACREAGE:	42.56 ACRES
BUILDABLE ACREAGE:	40.72 ACRES
TOTAL ACREAGE IN LOTS:	16.19 ACRES
TOTAL OPEN SPACE:	18.07 ACRES
TOTAL IMPROVED OPEN SPACE:	3.56 ACRES
AVERAGE LOT SIZE:	8,388 SF/0.19 ACRES
LARGEST LOT SIZE:	16,941 SF/0.39 ACRES
SMALLEST LOT SIZE:	6,592 SF/0.15 ACRES
OVERALL DENSITY:	1.97 LOTS/ACRE
TOTAL # OF LOTS:	84 LOTS

- k. The location of irrigation structures and watercourses within or adjacent to the proposed development;
- l. The location and exterior dimensions of existing and proposed buildings;
- m. The location on each lot of the buildable area when the natural grade is in excess of 25 percent;
- n. Sites, if any, to be reserved, dedicated for parks, playgrounds, schools, churches, public or natural open space or other public purposes, together with proposed ownership of such sites;
- o. Sites intended for conditional uses within the underlying zone, such as commercial sites or other business establishments.

B. Landscaping and Parks Plan. A landscaping plan, prepared and stamped by a licensed landscape architect, indicating the location, spacing, types and sizes of landscaping elements, existing trees, if any, and showing compliance with the landscaping or buffering requirements of the appropriate zoning district. The plan must include the proposed park equipment/amenities and a breakdown of how the plan meets the point values required for the subdivision. The landscaping plan shall include, at a minimum, the following information:

1. The location and dimension of all existing and proposed structures (when feasible), property lines, easements, parking lots, power lines, rights-of-way, ground signs, refuse areas, and lighting.
2. The plant names (both botanical and common name), location, quantity, and size of all existing and proposed plants.
3. The existing landscaping 20 feet beyond the property lines.
4. Existing and proposed grading of the site indicating contours at two-foot intervals.
5. Proposed and existing fences and identification of the fencing materials, color, and design.
6. A summarization of the total percentage of landscaped areas, domestic turf grasses, and drought-tolerant plant species.
7. The proposed park equipment/amenities, a table showing how the plan meets the point values required for the subdivision in accordance with Table 16.35.130(c), and pictures (including make and model) of any structures (playgrounds, pavilions, benches, etc.).

Example Proposed Park Improvements	
Required Points: 120	
Feature/Improvement	Points
Pavilion (900 sq ft) w/ tables, garbage receptacles, barbeques	20
Sports court (6,600 sq ft)	40
Playground Equipment	20
Trees (35)	21
Trails (550 linear feet)	22
<b>Total</b>	<b>123</b>

- C. Ownership Affidavit. An affidavit (certificate of clear title) that the applicant is the owner, the equitable owner, or authorized by the owner in writing to make application for the proposed development.
- D. Water Rights. Water rights documentation showing availability of water rights sufficient to serve the development, or acknowledgement in the form of a signed letter that the developer intends and commits to purchase water from the city.
- E. Utility Plan. A map showing all the proposed locations of utilities including water, sewer, and storm drainage. The gas, electrical and telecommunication lines are not a required element of the preliminary utility plans; however, off-site capacity of these systems shall be provided. The location and size of existing and proposed utility lines and facilities in or adjacent to the proposed development shall also be shown.
- F. Grading, Drainage, and Erosion Plan. A grading, drainage, and erosion plan shall be submitted. The report shall contain the drainage basin map and a plan view of the overall storm water system. The grading, drainage, and erosion plan shall address the following issues: description of features and hydrological conditions; drainage basin and subbasin; drainage facility design criteria; infrastructure design criteria; grading plan; and erosion control. Specifically, the report shall contain at a minimum the following information:
1. The existing roadways, drainage ways, vegetation and hydrological conditions of a 10-year, 24-hour event and a 100-year, 24-hour event.
  2. The major basin descriptions referencing all major drainage reports such as FEMA, major drainage planning reports, or flood insurance maps and the basin characteristics and planned land uses.
  3. The subbasin description showing the historical drainage pattern and off-site drainage patterns both upstream and downstream of the property.
  4. A general discussion of how the proposed system conforms to existing drainage patterns

and off-site upstream drainage will be collected to protect development.

5. Grading plan showing: soil map depicting unique soil features such as collapsible soil, rock features, etc.; a grading plan showing all cut and fill areas within development including the identification of slopes, fill and cut depths, and rock features within 10 feet of post grade soil surface.

G. Easements. The proposed grants of easements to be imposed on any land within the development.

H. Traffic Plan. A traffic report prepared by a licensed traffic engineer showing anticipated trip generation and the level of service provided to SR 73 or other arterial and collector roads.

I. Sign Plan. A signage plan (if signage is being proposed for the project) shall be submitted. The signage plan shall include a site plan drawn to scale showing the proposed location of on-premises and off-premises directional signage and color graphics showing the proposed sign copy, type of sign, and dimensions of signs. Permission from property owners to locate any off-site signs on their property shall be submitted.

J. Public Notice. Addressed and stamped envelopes (the city's address will be the return addresses on the envelopes) of property owners located within 600 feet of the proposed preliminary plat area (including a minimum of at least 25 adjacent property owners).

K. Fee. The processing fee required by the current consolidated fee schedule approved by the city council. [Ord. O-07-2014 (Exh. A); Ord. O-13-2012 § 2 (Exh. A); Ord. O-16-2010 § 2 (Exh. A); Ord. O-23-2005 § 3 (Exh. 1(2) § 4.4)].

**16.20.050 Approval process.**

Upon completion of the master development plan or rezoning of property, the developer shall file a completed preliminary plat application, which includes a proposed preliminary plat, all required supporting materials and the required application fee at least 28 calendar days before the planning commission meeting at which a hearing on the application is requested.

A. Complete Application. The planning director shall determine whether the application is complete within seven calendar days after its filing. The planning director shall notify the developer of additional materials that are required within one week of the submittal date.

B. Development Review Committee (DRC) Review. The application shall be scheduled for the next available development review committee (DRC) meeting, and the submitted materials provided to city staff, consultants, or agencies for their review. Once the DRC recommends that the project is ready for the planning commission's review, the planning director shall schedule the project for the next available meeting. The DRC includes the department head or assigned representative from each of the following departments or groups: attorney, building, energy, engineering, fire, parks, planning, public works.

C. Staff Report. The planning director shall prepare, or contract with appropriate professionals for the preparation of, a written report that explains how, in the professional opinion of the planning director or the contractors, the proposed development complies, or fails to comply, with state statutes, this title or other city ordinances. Upon completion, but not less than four working days before the scheduled hearing, a draft report shall be transmitted to the developer and to the planning commission. These reports will also be placed on file for public review with the application materials. In the event that the city contracts with professionals for assistance, the costs of report preparation shall be added to the application fee required for preliminary plats.

D. Public Hearing. The planning director shall cause all property owners within 600 feet of the boundaries of the proposed application area (including a minimum of at least 25 adjacent property owners and affected entities, if there be any) to be notified by first class mail of the time and place of the public hearing at least 10 days prior to the planning commission meeting. A copy of the public notice of the hearing shall also be posted in three public places (including the city offices) within the

city at least 10 days prior to the hearing.

E. Planning Commission Approval. If the proposed development complies with all applicable development requirements and utility standards for the site, is in the public interest and is fully consistent with any applicable master development plan and development agreement previously approved by the city, and the submission is complete in all respects, the planning commission shall take action on the proposed development application as allowed by this title. The planning commission may recommend approval, approval with conditions, disapproval based upon findings of facts, or table the application and request further information to resolve any issues or questions prior to approval.

F. City Council Approval. The city council shall review the application, consider the planning commission's recommendations, and take action on the proposed development application. The council may approve, approve with conditions, disapprove based upon findings of facts, or table the application and request further information to resolve any issues or questions prior to approval.

G. Additional Development Processes. Granting of preliminary plat approval by the planning commission (or city council, as applicable) shall not constitute final acceptance of the subdivision by the planning commission or city council, nor shall approval of the preliminary plat relieve the subdivider of the responsibility to comply with all required conditions, ordinances, requirements or policies in order to meet all city standards. [Ord. O-07-2014 (Exh. A); Ord. O-16-2010 § 2 (Exh. A); Ord. O-23-2005 § 3 (Exh. 1(2) § 4.5)].

**16.20.060 Expirations and extensions of approvals.**

Preliminary plat approvals shall expire two years from the date of approval by the city council if a final plat application has not been approved by the city council within that time. If the preliminary plat contains more than one phase, this plat will expire if each phased final plat application is not approved within two years of the most recent final plat approval.

A. Extensions of Time. An extension of time may be requested by an applicant for any of the applications listed above with the following requirements:

1. A written, signed request for an extension of time shall be received by the planning director prior to the expiration date of the project.
2. The request for an extension of time shall specify any progress made on the project's conditions of approval and the reasons for the extension request, along with supporting documentation.

B. Criteria for Approving Extensions of Time. It is the responsibility of the applicant to request an extension of time prior to a project's expiration. The city is not responsible to remind applicants of expiration dates. The planning director shall approve or deny a request for an extension of time within a reasonable period of time after receiving the request. The planning director may grant up to a single one-year extension of time to any project that meets one of the following criteria:

1. The applicant must have shown a good faith effort to initiate the project by systematically completing predevelopment conditions.
2. The applicant's initiation of development activities is based on an action by the city or other public agency which has not taken place or was delayed, resulting in a time delay beyond the permit holder's control.

C. Appeals. An applicant may appeal the planning director's decision to the planning commission within 15 days of the date of the decision. The applicant may then appeal a decision of the planning commission to the city council within 15 days of the planning commission's decision. In no case shall the planning commission or city council approve more than a single one-year extension of time.

D. Resubmitting an Expired Project. A project that has expired may be resubmitted within two years of the expiration date for a fee to cover time and materials, not to exceed 50 percent of the original

fee, if the project is substantially similar to the expired plan. The resubmitted project must be in compliance with the current development code at the time of resubmittal. [Ord. O-07-2014 (Exh. A); Ord. O-16-2010 § 2 (Exh. A)].

**Chapter 16.25  
FINAL PLATS**

Sections:

[16.25.010 What this chapter does.](#)

[16.25.020 Purpose.](#)

[16.25.030 Final plat approval required.](#)

[16.25.040 Application.](#)

[16.25.050 Approval process.](#)

[16.25.060 Prior to recordation.](#)

[16.25.070 Security for public improvements.](#)

[16.25.080 Changing an approved final plat.](#)

[16.25.090 Vacating or changing a recorded subdivision plat.](#)

[16.25.100 Expirations and extensions of approvals.](#)

**16.25.010 What this chapter does.**

This chapter establishes the final plat review and approval process, submittal requirements and duties of the planning director regarding the review and processing of final plats. [Ord. O-07-2014 (Exh. A); Ord. O-16-2010 § 2 (Exh. A); Ord. O-23-2008 § 2 (Exh. A § 5.1); Ord. O-23-2005 § 3 (Exh. 1(2) § 5.1)].

**16.25.020 Purpose.**

The purpose of the final plat process is to verify that the final plat and the accompanying construction plans submitted shall conform in all respects to those regulations and requirements set forth in the state statutes, city ordinances and any other applicable regulations before the plat is recorded in the office of the Utah County recorder. The final plat process is also provided to ensure compliance with the previously approved master development plan and its accompanying agreement and the conditions of previous preliminary plat approvals. [Ord. O-07-2014 (Exh. A); Ord. O-16-2010 § 2 (Exh. A); Ord. O-23-2008 § 2 (Exh. A § 5.2); Ord. O-23-2005 § 3 (Exh. 1(2) § 5.2)].

**16.25.030 Final plat approval required.**

Final plat approval entitles the applicant to recordation of the final plat subject to compliance with the city ordinances for installation of public improvements and dedication of water rights for the plat. [Ord. O-07-2014 (Exh. A); Ord. O-16-2010 § 2 (Exh. A); Ord. O-23-2008 § 2 (Exh. A § 5.3); Ord. O-23-2005 § 3 (Exh. 1(2) § 5.3)].

**16.25.040 Application.**

Only property owners or their duly authorized agents shall make application for a final plat on forms prepared by the planning director. No final plat application shall be processed without approval or submission of the preliminary plat, the submission of the application, all the supporting materials as required by this chapter, and the processing fee. Incomplete applications shall not be processed under any circumstance.

A. Supporting Materials. The final plat application shall be submitted with the materials listed below. The planning director or development review committee (DRC) members may determine that additional items be submitted in order to properly evaluate the proposed final plat application. The number of hard copies and electronic copies, as well as the appropriate format of each, will be determined by the planning director.

1. Final Plat. The final plat prepared at a scale of not less than one inch equals 100 feet, with all dimensions shown in feet and decimals thereof, will be required for final approval prior to

recordation. Plats of large areas may be prepared on multiple, serially numbered sheets with match lines and an index map, with vicinity and index maps appearing on the first of the serially numbered sheets. Final plats must show trails, roads, sidewalks and other public facilities, which will be deeded to the city in accordance with the requirements of this title. The city shall provide a set of standard cross-sections for roads, trails and sidewalks. The final plat submission must conform in all major respects to the preliminary plat as previously reviewed and approved by the planning commission or city council as applicable (unless processed simultaneously). Final plat submissions shall include all information listed below, delineated in permanent ink on waterproof tracing cloth or Mylar for recordation (which can be submitted after the city council grants final approval) and submitted in an electronic format:

- a. A title block showing the name of the proposed subdivision and its location by quarter-quarter section, section, township, range, principal meridian, city, county, and state;
- b. The name, address, telephone number, stamp, signature and registration number of a land surveyor registered in the state of Utah who prepared or reviewed the final plat;
- c. A north point, and both graphic and written scales;
- d. A vicinity map that locates the proposed subdivision within its township and the section, shows major roads and watercourses adjacent to or near the subdivision, and shows the boundaries of and recorded names of adjacent or nearby subdivisions;
- e. The point of beginning for the survey, which shall be tied to a section or quarter-section corner, and the location and a description of all existing monuments found during the course of the survey;
- f. The location, nature, and boundaries, with bearings and distances, of all existing public ways and public or private easements in or adjacent to the subdivision, including the county book and page number references of the instruments establishing those ways or easements;
- g. The exterior boundaries of the subdivision, with all bearings and distances, including curve data for curving boundaries;
- h. The location, exterior dimensions, and consecutive number of all lots and blocks, or other parcels created by the subdivision, including bearings and distances and curve data for curving boundaries (with all curve dimensions for boundary lines shown outside any such boundaries);
- i. The acreage of each lot and a table showing the total number of lots, total acreage of the subdivided area, the total acreage in lots, the average lot size, the total acreage in streets, and the total acreage of any parcels dedicated to public use or held in common by the lot owners;

PLAT CALCULATIONS	
TOTAL ACREAGE:	42.56 ACRES
BUILDABLE ACREAGE:	40.72 ACRES
TOTAL ACREAGE IN LOTS:	16.19 ACRES
TOTAL OPEN SPACE:	18.07 ACRES
TOTAL IMPROVED OPEN SPACE:	3.56 ACRES
AVERAGE LOT SIZE:	8,388 SF/0.19 ACRES
LARGEST LOT SIZE:	16,941 SF/0.39 ACRES
SMALLEST LOT SIZE:	6,592 SF/0.15 ACRES
OVERALL DENSITY:	1.97 LOTS/ACRE
TOTAL # OF LOTS:	84 LOTS

- j. The names of all streets and widths and boundaries of all street and trail rights-of-way and utility easements, including bearings and distances and curve data for curving boundaries;
- k. The location and a description of all monuments set during the course of the survey;
- l. A signed and dated owner's dedication in the form approved by the city which includes

a complete legal description of the parcel being subdivided, and in which the owners of record dedicate all open space, public ways, utilities and other public spaces to public use;

m. A public notary's acknowledgment of the owner's certificate;

n. A signed and dated certificate of consent in which all mortgagors, lienholders, and other parties with any real property interest, including the holders of mineral rights, in the property consent to its subdivision;

o. A public notary's acknowledgment of the certificate of consent;

p. Signature blocks for approval by the city council, city engineer and city attorney;

q. An owner's dedication certificate, notary public acknowledgement for each signature on the plat, a correct metes and bounds description of all property included within the subdivision, other affidavits, certificates, acknowledgements, endorsements and notarial seals as required by law, this title or by the city recorder or city attorney;

r. A certificate for use by the county recorder in recording the plat after its approval;

s. Building envelopes for each lot shall be shown on the final plat;

t. Water rights conforming to the city's requirements or a public water supply agreement shall be submitted to the city attorney for approval.

2. Construction Plans. Construction drawings for required public improvements will include the following and are required to be submitted with all final plat applications:

a. Plan, profile and construction detail drawings prepared by a licensed professional engineer, with his/her signature and seal.

b. Control data shall be referenced to information contained on county area reference plats.

c. Elevations shall be tied to an existing Utah County benchmark. Drawings shall show an elevation benchmark for the project.

d. The drawing scale shall be one inch equals 20 feet horizontal and one inch equals two feet vertical. The vertical scale may be smaller if warranted by unusual circumstances.

e. Stationing shall increase from left to right.

f. Centerline data and property line data shall be shown, including details of all curves.

g. Existing ground profiles shall be shown a minimum of 300 feet each way from the ends of subdivision streets.

h. All existing and proposed improvements within the project or within 100 feet of the project or adjoining the subdivision shall be shown. This includes curb, gutter, sidewalk and underground pipes and utilities, ditches, canals, fire hydrants, street lights, water valves, etc.

i. All proposed structures such as manholes, catch basins, clean-outs, etc., shall be shown. If city standard structure details exist, they may be referenced in lieu of detail.

j. All proposed drainage facilities, including pipe and boxes, shall be shown. This includes plan and profile of the system showing the method of drainage water disposal.

k. All vertical curves and horizontal distances shall be constructed in accordance with AASHTO requirements and standards.

l. Elevations shall be shown on all horizontal and vertical curves at approximately 25-foot

intervals and at the points of curvature and points of tangency.

m. The minimum grade for curb and gutter shall be one-half percent identified on all curb returns and cross gutters. Percent of grade shall also be shown on straight grades with elevations at approximately 50-foot intervals with flow arrows to indicate the direction of drainage.

n. All street names shall be shown.

o. Show typical roadway cross-sections.

p. The existing grade elevations shall be shown in the profile.

q. Construction standards and specifications shall be referenced.

r. Road signs and stop signs shall be shown.

3. Landscaping and Irrigation Plan. A landscaping plan, prepared and stamped by a licensed landscape architect, indicating the location, spacing, types and sizes of landscaping elements, sprinkler system plans, existing trees if any, and showing compliance with the landscaping or buffering requirements of the appropriate zoning district. The landscaping plan shall include, at a minimum, the following information:

a. The location and dimension of all existing and proposed structures (when feasible), property lines, easements, parking lots, power lines, rights-of-way, ground signs, refuse areas, and lighting.

b. The plant names (both botanical and common name), location, quantity, and size of all existing and proposed plants. The proposed plan should indicate the size of the plant material at maturation (see Chapter [17.60](#) EMMC for more landscaping standards).

c. The landscaping plan should also exhibit the existing landscaping 20 feet beyond the property lines.

d. Existing and proposed grading of the site indicating contours at two-foot intervals.

e. Plans showing the irrigation system shall also be included in the landscaping plan submittal.

f. Proposed and existing fences and identification of the fencing materials.

g. A summary of the total percentage of landscaped areas, domestic turf grasses, drought-tolerant plant species along with the estimated cost of all the improvements.

4. Final Utility Plan. Utility plans showing all the utilities including but not limited to water, sewer, and storm drain. The location and size of existing and proposed utility lines and facilities in or adjacent to the proposed development shall also be shown.

5. Grading, Drainage, and Erosion Plan. A grading, drainage, and erosion plan prepared and stamped by a licensed engineer shall be submitted. The report shall contain the drainage basin map and a plan view of the overall storm water system. The grading, drainage, and erosion plan shall address the following issues: description of features and hydrological conditions; drainage basin and subbasin; drainage facility design criteria; infrastructure design criteria; grading plan; and erosion control. Specifically, the report shall contain at a minimum the following information:

a. The existing roadways, drainage ways, vegetation and hydrological conditions of a 10-year, 24-hour event and a 100-year, 24-hour event.

b. The major basin descriptions referencing all major drainage reports such as FEMA, major drainage planning reports, or flood insurance maps and the basin characteristics and planned land uses.

- c. The subbasin description showing the historical drainage pattern and off-site drainage patterns both upstream and downstream of the property.
  - d. A general discussion of how the proposed system conforms to existing drainage patterns and off-site upstream drainage will be collected to protect development.
  - e. The water quality evaluation showing the water quality shall not be degraded from existing storm water quality including how solids are collected and not allowed to be discharged into downstream waters and how oils and greases are separated from storm water.
  - f. Maintenance plan and procedure for storm water system; thorough narrative of all charts, graphs, tables or other information included in the report describing how it affects the proposed development.
  - g. Infrastructure design criteria showing the piping is sized to handle the peak intensity of the 10-year storm event; all detention basins are sized to handle a 100-year storm while discharging at a maximum 10-year, 24-hour historical rate; a 10-foot traffic lane in both directions is maintained at all locations within the development; and that the roadway and infrastructure will handle a 100-year storm event without flooding homes or damaging public property.
  - h. Grading plan showing soil map depicting unique soil features such as collapsible soil, rock features, etc.; a grading plan showing all cut and fill areas within development including: the identification of slopes; fill and cut depths; and rock features within 10 feet of post-grade soil surface.
  - i. The grading plan shall also show how the grades will allow water to run off of lot areas without ponding and creating flooding problems for homes.
  - j. Erosion control shall: show how erosion will be controlled during construction; explain and design such that construction debris and silts will not be collected by storm water system; show and design for all cut and fill slopes will not be eroded and how these areas will be revegetated.
6. Easements. The proposed grants of easement to be imposed on any land within the development.
7. Soils Report. A soils report prepared and stamped by a licensed engineer.
8. Engineer's Estimate. An engineer's estimate prepared by the design engineer, including detailed estimates of park amenities and landscaping improvements.
9. Fee. The processing fee required by the current consolidated fee schedule approved by the city council. [Ord. O-07-2014 (Exh. A); Ord. O-13-2012 § 2 (Exh. A); Ord. O-16-2010 § 2 (Exh. A); Ord. O-23-2008 § 2 (Exh. A § 5.4); Ord. O-23-2005 § 3 (Exh. 1(2) § 5.4)].

**16.25.050 Approval process.**

Upon completion and approval of a preliminary plat, the developer shall file a properly completed final plat application that includes a proposed final plat and all required supporting materials and the required application fee at least 28 calendar days before the planning commission meeting at which the application is to be reviewed.

A. Planning Director's Responsibilities. The planning director shall review the application for completeness and distribute the application materials to the development review committee (DRC) members for review, comment and recommendation. If the application materials are complete, all required fees are paid and the final plat conforms to the requirements of the applicable master development plan or master development plan agreement and is in compliance with the approved preliminary plat, the DRC shall review the proposed application at its next regularly scheduled

meeting when materials may be adequately distributed.

B. City Engineer's Responsibilities. The city engineer shall review the final plat and construction plans and decide whether or not the submittal complies with the engineering and surveying standards and criteria set forth in this title, the proposed development agreement and all other applicable state statutes and city ordinances. The city engineer shall determine if the survey description is correct and that all easements are correctly described and located on the plat. If the plat conforms to the required standards, the city engineer shall prepare an estimate of the construction costs for all proposed public improvements. The city engineer shall forward this cost estimate to the city attorney, city recorder, and planning department for inclusion in the final development and improvement collateral. If the final plat and/or construction plans do not comply, the city engineer shall return the plat to the applicant or the subdivider's engineer with comments.

C. Development Review Committee (DRC) Responsibility. The DRC shall review the final plat to determine whether the plat conforms to the requirements of the preliminary plat, with all requested changes or conditions of approval and any requirements of the master development plan agreement. If the DRC determines that the final plat is in conformity with all requirements and the ordinances of the city, the DRC members shall sign off on the approval checklist and the planning director shall prepare a notice of decision to be sent to the applicant and filed with the city recorder. The DRC includes the department head or assigned representative from each of the following departments or groups: attorney, building, energy, engineering, fire, parks, planning, public works.

D. City Attorney's Responsibilities. The city attorney shall review the final plat for compliance with the state statutes and any applicable city ordinances, the master development plan, and the conditions of the preliminary plat.

E. City Recorder's Responsibilities. The city recorder, subsequent to the approval of a final plat by the DRC, shall be responsible to collect original documents and all required signatures on such documents which include, but are not limited to, the original Mylar plat, improvement collateral, current title report as defined in this chapter, submittal of required water rights (as certified by the city engineer and city attorney), submittal of any required fees including recording and inspection fees and any other applicable documents. When all documents and signatures have been collected, the applicant has executed the improvement collateral including the posting of security required, the payment of all outstanding fees for this development or any other business transaction with the city has been received, and all other outstanding conditions have been met, the city recorder shall record the final plat and any other documents that the city determines should be recorded with the subdivision. [Ord. O-07-2014 (Exh. A); Ord. O-16-2010 § 2 (Exh. A); Ord. O-23-2008 § 2 (Exh. A § 5.5); Ord. O-23-2005 § 3 (Exh. 1(2) § 5.5)].

**16.25.060 Prior to recordation.**

Prior to recordation, the applicant shall submit the following:

A. Recorded Boundary Survey. A boundary survey that is recorded with Utah County that defines the out boundary of the proposed subdivision.

B. Past Taxes. Documentation that all the taxes for the subject parcel have been paid to the Utah County tax commission.

C. Title Report Required. A current title report to be reviewed by the city attorney. A "current title report" is considered to be one which correctly discloses all recorded matters of title regarding the property and which is prepared and dated not more than 30 days before the proposed recordation of the final plat.

D. If the plat has not been recorded within 180 days of its approval, a staff review is required and a fee charged (according to the consolidated fee schedule) to assure that the cost estimates and construction standards are current. [Ord. O-07-2014 (Exh. A); Ord. O-16-2010 § 2 (Exh. A); Ord. O-23-2008 § 2 (Exh. A § 5.6); Ord. O-23-2005 § 3 (Exh. 1(2) § 5.6)].

**16.25.070 Security for public improvements.**

Prior to recordation by the city recorder of any final plat, the applicant shall either (A) install all required improvements from the construction documents before the final plat is recorded; or (B) comply with the security provisions of this title which require full approved collateral or approved surety in the form of a corporate bond approved by the city attorney to assure completion of all improvements before building permits are issued by the city. Under option (B) above, the developer shall be required to enter into an improvement collateral agreement. This agreement shall be in a form approved by the city council and may contain specific provisions approved by the city attorney and shall include, but not be limited to, provisions that address timing and phasing of construction, time allowed for the completion of required improvements, expiration date, amount of funds to be used, a method and schedule for the release of funds, city access to funds, warranty amounts and period of warranty, maintenance of improvements during bonding and warranty periods and final acceptance of improvements. Improvement collateral requirements shall be recalculated if the subdivision was approved more than 180 days prior to the date of proposed recordation. [Ord. O-07-2014 (Exh. A); Ord. O-16-2010 § 2 (Exh. A); Ord. O-23-2008 § 2 (Exh. A § 5.7); Ord. O-23-2005 § 3 (Exh. 1(2) § 5.7)].

**16.25.080 Changing an approved final plat.**

Minor modifications to an approved final plat may be administratively approved at the discretion of the planning director. Major changes require an amendment to the preliminary plat (see Chapter [16.20](#) EMMC for the preliminary plat approval process). Major changes include an increase of lots/units, reduction of improved open space, changes to the general street layout, or any major changes to these elements of the plat. [Ord. O-07-2014 (Exh. A); Ord. O-16-2010 § 2 (Exh. A); Ord. O-23-2008 § 2 (Exh. A § 5.8)].

**16.25.090 Vacating or changing a recorded subdivision plat.**

Proposals to vacate or change a recorded subdivision plat shall follow the process outlined in Chapter [16.55](#) EMMC. [Ord. O-07-2014 (Exh. A); Ord. O-16-2010 § 2 (Exh. A); Ord. O-23-2008 § 2 (Exh. A § 5.9); Ord. O-23-2005 § 3 (Exh. 1(2) § 5.8). Formerly 16.25.080].

**16.25.100 Expirations and extensions of approvals.**

Final plat approvals shall expire one year from the date of approval by the city council if the plat has not been recorded at the county.

A. Extensions of Time. An extension of time may be requested by an applicant with the following requirements:

1. A written, signed request for an extension of time shall be received by the planning director prior to the expiration date of the project.
2. The request for an extension of time shall specify any progress made on the project's conditions of approval and the reasons for the extension request, along with supporting documentation.

B. Criteria for Approving Extensions of Time. It is the responsibility of the applicant to request an extension of time prior to a project's expiration. The city is not responsible to remind applicants of expiration dates. The planning director shall approve or deny a request for an extension of time within a reasonable period of time after receiving the request. The planning director may grant up to a single one-year extension of time to any project that meets one of the following criteria:

1. The applicant must have shown a good faith effort to initiate the project by systematically completing predevelopment conditions.
2. The applicant's initiation of development activities is based on an action by the city or other public agency which has not taken place or was delayed, resulting in a time delay beyond the permit holder's control.

C. Appeals. An applicant may appeal the planning director's decision to the planning commission within 15 days of the date of the decision. The applicant may then appeal a decision of the planning commission to the city council within 15 days of the planning commission's decision. In no case

shall the planning commission or city council approve more than a single one-year extension of time.

D. Resubmitting an Expired Project. A project that has expired may be resubmitted within two years of the expiration date for a fee to cover time and materials, not to exceed 50 percent of the original fee, if the project is substantially similar to the expired plan. The resubmitted project must be in compliance with the current development code at the time of resubmittal. [Ord. O-07-2014 (Exh. A); Ord. O-16-2010 § 2 (Exh. A)].

**Chapter 16.30**  
**GENERAL REQUIREMENTS FOR ALL SUBDIVISIONS**

Sections:

[16.30.010 What this chapter does.](#)

[16.30.020 Purpose.](#)

[16.30.030 Eagle Mountain City construction specifications and standards.](#)

[16.30.040 Required improvements defined.](#)

[16.30.050 Installation at developer's expense.](#)

[16.30.060 Guarantees.](#)

[16.30.070 Warranty of improvements.](#)

[16.30.080 Rural residential subdivisions.](#)

**16.30.010 What this chapter does.**

This chapter requires the installation, contribution and dedication, at no cost to the city, of required improvements in developments at the developer's expense, sets improvement standards or refers to other standards, permits the phased installation of improvements, and requires the perpetual maintenance of required improvements which are not dedicated to the city. [Ord. O-06-2015 § 2 (Exh. A); Ord. O-07-2014 (Exh. A); Ord. O-07-2006 § 2 (Exh. 1 § 6.1); Ord. O-23-2005 § 3 (Exh. 1(2) § 6.1)].

**16.30.020 Purpose.**

The purpose of this chapter is to set forth the general requirements for all subdivisions in Eagle Mountain City. This chapter identifies required improvements, provides for a method of constructing required improvements, and provides for the construction bonding and warranty of public facilities. [Ord. O-06-2015 § 2 (Exh. A); Ord. O-07-2014 (Exh. A); Ord. O-07-2006 § 2 (Exh. 1 § 6.2); Ord. O-23-2005 § 3 (Exh. 1(2) § 6.2)].

**16.30.030 Eagle Mountain City construction specifications and standards.<sup>1</sup>**

The city has adopted a publication titled, "Eagle Mountain City Construction Specifications and Standards." The provisions, standards and specifications found in this manual (and as amended in the future) are hereby incorporated herein by reference. The city engineer shall use this manual in the review of proposed construction plans for public facilities. Developers and subdividers shall also use this manual in the preparation of their construction plans. In addition, required improvements shall be installed in compliance with this title and any capital facilities plans, designs, and engineering standards separately adopted by the city or other agencies responsible for providing services to the development. [Ord. O-06-2015 § 2 (Exh. A); Ord. O-07-2014 (Exh. A); Ord. O-07-2006 § 2 (Exh. 1 § 6.3); Ord. O-23-2005 § 3 (Exh. 1(2) § 6.3)].

**16.30.040 Required improvements defined.**

A "required improvement" is any legal entitlement such as water rights or other legal or tangible physical improvements required for compliance with state or local statutes and ordinances.

Required improvements include, but are not limited to:

- A. Drainage System. A drainage system that addresses the impacts of the project on both off-site and on-site surface runoff water and that meets the requirements of Chapter [16.40](#) EMMC;
- B. Buffers and Screens. Landscaped buffers, screening fences or walls, and similar improvements required to mitigate potential nuisances;
- C. Culinary Water and Wastewater Facilities. Water and sewer mains and related improvements, water storage, lift stations, and other utilities;
- D. Water Rights and Sources. Sufficient water, including sources if necessary, and water rights

conveyed to the city and usable by the city for municipal purposes acceptable to the city attorney, and to meet all applicable city and other government regulatory standards for the uses proposed;

E. Off-Street Parking Areas. Off-street parking and loading areas, including any required landscaping;

F. Transportation Improvements. Roads and related improvements, including bridges, culverts, traffic control signs, and street trees (when applicable);

G. Sidewalk and Trail Systems. Sidewalks and trail systems, including signage;

H. Parks and Open Space. Parks and open space as required in the preliminary approval of the project, including improvements to be made on property to be owned or maintained by a homeowners' association;

I. Restoration of Native Plants. Restoration of native plant materials and species in natural open space areas when they are disturbed (a temporary irrigation system may be required by the city engineer to stabilize plant material);

J. Utilities. Utilities such as telecommunications, electric power, natural gas, and any required conduit;

K. Street lighting;

L. Fire hydrants. [Ord. O-06-2015 § 2 (Exh. A); Ord. O-07-2014 (Exh. A); Ord. O-07-2006 § 2 (Exh. 1 § 6.4); Ord. O-23-2005 § 3 (Exh. 1(2) § 6.4)].

#### **16.30.050 Installation at developer's expense.**

The installation of required improvements shall be at the developer's expense except that the city may choose to participate in the cost of certain improvements in order to correct deficiencies in areas outside the development, or to provide capacity for future development in accordance with the capital facilities plan or general plan. Where off-site improvements, such as utility extensions, are constructed at the developer's expense, provisions may be included in an agreement for reimbursement by landowners whose property subsequently benefits from the improvements. [Ord. O-06-2015 § 2 (Exh. A); Ord. O-07-2014 (Exh. A); Ord. O-07-2006 § 2 (Exh. 1 § 6.5); Ord. O-23-2005 § 3 (Exh. 1(2) § 6.5)].

#### **16.30.060 Guarantees.**

Completion of the improvements identified in a notice of decision and approved plans shall be guaranteed by one of the methods listed below. A separate guarantee shall be required for each phase of the development.

A. Bond. The developer may place an amount equal to 110 percent of the estimated cost of the required infrastructure improvements in escrow or improvement bond, with that amount and the accumulated interest (for a cash escrow bond) being released only after the city has inspected and accepted the required improvements. The city council may approve a phased release of portions of the funds of the bond as work proceeds, but at least 10 percent of the total shall be retained until all required improvements are installed, inspected, and accepted. If any required improvements are not completed, the city shall use as much as necessary of the escrow account or improvement bond to complete those improvements, then return any remaining balance to the developer or bonding agency.

1. Parks, Trails, and Open Space Improvements. All required parks, trails, and open space improvements in the preliminary plat or overall project are required to be improved prior to recording the first plat or a separate cash deposit or cash escrow must be put in place with the city with each plat to cover 150 percent of the pro rata anticipated cost of park improvements. For example: preliminary plat = 100 lots; all parks and trails in preliminary plat = \$250,000 (150 percent = \$375,000); final plat = 20 lots; cash bond/deposit for final plat = \$75,000 ( $\$375,000/100 \times 20$ ).

B. City Attorney's Approval. Each escrow agreement, improvement bond or other security shall be in a form approved by the city attorney.

C. Engineering Inspections. Required improvements shall be inspected by the city engineer before acceptance. Such acceptance of required improvements shall be by approval of a bond release by the city council, following submission of the developer's written request for acceptance and receipt of the city engineer's report that all improvements have been inspected and are in compliance with this title and EMMC Title 17. Fees for the inspection of required improvements shall be remitted prior to the recordation of any final plats or prior to the construction of any public improvements in the case of construction not related to subdivision plats.

D. Parks and Open Space Inspections. Required parks, trails, and open space improvements shall be inspected by the parks and recreation director (or designee) before acceptance. Such acceptance of these improvements shall be by approval of a bond release by the city council, following submission of the developer's written request for acceptance and receipt of the parks and recreation director's report that all these improvements have been inspected and are in compliance with this title and EMMC Title 17. Fees for the inspection of these improvements shall be remitted prior to the recordation of any final plats or prior to the pre-construction meeting for parks and open space, if improved prior to recording.

E. As-Built Drawings. The applicant shall pay the costs associated with the city preparing the as-built drawings of the public improvements prior to the release of any bonding amounts. [Ord. O-06-2015 § 2 (Exh. A); Ord. O-07-2014 (Exh. A); Ord. O-07-2006 § 2 (Exh. 1 § 6.7); Ord. O-23-2005 § 3 (Exh. 1(2) § 6.7). Formerly 16.30.070].

**16.30.070 Warranty of improvements.**

A. Each required improvement shall be warranted by the developer for both materials and workmanship for two years after their acceptance. Enforcement of the warranty shall be assured by one of the following:

1. Ten Percent Retention – Escrow. Retention of 10 percent of an escrow account established to comply with this title; or
2. Ten Percent Retention – New Account. Establishment of a new escrow account, in which an amount no less than 10 percent of the cost of the required improvements is deposited, and which shall be released, with accumulated interest, upon expiration of the warranty.

B. Other construction, warranty and maintenance issues include:

1. Maintenance until Final Acceptance. The developer shall be responsible for the maintenance of improvements until there has been a final acceptance of the improvement.
2. Maintenance by Homeowners' Association. Any development that is subject to continuing maintenance requirements – such as multifamily residential developments or condominiums – shall create a homeowners' association. The developer shall submit the proposed declaration of covenants, conditions and restrictions, condominium declarations, articles of incorporation, and bylaws for the community association for review and approval by the city attorney.
3. Maintenance as Required by Title. The maintenance of any developed and/or landscaped open space required for compliance with this title or other city ordinances shall include, but not be limited to, upkeep of landscaping, parks, trails, and fencing, where required; control of noxious weeds; litter removal; and wildfire suppression. Maintenance activities shall not diminish the protected open space values (wetlands, slopes, etc.).
4. Landscape Maintenance. Maintenance of landscaped areas includes the installation and maintenance of an irrigation system, timely irrigation, weed and pest control, and all other activities required to maintain the function of the landscaped area. Sufficient water rights for the maintenance of landscaped areas shall be dedicated to the city.
5. Two-Year Completion. Improvements must be completed within two years of recording the

final plat, unless a shorter period is otherwise provided in an agreement.

6. Improvements before Building Permits. Road access must be provided as approved by the city engineer, and fire hydrants must be operational with adequate fire flow as specified in the International Fire Code before any construction within the subdivision will be allowed to proceed above foundation level. Other restrictions contained in the International Building Code or the International Residential Code may also apply.

7. Infrastructure Completed before Certificates of Occupancy. Residential occupancy of structures within a subdivision shall not be allowed until all roads are asphalted, street signs installed, utilities (except telephone) and other required public infrastructure are installed and operable (see EMMC [16.05.100\(D\)](#)). The completion of required public parks may be governed by a notice of decision and shall not necessarily restrict residential occupancy. The city may allow residents to occupy a home when the weather precludes the streets from being asphalted so long as there is a guarantee that the streets will be asphalted when the weather permits.

8. Excavation Permits. Subdivisions that have received final plat approval may obtain an excavation permit to begin construction prior to recordation of final plats. [Ord. O-06-2015 § 2 (Exh. A); Ord. O-07-2014 (Exh. A); Ord. O-07-2006 § 2 (Exh. 1 § 6.8); Ord. O-23-2005 § 3 (Exh. 1(2) § 6.8). Formerly 16.30.080].

**16.30.080 Rural residential subdivisions.**

Subdivisions that are to be reviewed under agricultural, base density, or Tier I residential zone development standards (see Chapters [17.20](#), [17.25](#) and [17.30](#) EMMC) may not be required to install the same public improvements as subdivisions developed in other zones. Requirements to install curbs, gutters, sidewalks, water and sewer utilities, and street lights may be waived by the city council after a recommendation from the planning commission, upon condition that the developer provides for pedestrian circulation and accommodates water and sewer utilities and surface drainage throughout the subdivision. Necessary facilities may include, but not be limited to, trails and pathways, storm drainage detention ponds or secondary water facilities. [Ord. O-06-2015 § 2 (Exh. A); Ord. O-07-2014 (Exh. A); Ord. O-07-2006 § 2 (Exh. 1 § 6.9); Ord. O-23-2005 § 3 (Exh. 1(2) § 6.9). Formerly 16.30.090].

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<sup>1</sup> Code reviser's note: This document is codified in EMMC Title [15](#).

**Chapter 16.35**  
**DEVELOPMENT STANDARDS FOR REQUIRED PUBLIC FACILITIES**

Sections:

[16.35.010 What this chapter does.](#)

[16.35.020 Purpose.](#)

[16.35.030 Eagle Mountain City Construction Specifications and Standards.](#)

[16.35.040 Potable water.](#)

[16.35.050 Wastewater disposal \(sewer\).](#)

[16.35.060 Public utilities.](#)

[16.35.070 Streets and street systems.](#)

[16.35.080 Street trees.](#)

[16.35.090 Privacy fencing.](#)

[16.35.100 Sidewalks, trails, and pathways.](#)

[16.35.105 Park and improved open space requirements.](#)

[16.35.110 Repealed.](#)

[16.35.120 Repealed.](#)

[16.35.125 Repealed.](#)

[16.35.130 Tables.](#)

**16.35.010 What this chapter does.**

This chapter establishes development standards for all developments within Eagle Mountain City. When considering development applications, the planning director, planning commission and city council shall evaluate such applications using the provisions of this chapter. [Ord. O-27-2006 § 2 (Exh. A § 7.1); Ord. O-07-2006 § 2 (Exh. 1 § 7.1); Ord. O-23-2005 § 3 (Exh. 1(2) § 7.1)].

**16.35.020 Purpose.**

The purpose of this chapter is to set forth specific development standards that require all developments to install public water, wastewater, utility systems, vehicular and pedestrian circulation systems, sidewalks, trails, paths, and neighborhood and regional park facilities. [Ord. O-27-2006 § 2 (Exh. A § 7.2); Ord. O-07-2006 § 2 (Exh. 1 § 7.2); Ord. O-23-2005 § 3 (Exh. 1(2) § 7.2)].

**16.35.030 Eagle Mountain City Construction Specifications and Standards.**

The city has adopted a publication titled, "Eagle Mountain City Construction Specifications and Standards." The provisions, standards and specifications found in this manual (and as amended in the future) are hereby incorporated herein by reference. The city engineer shall use this manual in the review of proposed construction plans for public facilities. Developers and subdividers shall also use this manual in the preparation of their construction plans. In addition, required improvements shall be installed in compliance with this title and any capital facilities plans, design and engineering standards separately adopted by the city or other agencies responsible for providing services to the development. [Ord. O-27-2006 § 2 (Exh. A § 7.3); Ord. O-07-2006 § 2 (Exh. 1 § 7.3); Ord. O-23-2005 § 3 (Exh. 1(2) § 7.3)].

**16.35.040 Potable water.**

All proposed developments shall be reviewed by the city engineer and city attorney for compliance with the drinking water source protection plan approved by the city and approved by the Utah Drinking Water Division in compliance with the Utah Safe Drinking Water Act and all applicable

federal law.

A. Connection to City Water System. All permanent buildings constructed in the city intended for human occupancy or commercial use, using potable water, shall be connected to the city water system after the date of the adoption of the ordinance codified in this title, unless an existing home as of the date of enactment of the ordinance codified in this title is connected to an individual well approved by the state of Utah. An exception may be granted by the city council upon recommendation by the public works board to allow property owners to have water service by private wells when it is not feasible to connect to the city's water system.

B. Developer's Responsibilities. Developments shall be connected to the city's water system at the developer's expense. This includes water rights, costs of the service connection and meter for each lot or building, and the costs of extending mains, valves, fire hydrants, and any other improvement, including storage, pressure regulation, etc., needed to bring water service to the site. Ownership of the water system shall be dedicated to the city. Each individual property owner shall be responsible for the maintenance and operation of the individual service lateral connected to the main water line from the point of the meter to the building served by the service lateral. The city may choose to share in the costs of extending mains, constructing storage, or other improvements needed to provide capacity for future development but is not obligated to do so. Potable water service is a required improvement, subject to the provisions of this title.

C. Residential Water Rights. Table 16.35.130(a), Residential Water Right Requirements, is provided in this chapter for convenience. It defines the amount of water rights that shall be dedicated to the city for detached single-family residential uses. The engineer shall calculate water rights for other uses including commercial, multifamily residential, industrial and recreational uses after a site-specific analysis is performed for the proposed use. Water rights to service detached single-family dwellings shall be dedicated to the city or sufficient water shall be purchased from the city prior to the recordation of the subdivision. Water rights to service commercial uses, multifamily residential uses, industrial and recreational uses shall be dedicated to the city or sufficient water shall be purchased from the city prior to the issuance of the building permit. [Ord. O-13-2012 § 2 (Exh. A); Ord. O-27-2006 § 2 (Exh. A § 7.4); Ord. O-07-2006 § 2 (Exh. 1 § 7.4); Ord. O-23-2005 § 3 (Exh. 1(2) § 7.4)].

**16.35.050 Wastewater disposal (sewer).**

On-site wastewater disposal systems may be used by individual homes where the lot size is one-half acre or more. Such systems shall be installed in compliance with applicable state and county health department requirements. Other developments shall be connected to the city's sewer system at the developer's expense. This includes the costs of the service lateral connection for each lot or building and the costs of extending mains, lift stations, and any other improvement needed to bring sewer systems to the site. Ownership of the collection system must be dedicated to the city by each developer installing a sewer system. In such cases where a change in city ordinances results in a requirement for connection to a public sewer system, adjacent existing facilities on private systems may elect to connect on their own volition, except in such cases where failure to do so would result in a legitimate health, safety or welfare issue. [Ord. O-27-2006 § 2 (Exh. A § 7.5); Ord. O-07-2006 § 2 (Exh. 1 § 7.5); Ord. O-23-2005 § 3 (Exh. 1(2) § 7.5)].

**16.35.060 Public utilities.**

Electric power, telephone and natural gas service shall be provided in all developments, at the developer's expense and in compliance with the detailed performance standards of "Eagle Mountain City Construction Specifications and Standards," or if municipal utilities are not available, by the service provider and in accordance with this title. Utility lines shall be underground. Substations and other utility installations shall comply with all requirements of this title and any other applicable city ordinances.

A. Utilities in First. Underground utilities, including water, sewer, and other utilities, shall be installed and stubbed as required by the city's adopted construction standards and specifications to each lot or parcel before street surfaces are constructed.

B. Utility Easements. No structure shall be constructed or placed in a utility easement, but fences may cross utility easements, where permitted by the city.

C. Loop Feed. The electrical power, gas, and water systems shall have a loop feed constructed with each phase unless otherwise approved by the city engineer. [Ord. O-27-2006 § 2 (Exh. A § 7.6); Ord. O-07-2006 § 2 (Exh. 1 § 7.6); Ord. O-23-2005 § 3 (Exh. 1(2) § 7.6)].

**16.35.070 Streets and street systems.**

Developments shall be served by dedicated public streets constructed at the developer's expense, and in compliance with the detailed performance standards of "Eagle Mountain City Construction Specifications and Standards." This includes the costs of the streets serving each lot, building, or group of buildings and the costs of culverts, bridges, traffic circles and any other improvement, including signs and signals, needed to provide vehicular access to the site. Streets and alleys and their appurtenances are required improvements, subject to the guarantee provisions of Chapter [16.30](#) EMMC. Roadway improvements that are required by the city and that are in excess of the transportation impact of a development as required by Table 16.35.130(b), Right-of-Way Classifications, will be reimbursed to the developer. The reimbursement mechanism and timing will be negotiated between the city and the developer.

A. Rights-of-Way. Table 16.35.130(b) defines the design characteristics of streets in Eagle Mountain. Streets shall be designed and constructed in accordance with the parameters set forth in this table. Developers are required to dedicate rights-of-way according to this table and according to the city's master transportation plan. A right-of-way in excess of that necessary for the transportation impact of a given development will be reimbursed by the city. The value of the right-of-way will be established by a current appraisal.

B. Cul-de-Sacs. Cul-de-sacs are discouraged as a design element in subdivisions and are best used where topographic conditions, existing streets, clustering or property ownership make them necessary. In no case shall a cul-de-sac street have a length that exceeds 500 feet measured to the center of the circle or serve more than 15 homes or generate greater than 150 average daily vehicle trips, unless a waiver is granted by the planning commission. Permanent cul-de-sacs shall have a minimum right-of-way radius of 50 feet. All cul-de-sacs shall provide pedestrian connectivity to open spaces, public facilities, sidewalks or trails. No cul-de-sacs will be permitted when the topography has a downward slope without storm water protection plans approved by the city engineer.

C. Temporary Turnarounds. Dead-end streets may be permitted on a temporary basis between phases of development where plans for future streets and street connections will eventually eliminate the dead-end street. Temporary turnarounds shall have a minimum turning radius of 60 feet. The location of temporary turnarounds shall be governed by cul-de-sac service requirements. Turnarounds shall include measures to protect against temporary storm water erosion as approved by the city engineer.

D. Intersection Separation. Street intersections shall be separated by at least 300 feet, centerline to centerline, from any other intersection. Local streets at T-intersections shall be separated by at least 125 feet, centerline to centerline, from any other intersection. The city engineer may require greater separation depending upon the classifications of the intersecting streets.

E. Street Approaches at Intersections. Streets shall approach intersections at 90-degree angles, except that lanes may approach intersections at an angle of 90 degrees plus or minus 10 degrees within 50 feet before the intersection.

F. Maximum Intersection Grades. The maximum grade of intersecting roads shall be four percent. This grade shall be extended a minimum of 100 feet on each leg of the intersection and shall be measured from the edge of the asphalt of the intersecting roadway to the nearest grade break/vertical curve. Collector roads at intersections may increase the maximum grade not to exceed six percent when no traffic control device is required on the collector through street. Detailed storm water and street profile design and construction standards must be submitted for

each intersection design to ensure traffic lanes are free from storm water during a 10-year, 24-hour rainfall event and shall be approved by the city engineer.

G. Residential Access onto Collector Roads. No residential lot shall have its primary access onto a collector or arterial street, unless the planning commission determines that such access cannot be avoided due to terrain or other features that cannot be reasonably resolved. In these cases, the planning commission may allow lots with frontage of 100 feet or greater a circular driveway with a radius no less than 24 feet.

H. Access on Alleyways. Homes constructed on lots adjoining alleyways shall have access to the home garage from the alley only and the garage door of the home shall be oriented toward the alley. Lots adjoining alleys shall not be permitted driveway access from the street in front of or adjoining the lot, and all garage doors on lots adjoining alleys shall be oriented toward the alley unless a waiver is granted by the planning commission.

I. One-Access Roads. The number of dwelling units on a single fire apparatus access road shall not exceed 30. Developments of one- or two-family dwellings where the number of dwelling units exceeds 30 shall be provided with separate and approved fire apparatus access roads.

J. Street Design. The design of public and private streets shall be subject to the city's ordinances, standards and policies regarding construction and width, unless a deviation from such standards is an integral part of an increase in the quality of the development.

K. Streets Dedication. All private streets within a project shall be dedicated as public utility easements and all underground improvements shall be constructed in compliance with the city's ordinances, standards and policies.

L. Traffic Calming. Traffic calming improvements and design shall be constructed on local streets. Traffic calming improvements include but are not limited to traffic circles, curvilinear roads, narrowed intersections, and raised pedestrian walkways. Traffic calming design will include a mixture of street horizontal layouts, intersection designs, roadside designs that encourage drivers to reduce speeds, and conveniently placed collector roads that reduce overall traffic time. [Ord. O-09-2013 § 2 (Exh. A); Ord. O-27-2006 § 2 (Exh. A § 7.7); Ord. O-07-2006 § 2 (Exh. 1 § 7.7); Ord. O-23-2005 § 3 (Exh. 1(2) § 7.7)].

#### **16.35.080 Street trees.**

Street trees shall be planted in the park strip with an irrigation system along all arterial and collector streets.

A. Tree Specifications. At the time of planting, street trees shall have a trunk caliper of at least one and one-half inches at a location of eight inches above the soil line and be spaced according to size at maturity so that mature crowns overlap slightly with adjacent trees.

B. Bond. The developer shall be required to post a bond for required street trees and related improvements. The bond may be used to replace required landscaping that fails to survive for a period of one year after all planting. The bond will be released after all required landscaping is in place and has survived in good condition for a period of one year after planting. To avoid damage, required landscaping shall be planted as project phases are completed and as early as appropriate based on seasonal requirements. Street trees shall be installed where there is a soil volume sufficient to support healthy trees and an irrigation system. [Ord. O-27-2006 § 2 (Exh. A § 7.8); Ord. O-07-2006 § 2 (Exh. 1 § 7.8); Ord. O-23-2005 § 3 (Exh. 1(2) § 7.8)].

#### **16.35.090 Privacy fencing.**

Residential developments designed with rear lot lines abutting an arterial road or collector road right-of-way shall install privacy fencing of consistent height (no less than six feet), material and color, and of durable quality along the rear lot lines of all lots with a rear lot line abutting an arterial or collector road. Developer applicants are required to install privacy fencing prior to any building permits being issued in that phase of development. The city council shall be authorized to require a specific material and color for the fencing in a development agreement. [Ord. O-17-2010 § 2 (Exh.

A); Ord. O-27-2006 § 2 (Exh. A § 7.9); Ord. O-07-2006 § 2 (Exh. 1 § 7.9); Ord. O-23-2005 § 3 (Exh. 1(2) § 7.9)].

**16.35.100 Sidewalks, trails, and pathways.**

Sidewalks shall be provided along both sides of streets, at the developer's expense, and in compliance with the detailed performance standards of "Eagle Mountain City Construction Specifications and Standards." Sidewalks are required improvements, subject to the guarantee provisions of Chapter [16.30](#) EMMC.

A. Developments Not Requiring Sidewalks. Sidewalks are not required along alleys. Sidewalks, curbs, and gutters may not be required in agricultural, base density, or Tier I residential developments (see EMMC 16.30.090 and Chapter [17.25](#) EMMC). Notwithstanding other provisions of this title, the city council may determine in the development agreement that sidewalks will not be required on one or both sides of the street. Such determination may be made if lot sizes, traffic patterns, wider roads or other related design factors support a more flexible approach. If sidewalks are not required, the city council may specify the completion of other public facilities in lieu of sidewalks.

B. Improved Trails. Developments shall provide improved trails and pathways constructed to "Eagle Mountain City Construction Specifications and Standards" for bicycle and/or horse use which connect the development to other public facilities such as parks or the major existing and planned trails established in the city's general plan. Connecting trails are required improvements, subject to the guarantee provisions of Chapter [16.30](#) EMMC.

C. Street Lighting. Street lighting shall be installed where necessary to ensure the safety of pedestrians, but may not be required in agricultural, base density, or Tier I residential developments (see EMMC 16.30.090 and Chapter [17.25](#) EMMC), except at subdivision entryways. [Ord. O-27-2006 § 2 (Exh. A § 7.10); Ord. O-07-2006 § 2 (Exh. 1 § 7.10); Ord. O-23-2005 § 3 (Exh. 1(2) § 7.10)].

**16.35.105 Park and improved open space requirements.**

The amount of land required for parks shall be calculated during the master development plan, preliminary plat and/or site plan approval process, according to the requirements in Chapter [17.30](#) EMMC, Residential Zone Bonus Density Entitlements. The park requirements are intended to be flexible in order to best meet the recreational needs of a neighborhood.

A. All improved open space must meet the following requirements:

1. Improved open space shall enhance the development by providing landscaping features, screening for the benefit of the occupants or those in neighboring areas, recreational amenities, or a general appearance of openness. Improved open space shall not include driveways, parking lots, sidewalks (adjacent to roads), any area occupied by a building, nor areas so located or so small as to have no substantial value for the purposes stated in this definition. In order to count towards required improved open space, landscaped areas must be at least 2,000 square feet in size, no less than 20 feet in any dimension, and shall not exceed 15 percent slope.
2. Developers are encouraged, whenever possible, to consolidate improved open space into larger parks that may be used by more than one neighborhood, or improve existing nearby parks. Collocation with schools or other institutions is also encouraged. If the neighborhood is within 1,320 feet of an existing park, the developer may be required to improve the existing park rather than create additional park space within the development, at the discretion of the planning commission and city council.
3. Parks shall be integrated as key features into the design of the street and residential lot pattern, and not simply be added as afterthoughts on less buildable land. They shall be connected with homes and other neighborhood parks and open space areas via sidewalks or trails.

4. No unit/lot should be located more than one-quarter mile from a park, wherever possible.
5. Each park must have access along a public road.
6. Parks shall be designed with a mixture of shrubs, trees, ornamental plantings, and grass areas. The landscape treatments shall be designed to enhance the sense of place while remaining waterwise.
7. Parks smaller than two acres will generally be maintained by the community association or local homeowners' association. If no HOA exists or will exist for the project, a fee in lieu or improvement of an existing public park may be required.
8. Stormwater detention or retention basins may only be considered towards meeting the required improved open space if the useable portion of the pond is improved with sod and the basin is designed to be an amenity, including trails around the pond, boardwalks, bridges, or other features. The 10-year flood area will not be counted.
9. Natural open space areas shall be left in their natural state. These areas may be improved with paved trails and necessary improvements to establish trails and any associated viewing areas. Any disturbed open space caused by construction activities shall be restored to its natural state and the required revegetation shall not be counted towards improved open space requirements. Improvements within the open space shall be counted toward the minimum amenity requirement for a project. Only the amenity and not the adjacent area containing the amenity may be counted toward the required element points, at the approval authority's discretion.
10. Open space shall be fully improved prior to recording the first plat in a project, or a separate cash deposit or cash escrow must be put in place with the city with each plat to cover 150 percent of the pro rata anticipated cost of park improvements. For example: preliminary plat = 100 lots; all parks and trails in preliminary plat = \$250,000 (150 percent = \$375,000); final plat = 20 lots; cash bond/deposit for final plat = \$75,000 ( $\$375,000/100 \times 20$ ).
11. If the applicant elects, or the city council requires the applicant, to pay a fee in lieu of park construction, the fee is due with the recordation of each plat. The fee in lieu is calculated at \$5.75 per square foot of required park space. If less than one acre of park space is required, a fee in lieu may be required instead of improved open space. If a fee in lieu is collected, the city shall determine the timing and location of park improvements, but the improvements should be made on a park to be used by the future residents of the development. If the developer is required to improve an existing park, the improvements shall be made prior to recording the first plat.
12. Required land shall be dedicated free and clear of all taxes and encumbrances at recordation of the first subdivision plat or approval of the first site plan.

B. The design of the parks and open space shall be proposed by the developer and reviewed and/or revised by the city. The city will use the parks and open space master plan, community desires and needs, and existing amenities in other parks to help determine appropriate elements for a specific park or open space area. At least 10 points per 0.1 acre or 100 points per acre are required in the design of improved open space, according to Table 16.35.130(c). The following minimum programming is generally required for each park or open space area:

1. Grass area large enough for children's play or multi-use fields.
2. Shady seating areas with benches or tables provided by a shade structure, pavilion, or grove of trees.
3. Additional uses, such as tot lots or other play structures, depending on the needs of the surrounding neighborhood and proximity to other play structures. Creative play structures are encouraged and may be given additional points.

4. Must be connected to the neighborhood by sidewalks or trails, and should have internal trails.
5. A variety of landscaping, including trees, shrubs, ornamental grasses, and water-wise landscaping.
6. A basketball court, sports court, or other recreational element, depending on the size of the development and needs of the area.
7. An appropriate number of garbage receptacles with park elements, including pavilions, picnic tables, playground equipment, splash pad, benches, etc. [Ord. O-06-2015 § 2 (Exh. A); Ord. O-16-2011 § 2 (Exh. A)].

**16.35.110 Neighborhood park requirements.**

*Repealed by Ord. O-06-2015.* [Ord. O-16-2011 § 2 (Exh. A); Ord. O-27-2006 § 2 (Exh. A § 7.11); Ord. O-07-2006 § 2 (Exh. 1 § 7.11); Ord. O-23-2005 § 3 (Exh. 1(2) § 7.11)].

**16.35.120 Community parks.**

*Repealed by Ord. O-06-2015.* [Ord. O-16-2011 § 2 (Exh. A); Ord. O-27-2006 § 2 (Exh. A § 7.12); Ord. O-07-2006 § 2 (Exh. 1 § 7.12); Ord. O-23-2005 § 3 (Exh. 1(2) § 7.12)].

**16.35.125 Regional parks.**

*Repealed by Ord. O-06-2015.* [Ord. O-16-2011 § 2 (Exh. A)].

**16.35.130 Tables.**

**Table 16.35.130(a) Residential Water Right Requirements**

Lot Sizes in Square Feet	Per Lot Irrigable Acreage	Outdoor Water Requirements	Indoor Water Requirements	Total Water Right Per Lot Requirements
Less than 5,000	0.05	0.12	0.53	0.65
5,001 to 7,000	0.08	0.20	0.53	0.73
7,001 to 9,000	0.13	0.33	0.53	0.86
9,001 to 11,000	0.17	0.43	0.53	0.96
11,001 to 14,500	0.25	0.63	0.53	1.16
Multifamily/PUD		2.5 acre-feet per irrigable acre	0.383	

Residential lots which exceed 14,501 square feet are required to dedicate water rights calculated on a case-by-case basis after a review of the proposed use by the city engineer.

**Table 16.35.130(b) Right-of-Way Classifications**

	Freeway (Eight Lanes)	Expressway (Six Lanes)	Highway (SR-73)	Parkway (Four Lanes)	Major Arterial (Seven Lanes)	Major Arterial (Five Lanes)	Minor Arterial (Five Lanes)	Major Collector (Three Lanes)	Minor Collector (Two Lanes)	Local Street	Rural Streets	Alleys
Right-of-Way	300	174	162	206	176	152	122	94	77	51	50	20
Cross Slope	2%	2%	2%	2%	2%	2%	2%	2%	2%	3%	3%	3%
Minimum Street Grade	0.5%	0.5%	0.5%	0.5%	0.5%	0.5%	0.5%	0.5%	0.5%	0.5%	1%	0.5%
Maximum Street Grade	8%	8%	8%	8%	8%	10%	10%	10%	10%	12%	12%	10%
Curb and Gutter Width	N/A	N/A	N/A	N/A	30	30	30	30	30	30	30 or	30

(inches)												swale	
Swale Width (feet)	N/A	N/A	16	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	7.5 or curb	N/A
Turn Pocket Width	N/A	N/A	12	12	12	12	10	10	0	0	0	0	0
Acceleration/Deceleration Lane	12	12	12	12	12	12	12	0	N/A	0	0	0	0
Median Width	30	18	26	20	15	15	13	13	0	0	0	0	0
Planter Strip Width	60	30	12 (one side only)	45	30	30	20	18	8	5	5 (if no swale)	0	0
Curb	N/A	N/A	N/A	High back	High back	High back	High back	High back	High back	High back	Mod curb	Mod curb	Mob curb
Sidewalk Width/Multiuse Path	N/A	N/A	8 (in planter, one side only)	N/A	8 (included in planter)	8 (included in planter)	8 (included in planter)	8 (included in planter)	8	4	8 (one side only)	0	0
Minimum Distance between Intersections (feet)	1 mile	1 mile	1,000' (600' for right turn only)	1,500'	1,320 <sup>1</sup>	1,320 <sup>1</sup>	300'	250 <sup>1</sup>	200'	200 <sup>1, 3</sup>	125'	N/A	N/A
Minimum Horizontal Curve Centerline Radius				600'	550'	550'	250' – 350 <sup>2</sup>	250' – 350 <sup>2</sup>	150'	125'	200 <sup>1</sup>	45' inside	
Number of Emergency Lanes	4	2	2	2	2	2	2	2	2	1	0	1	1
Emergency/Parking Lane Width	12	12	10	12	12	12	8	8	8	8	0	4	4
Number of Lanes	8	6	6	4	6	4	4	2	2	2	2	1	1
Lane Width	12	12	12	12	12	12	12	12	12	10	13.5	11	11
Signed Speed (mph)	65 – 75	55 – 65	55	Up to 65	55	55	45	35	35	25	25	N/A	N/A
Parking	N/A	N/A	N/A	N/A	Not allowed	Not allowed	Allowed except within 20' of intersection	Allowed except within 20' of intersection	Allowed	Allowed	Allowed	Allowed	Allowed
Average Daily Traffic				N/A	N/A	N/A	8,000	4,000	Up to 3,000	N/A	N/A	N/A	N/A
Driveway Distance from Intersection (feet)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	50 <sup>4</sup>	50 <sup>4</sup>	N/A	N/A
Width at Intersection/Exit Ramps	500	300											
Distance of Increased Width from Intersections	2,000	2,000											

<sup>1</sup> Variance will be considered based on standard design practices and safe operating conditions.

<sup>2</sup> The lesser centerline radius standard requires super-elevation based on appropriate design

speeds.

<sup>3</sup> Distances of less than 200 feet may be approved for one-way intersections, reduced traffic loads, alleys, or other site-specific justification.

<sup>4</sup> Distance may be adjusted to a minimum of 30 feet when determined necessary by site plan reviewer.

All park or open space areas require sod with an improved irrigation system, flower/planter beds with irrigation, or similar improvements. In addition to grass and irrigated landscaping, the following elements may be used to achieve the 10 points that are required per 0.1 acre (or 100 points per acre) of required open space. Park features or elements that are not included in this table may be proposed by an applicant and are assigned points by the planning commission and city council. Applicant may propose a "buy down" of open space acreage by including additional amenities at a ratio of 150 points per acre, to be approved at the discretion of the planning commission and city council.

**Table 16.35.130(c) Park and Improved Open Space Elements**

Park Feature/Improvement	Points
Bench/picnic table (w/ shade structure or trees)	2
Bicycle rack (4+ bikes)	2
Trees (5)	2
Shade structure	4
Drinking fountain	5
Asphalt or concrete trails – 8 ft. wide, excluding sidewalks along streets (per 100 linear feet)	6
Parking* (5 stalls)	6
Swings (4+ swings)	7
Concrete basketball court (1/2)	20
Pavilion w/ tables, garbage receptacles, barbeques (per 100 sq. ft.)	4
Playground equipment* per \$1,000	2
Splash pad* per \$1,000	2
Tennis court (6,600 sq. ft. or 55' x 120')	100
Sports court (6,600 sq. ft. or 55' x 120')	100
Restroom (600+ sq. ft.)	100
Restroom (1,200+ sq. ft.)	200
Public art*	Varies
Other developer-proposed improvement	Varies

\* Public art should reflect the neighborhood or community identity or culture. Creativity is encouraged in playground equipment and splash pads, and may be awarded more points than standard equipment. Costs for playground equipment and splash pads reflect equipment costs only. Parking must be adjacent to improved open space, and must be in addition to any required parking for the development.

[Ord. O-06-2015 § 2 (Exh. A); Ord. O-16-2011 § 2 (Exh. A); Ord. O-04-2010 § 2 (Exh. A); Ord. O-10-2007 § 3 (Exh. B Tables 7.1, 7.3, 7.4); Ord. O-27-2006 § 2 (Exh. A Tables 7.2 – 7.4); Ord. O-07-2006 § 2 (Exh. 1 Tables 7.1, 7.2); Ord. O-23-2005 § 3 (Exh. 1(2) Tables 7.1 – 7.4)].



**Chapter 16.40**  
**STORM WATER RUNOFF AND SURFACE DRAINAGE**

Sections:

[16.40.010 What this chapter does.](#)

[16.40.020 Purpose.](#)

[16.40.030 Integrating development into the landscape.](#)

[16.40.040 Runoff and erosion control plan defined.](#)

[16.40.050 Maintaining natural drainage channels required.](#)

[16.40.060 Building on alluvial fans.](#)

[16.40.070 Building on slopes over 25 percent.](#)

[16.40.080 Grading away from structures.](#)

[16.40.090 Impervious cover on slopes – Diagram 16.40.090.](#)

**16.40.010 What this chapter does.**

This chapter establishes development standards for all developments within Eagle Mountain City. When considering development applications, the planning director, planning commission and city council shall evaluate such applications using the provisions of this chapter. [Ord. O-23-2005 § 3 (Exh. 1(2) § 8.1)].

**16.40.020 Purpose.**

The purpose of this chapter is to set forth specific development standards that require all developments to provide for storm water runoff, identify steps to minimize flood hazards and establish standards to protect buildings and property from potential damage caused by surface waters. [Ord. O-23-2005 § 3 (Exh. 1(2) § 8.2)].

**16.40.030 Integrating development into the landscape.**

Clearing, excavation, and grading shall be in compliance with an approved plan, as required by the International Building Code or the International Residential Code. Excavation permits are required for this work unless it is part of a subdivision. Such plan shall be reviewed and approved by the city engineer prior to the commencement of clearing, excavating and grading activities. Clearing, excavation, and grading shall also be in compliance with the runoff and erosion management plan required by this chapter. [Ord. O-23-2005 § 3 (Exh. 1(2) § 8.3)].

**16.40.040 Runoff and erosion control plan defined.**

The principal strategy for managing runoff and erosion in the city is to allow natural channels to carry storm water and snowmelt runoff, within their historical capacity, to open spaces where it will infiltrate or evaporate. All developments shall submit a runoff and erosion plan with their application for a permit as required by this title. Each runoff and erosion management plan shall be consistent with the city's overall runoff and erosion management plan and shall:

- A. Minimized Disturbance of Landscape. Demonstrate how the area disturbed by construction at any one time will be minimized, and how disturbed areas will be stabilized during the construction period;
- B. Disturbed Areas Stabilized. Demonstrate how disturbed areas will be promptly, permanently stabilized by revegetation and/or structural techniques to protect against erosion (revegetation with native plants is encouraged when feasible);
- C. Channeled through Development. Demonstrate how storm water runoff, generated above the development, will be channeled through the development, including how the drainage ways used will be prepared to handle the anticipated flows without erosion or surface flooding;
- D. Storm Water Retention and Detention. Demonstrate how the runoff generated by development

will be retained on-site and infiltrated or evaporated, or how it will be released from the site to a natural channel at a rate that can be conveyed downstream without damaging that channel or downstream structures (culverts, bridges, detention basins, etc.), or creating flooding. Engineered storm drainage is required; and

E. Limiting Impervious Cover on Slopes. Demonstrate how the amount of impervious area complies with EMMC [16.40.090](#) and Diagram 16.40.090 when parcels have an average slope that ranges between eight and 25 percent. [Ord. O-23-2005 § 3 (Exh. 1(2) § 8.4)].

**16.40.050 Maintaining natural drainage channels required.**

Natural intermittent stream channels serve the critical function of conveying runoff through the city, and shall remain undeveloped except that such channels may require storm drainage structures or improvements to be installed as needed for the purpose of conveying or detaining runoff. Roads and utility lines shall be permitted to cross natural channels, but the number of such crossings shall be minimized. The design and construction of culverts and bridges shall be consistent with overall runoff and erosion management plan. Grading, planting, and the installation of structures needed to manage runoff and erosion or mitigate flood hazards shall also be permitted in natural channels, but only in compliance with an approved runoff and management plan, or the overall runoff and management plan. [Ord. O-23-2005 § 3 (Exh. 1(2) § 8.5)].

**16.40.060 Building on alluvial fans.**

Building on alluvial fans is not permitted. [Ord. O-23-2005 § 3 (Exh. 1(2) § 8.6)].

**16.40.070 Building on slopes over 25 percent.**

Building on slopes in excess of 25 percent is not permitted. A lot with slopes in excess of 25 percent may be eligible for a building permit if there is a building pad sufficient to construct the proposed structure without altering the grade of areas in excess of 25 percent so long as the grades of driveways and public streets accessing the property shall comply with the maximum grade allowances. [Ord. O-23-2005 § 3 (Exh. 1(2) § 8.7)].

**16.40.080 Grading away from structures.**

Positive drainage shall be required around buildings and structures by grading away from the exterior foundation wall at a minimum two percent slope, but in no case shall grading be less restrictive than the recommendations of the geotechnical report submitted for the subdivision. Grading away from the exterior foundation wall at a minimum two percent slope may be permitted on rapidly permeable soils. Sites shall also be graded so as to avoid surface ponding near buildings or structures, or in actively used outdoor spaces. Surface runoff must be channeled to detention or infiltration basins, as provided by a runoff and erosion management plan. Property owners shall be responsible to ensure that surface runoff does not enter adjacent properties nor cause damage to adjacent property owners. [Ord. O-23-2005 § 3 (Exh. 1(2) § 8.8)].

**16.40.090 Impervious cover on slopes – Diagram 16.40.090.**

Minimum guidelines shall be incorporated into the erosion and runoff control plans and will govern the amount of impervious area that can be placed on lots of various grades and soil conditions. The limitation of impervious areas shall be taken into account by the developer and bonus density entitlements shall not be calculated on or given for slope and soil constrained lands unless otherwise agreed upon by the planning commission and city council. Diagram 16.40.090, Impervious Area Limitations by Slope and Soil Characteristics, depicts the maximum area of a parcel that may be developed as impervious cover based upon the property's average slope (predevelopment) and soil conditions. Property that has an average slope between eight and 25 percent shall comply with Diagram 16.40.090 and the following standards:

A. Thirty Percent Impervious Lot Cover. A lot may be developed with 30 percent of the total lot area covered with impervious area if the average slope of the ground is 25 percent or less and the soils are only slightly erodible. For example, to maintain a building footprint of 1,500 square feet and having an additional 1,500 square feet of impervious covering consisting of a driveway, sidewalks, and patios, the lot shall be a minimum of 10,000 square feet.

B. Twenty-Five Percent Impervious Lot Cover. A lot may be developed with 25 percent of the total lot area covered with impervious area if the average slope of the ground is 25 percent or less and the soils are slightly to slightly moderately erodible. For example, to maintain a building footprint of 1,500 square feet and having an additional 1,500 square feet of impervious covering consisting of a driveway, sidewalks, and patios, the lot would have to be 12,000 square feet.

C. Twenty Percent Impervious Lot Cover. A lot may be developed with 20 percent of the total lot area covered with impervious area under the following conditions: (1) if the average slope of the ground is 25 percent or less and the soils are moderately erodible; (2) if the average slope of the ground is 15 percent or less and the soils are erodible. For example, to maintain a building footprint of 1,500 square feet and having an additional 1,500 square feet of impervious covering consisting of a driveway, sidewalks, and patios, the lot would have to be 15,000 square feet.

D. Five Percent Impervious Lot Cover. A lot may be developed with five percent of the total lot area covered with impervious area if the average slope of the ground is 15 percent or less and the soils are moderately erodible. For example, to maintain a building footprint of 1,500 square feet and having an additional 1,500 square feet of impervious covering consisting of a driveway, sidewalks, and patios, the lot would have to be 60,000 square feet.

E. One Percent Impervious Lot Cover. Development is prohibited on slopes greater than 25 percent.

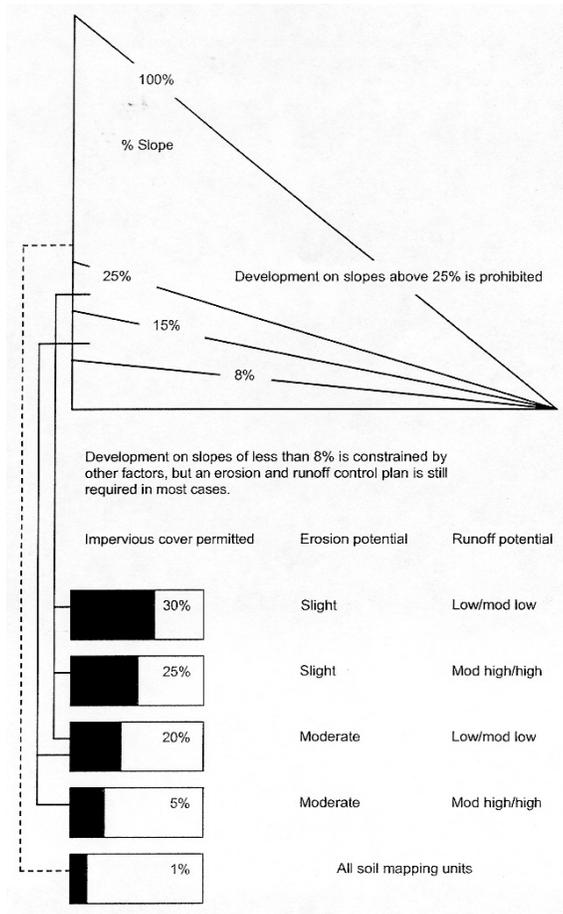
F. Diagram 16.40.090, Impervious Area Limitations by Slope and Soil Characteristics, depicts the maximum area of a parcel that may be developed as impervious cover based upon the property's average slope (predevelopment) and soil conditions. The following text explains how impervious cover, slope, and soil conditions contribute to erosion and runoff.

The impervious areas that are built on a lot increase the amount of water that is concentrated in the pervious portions of the lot. Impervious areas are comprised of the building footprints, sidewalks, driveways, patios, or other highly compacted areas. In essence, impervious area is any material that sheds water rather than allowing the water to soak into the soil structure. The increased concentration of water is exacerbated by the lot's slope and soil conditions in the following ways.

Increased slope intensifies water's velocity and reduces the amount of water that actually infiltrates into the ground. Because the water is moving faster, there is less likelihood that the water will infiltrate into the ground. Therefore, with this increased amount of water traveling at high velocities, the type of soils becomes critical. Slope is most readily determined by the predevelopment conditions. However, the postdevelopment slope has the final and lasting effect upon the velocity of the storm water runoff.

Each type of soil exhibits different responses to water flowing over it. Sandy and silty soils tend to erode easily because there are no clay components to bind different particles together. Clayey soils are soils that are well graded with clay components and tend to bind tightly and will not be washed away by water easily.

**Diagram 16.40.090 – Impervious Area Limitations by Slope and Soil Characteristics**



[Ord. O-23-2005 § 3 (Exh. 1(2) § 8.9)].

**Chapter 16.45**  
**LOT SPLITS**

Sections:

[16.45.010 What this chapter does.](#)

[16.45.020 Purpose.](#)

[16.45.030 Application.](#)

[16.45.040 Approval process.](#)

[16.45.050 Criteria for approval.](#)

**16.45.010 What this chapter does.**

This chapter establishes the application requirements and approval process for lot splits. [Ord. O-23-2005 § 3 (Exh. 1(2) § 9.1)].

**16.45.020 Purpose.**

This chapter allows property owners of existing lots of record (not in a recorded subdivision) prior to the incorporation of Eagle Mountain City a process to divide their property once without being subject to the requirements of a subdivision. [Ord. O-23-2005 § 3 (Exh. 1(2) § 9.2)].

**16.45.030 Application.**

Property owners or their duly authorized agent shall make application for a lot split on forms prepared by the planning director. No lot split application may be processed without the submission of the application, all the supporting materials required by this chapter, and the processing fee. Incomplete applications shall not be processed under any circumstance.

A. Supporting Materials. The following materials must be submitted with any application for a lot split. The number of hard copies and electronic copies, as well as the appropriate format of each, will be determined by the planning director.

1. Plat. A plat prepared by a registered land surveyor that contains the boundaries, dimensions, existing and proposed public rights-of-way accessing the property, legal descriptions of the original parcel and the two new parcels.
2. Utility Map. A map indicating the existing and proposed locations of all utilities near or on the subject parcel.
3. Title Report. A title report shall be submitted.
4. Deed. A deed defining the transfer of property.
5. Public Notice. Applicants must submit addressed and stamped envelopes (the city's address will be the return address on the envelopes) for property owners within 300 feet of the proposed lot split, including a minimum of 15 property owners.
6. Fee. The applicant shall reimburse the city for the costs incurred during the processing of the application plus a 15 percent administration charge prior to the recordation of the deed or the processing fee required by the current consolidated fee schedule approved by the city council. [Ord. O-23-2005 § 3 (Exh. 1(2) § 9.3)].

**16.45.040 Approval process.**

Upon submission of the aforementioned materials, the planning director will review the application for completeness, accuracy, and for compliance with the criteria for approval. A lot split application is a subdivision and requires a public hearing.

A. Public Hearing. Upon receipt of a complete application, the planning director shall schedule the application for a public hearing before the planning commission. The planning director shall cause all property owners within 300 feet of the boundaries of the proposed application area (including a minimum of at least 15 adjacent property owners and affected entities if there be any) to be notified

by first class mail of the time and place of the public hearing at least 10 days prior to the planning commission meeting. A copy of the public notice of the hearing shall also be posted in three public places (including the city offices) within the city at least 10 days prior to the hearing.

B. Planning Commission Approval. If the proposed development complies with all applicable criteria identified in this chapter, and the submission is complete in all respects, the planning commission shall take action. The planning commission may approve, approve with conditions, disapprove based upon findings of facts or table the application and request further information to resolve any issues or questions prior to approval. [Ord. O-23-2005 § 3 (Exh. 1(2) § 9.4)].

**16.45.050 Criteria for approval.**

The planning commission may approve lot splits if the proposed application meets all of the following criteria. Failure to meet all of the criteria will require the request to be processed according to the preliminary plat and final plat process.

A. Lot of Record. The subject parcel for division shall be an existing lot of record as of the date of the incorporation of Eagle Mountain City (December 3, 1996).

B. Second Lot Split. Creation of a third lot or parcel from either the original parcel or the resulting parcel will constitute a subdivision, regardless of ownership, and shall be subject to the subdivision process.

C. Access. Both lots shall have access to a public street.

D. Lot Size. The division of the property shall not create lots that are less than five acres in size (variances may be allowed at the discretion of the planning commission). [Ord. O-23-2005 § 3 (Exh. 1(2) § 9.5)].

**Chapter 16.50**  
**LOT LINE ADJUSTMENTS**

Sections:

[16.50.010 What this chapter does.](#)

[16.50.020 Purpose.](#)

[16.50.030 Application.](#)

[16.50.040 Approval process.](#)

[16.50.050 Review responsibilities.](#)

[16.50.060 Criteria for approval.](#)

**16.50.010 What this chapter does.**

This chapter establishes the application, review and approval process, and duties of the planning director for lot line adjustments. [Ord. O-23-2005 § 3 (Exh. 1(2) § 10.1)].

**16.50.020 Purpose.**

The lot line adjustment process allows for property boundaries between adjacent parcels to be adjusted under specific circumstances allowed by state law without being subject to the plat amendment or subdivision processes. [Ord. O-23-2005 § 3 (Exh. 1(2) § 10.2)].

**16.50.030 Application.**

Property owners or their duly authorized agents shall make application for a lot line adjustment on forms prepared by the planning director. No lot line adjustment application may be processed without the submission of the application, all the supporting materials as required by this chapter and the processing fee. Incomplete applications shall not be processed under any circumstances.

A. Supporting Materials. The following items shall be submitted with an application for a lot line adjustment. The number of hard copies and electronic copies, as well as the appropriate format of each, will be determined by the planning director.

1. Title Report. A title report shall be submitted for the properties that are the subject of the lot line adjustment.
2. Recorded Plat. The existing recorded plat shall be submitted.
3. Legal Description. A legal description shall be submitted.
4. Diagrams of Improvements. Diagrams showing the current and proposed lot lines and building setbacks. These drawings must also show the locations of any structures and their respective distances from the proposed lot lines.
5. Locations of Utilities and Easements. A plan that identifies the existing and proposed utilities and easements shall be submitted.
6. Deed. A signed special warranty deed defining the transfer of property shall be submitted.
7. Letter of Consent. Any lending institution that owns property that will be altered by the proposed application must submit a letter consenting to the application.
8. Fee. The applicant shall reimburse the city for expenses incurred during the processing of the application plus a 15 percent administration charge prior to the recordation of the deed or the processing fee required by the current adopted consolidated fee schedule. [Ord. O-23-2005 § 3 (Exh. 1(2) § 10.3)].

**16.50.040 Approval process.**

Upon submission of the aforementioned materials, the planning director (or designee) will review the application for completeness, accuracy, and for compliance with the criteria for approval. After

the planning director (or designee) has reviewed the application, they may approve, approve with conditions, or deny the application. No deed shall be recorded without the city attorney's authorization. [Ord. O-23-2005 § 3 (Exh. 1(2) § 10.4)].

**16.50.050 Review responsibilities.**

As part of the review, the city engineer and city attorney will perform the following duties:

A. City Engineer. The city engineer will verify that the proposed property boundaries close and that there are no conflicts with the existing utilities in the easements and the proposed property boundaries. The city engineer will require that the altering of any property lines shall also include the adjustment of utilities to be located within the easements.

B. City Attorney. The city attorney will review the title reports, proposed deed, and letters of consent. [Ord. O-23-2005 § 3 (Exh. 1(2) § 10.5)].

**16.50.060 Criteria for approval.**

The planning director (or designee) may only approve proposed lot line adjustments if the application meets all of the following criteria listed below:

A. No New Dwelling. No new dwelling unit or lot shall be created as a result of approval of the proposed lot line adjustment.

B. Consent. The adjoining property owners shall consent to the lot line adjustment application.

C. Remnant Land. No remnant land shall be created that did not previously exist prior to the lot line adjustment being approved.

D. Violation of Land Use Requirements. No violation of the city's land use requirements shall be created as a result of the lot line adjustment being approved.

E. Other Processes. Failure to meet all of the approval criteria will result in denial of the lot line adjustment and may cause the request to be processed as a plat amendment or subdivision. [Ord. O-23-2005 § 3 (Exh. 1(2) § 10.6)].

**Chapter 16.55  
PLAT AMENDMENTS**

Sections:

[16.55.010 What this chapter does.](#)

[16.55.020 Purpose.](#)

[16.55.030 Application.](#)

[16.55.040 Approval process.](#)

**16.55.010 What this chapter does.**

This chapter establishes the review, submittal requirements, and approval process for a plat amendment. [Ord. O-23-2005 § 3 (Exh. 1(2) § 11.1)].

**16.55.020 Purpose.**

This process allows for the city council and owners of property to amend a recorded plat. [Ord. O-23-2005 § 3 (Exh. 1(2) § 11.2)].

**16.55.030 Application.**

The city council, the property owner, or their duly authorized agent shall make application for a plat amendment on forms prepared by the planning director. No plat amendment application may be processed without the submission of the application, all the supporting materials as required by this chapter and the processing fee. Incomplete applications shall not be processed under any circumstance.

A. Supporting Materials. The following items shall be submitted with an application for a plat amendment. The number of hard copies and electronic copies, as well as the appropriate format of each, will be determined by the planning director.

1. Petition. A signed petition shall be submitted that consists of the following: (a) an explanation of the purpose of the proposed amended plat; (b) the name and address of all owners of record of the land contained in the entire plat; (c) the name and address of all owners of record that are adjacent to any street that is proposed to be vacated, altered, or amended; (d) the signatures of each of these owners who consent to the petition.
2. Title Report. A title report shall be submitted for the area proposed to be amended.
3. Proposed Amended Plat. The amended plat shall be submitted. This plat must define what portion of the plat is being amended.
4. Recorded Plat. The recorded plat should be submitted to show the existing boundaries and/or lot lines.
5. Public Notice. Addressed stamped envelopes of all property owners within 600 feet of any boundary of the property to be amended (including a minimum of at least 25 adjacent property owners).
6. Declaration of Covenants, Conditions, and Restrictions. Declaration of covenants, conditions and restrictions shall be submitted for any new lot.
7. Fee. The processing fee required by the current consolidated fee schedule approved by the city council. [Ord. O-23-2005 § 3 (Exh. 1(2) § 11.3)].

**16.55.040 Approval process.**

The plat amendment application shall not be construed as an absolute right upon submission of an application and does not require the approval body to take action based upon findings of facts. The approval process for a plat amendment shall be as follows:

A. Planning Commission Review. Upon receipt of a completed application and subsequent review by the staff, the planning director shall place the application on the planning commission's agenda

within 30 days.

B. City Council Public Hearing. Upon the planning commission's review and recommendation the city council shall have 45 days to conduct a public hearing on the proposed plat amendment if a public hearing is required. A public hearing is required if the proposed plat change includes the vacation of a public street or alley. A public hearing may be required if all of the property owners in the subdivision have not signed the petition or, upon receiving notice of the public hearing, an affected property owner objects in writing to the proposed plat amendment.

1. Public Notice. Public notices shall be given as follows:

a. Lot Amendment. Each owner of property located within 600 feet of the property (including a minimum of at least 25 adjacent property owners and affected entities if there be any) that is the subject of the proposed plat change shall receive notice by mail. A copy of the public notice of the hearing shall also be posted in three public places (including the city offices) within the city at least 10 days prior to the hearing. The mailed notice shall include the following:

- i. A statement that anyone objecting to the proposed plat change must file a written objection to the change within 10 days of the date of the notice;
- ii. A statement that if no written objections are received by the appointed person within the 10 days, a public hearing may not be held; and
- iii. The date, place, and time when a hearing will be held, if one is required, to consider a vacation, alteration, or amendment.

b. Street Amendment. If the proposed change involves the vacation, alteration, or amendment of a street, the responsible body or officer shall give notice of the date, place, and time of the hearing by:

- i. Mailing a notice as required in subsection (B)(1)(a) of this section; and
- ii. Publishing the notice once a week for four consecutive weeks before the hearing in a newspaper of general circulation.

C. Adoption of Ordinance. The city council shall consider the criteria in this chapter when reviewing plat amendments. If the plat amendment is approved, the city council shall adopt an ordinance that contains a finding that the city council is satisfied that neither the public nor any person will be materially injured by the proposed vacation, alteration, or amendment, and that there is good cause for the vacation, alteration, or amendment. [Ord. O-23-2005 § 3 (Exh. 1(2) § 11.4)].

**Chapter 16.60**  
**BUILDING PERMITS**

Sections:

[16.60.010 What this chapter does.](#)

[16.60.020 Purpose.](#)

[16.60.030 Building permit required.](#)

[16.60.040 Application.](#)

[16.60.050 Approval process.](#)

[16.60.060 Approved plan on construction site.](#)

[16.60.070 Issuance of a certificate of occupancy.](#)

[16.60.080 Temporary certificates of occupancy.](#)

**16.60.010 What this chapter does.**

This chapter establishes the process, policies, and procedures governing the administration of building permits in Eagle Mountain City. [Ord. O-23-2005 § 3 (Exh. 1(2) § 12.1)].

**16.60.020 Purpose.**

Eagle Mountain City and the state of Utah have adopted the International Building Code (IBC) and the International Residential Code (IRC) which govern the technical standards, specifications, requirements, and provisions that apply to the construction of all structures that are required to have a building permit. This chapter sets forth the procedures used by Eagle Mountain City when issuing building permits. [Ord. O-23-2005 § 3 (Exh. 1(2) § 12.2)].

**16.60.030 Building permit required.**

A building permit shall be required for all structures that exceed 200 square feet or the altering, remodeling, completion of unfinished areas, or enlargement of a structure as required by the International Building Code or the International Residential Code prior to the commencement of construction. [Ord. O-23-2005 § 3 (Exh. 1(2) § 13.3 [12.3])].

**16.60.040 Application.**

A property owner or their duly authorized agent shall make application for a building permit on forms prepared by Eagle Mountain City. No building permit may be processed without the submission of the application and all the supporting materials as required by the city. Incomplete applications shall not be processed under any circumstance.

A. Supporting Materials. The following materials must be submitted with any application for a building permit:

1. Bond. A cash bond, as required by the city's consolidated fee schedule, to ensure that the public property surrounding and on the building site is protected. Applicants shall be required to sign a bond agreement that sets out the terms of the bond including, but not limited to, the applicant's obligations to protect public property, the city's obligations, the terms for release of the bond and the amount of time that the bond shall be maintained with the city. The bond will be reimbursed, plus interest, to an applicant after a certificate of occupancy is issued.
2. Construction Plans. Two copies of the home construction plans demonstrating compliance with the current state-adopted International Building Code or International Residential Code shall be submitted.
3. Site/Plot Plan. Two copies of a site plan on a regular size (eight-and-one-half-inch by 11-inch) with a scale no less than one inch equal to 20 feet that is drawn or contains the following information: applicant's name, address and phone number; subdivision name and lot number; square footage of the total site; driveways, sidewalks, dimensions showing front, side, and

rear setbacks from all structures to the nearest property lines; property lines, easements; location of waterways, if any; all corners of the home and the front and rear property corners must have finished grade elevation indicating proper drainage; identification of adjacent streets, alleys and easements across property; location of laterals and meters; and species, size, and planting location of street trees in the park strip.

4. Model Energy Code Checklist (MEC Check). Two copies of the Model Energy Code checklist demonstrating that the proposed structure meets the state of Utah's Approved Model Energy Code.

5. Contractor's State License. All contractors that are building homes must submit a photocopy of their contractor's state license. An owner builder, intending to live in the structure after a certificate of occupancy is issued, does not need to have a state license.

6. Structural Engineering Calculations. Two sets of the structural engineering calculations wet stamped and signed by a registered Utah structural engineer.

7. Septic System Approval. For residential dwellings proposed to use a septic system for sanitary sewer, applicants shall submit approval of such a system by the Utah County health department.

8. Architectural Compliance. As applicable, all applicants shall submit evidence of compliance with the architectural standards established by the neighborhood, subdivision, master developer, conditions, covenants and restrictions and city ordinances established for the subject property. [Ord. O-23-2005 § 3 (Exh. 1(2) § 12.4)].

**16.60.050 Approval process.**

The city may only approve a proposed building permit application that conforms to the applicable building codes, the fire code, adopted architectural and design guidelines, or ordinances. Any redlined notes or comments written by authorized city staff on plans or in approval documents are a part of the approved plan and applicants are responsible to review and comply with such redlined amendments. The building department may receive and approve complete building permit applications under the following circumstances:

A. For residential projects with either single-family detached or single-family attached units (townhomes, twin homes, duplexes), the minimum infrastructure required to serve the lot must be installed, including sewer; water lines and fire hydrants charged; sidewalk, curb and gutter; and asphalt (except when not allowed due to temperature restrictions) (see EMMC [16.05.100\(D\)](#)). Asphalt must be placed and graded; the sewer, drains and drain facilities, and water lines must be completed and tested; street signs and "no parking" signs must be installed; required turnarounds (temporary or permanent) must be installed; and fire flow test results must be submitted and approved by the fire marshal or his/her designated representative before any building permits will be issued.

B. For nonresidential/commercial projects or multifamily residential projects (including apartment and condominium projects), building permits may be issued in advance of the road and utility improvements being completed if the project is adjacent to an existing road(s), and all necessary utility infrastructure is immediately available to the project, unless otherwise determined by the development review committee due to public safety or other special circumstances where this infrastructure would be required to be installed prior to the building permit being issued.

C. For nonresidential/commercial projects or multifamily residential projects (including apartment and condominium projects) where all necessary utility infrastructure is not immediately available, the development review committee shall review each project on a case-by-case basis to determine the amount of infrastructure that will be required prior to issuance of a building permit.

D. Development review committee decisions may be appealed to the city council. It is the responsibility of each applicant to provide sufficient information to demonstrate the reason and justification for the exception, and that they can provide acceptable temporary alternatives for

power, water, and fire protection during construction. [Ord. O-04-2015 § 2 (Exh. A); Ord. O-23-2005 § 3 (Exh. 1(2) § 12.5)].

**16.60.060 Approved plan on construction site.**

The approved plot plan and construction plans that have been stamped and signed by the architectural review committee, neighborhood association and building department officials, as applicable, shall be on the job site for all inspections. Contractors that do not have the approved plan on the job site may not be eligible for an inspection and charged a reinspection fee at the discretion of the building official and as allowed by the International Building Code or the International Residential Code. [Ord. O-23-2005 § 3 (Exh. 1(2) § 12.6)].

**16.60.070 Issuance of a certificate of occupancy.**

Structures that comply with all of the International Building Code or International Residential Code requirements, this title and any other conditions imposed through a site plan review or conditional use process may be eligible to receive a certificate of occupancy. Upon receiving a certificate of occupancy, the owner, builder or contractor may request that the bond be reimbursed with interest. [Ord. O-23-2005 § 3 (Exh. 1(2) § 12.7)].

**16.60.080 Temporary certificates of occupancy.**

The building official may issue a temporary certificate of occupancy under very specific circumstances. Temporary certificates of occupancy may only be issued under the following circumstances:

- A. Minor Deficiencies. Minor deficiencies that may be corrected within 30 days and pose no threat to the public or persons who may occupy the structure.
- B. Bond. When a temporary certificate of occupancy is issued, the bond placed for the protection of public property will be retained and may be used at the building official's discretion at a future time under his direction to bring the structure into compliance with the International Building Code or the International Residential Code, this title and any other conditions imposed through a site plan review or conditional use process.
- C. The city council may also exercise their discretionary power and authorize the building official to issue a certificate of occupancy for unusual circumstances so long as it does not violate the International Building Code or the International Residential Code.
- D. Incomplete Services or Infrastructure. Temporary certificates of occupancy shall not be issued for deficiencies or incomplete services, connections or infrastructure such as off-site water, sewer, electrical, natural gas, sidewalks, curb, gutter or other items that present a safety hazard if uninstalled. [Ord. O-23-2005 § 3 (Exh. 1(2) § 12.8)].

**Title 17  
ZONING**

**Chapters:**

**Division I. Introduction and General Information**

[17.05 General Provisions](#)

[17.10 Definitions](#)

[17.15 Roles and Duties](#)

**Division II. Land Use and Density Regulations**

[17.20 Agriculture Zone](#)

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[17.37 Business Park Zone](#)

[17.38 Commercial Storage Zone](#)

[17.40 Industrial Zone](#)

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**Division III. Generally Applicable Development Standards and Regulations**

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**Division IV. Special Use Development Standards and Regulations**

[17.65 Home Businesses](#)

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**Division V. Approvals and Appeals**

[17.90 Rezoning of Property](#)

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Prior legislation: Ords. O-20-2005, O-14-2005, O-10-2005, O-06-2005, O-02-2005, O-27-2004, O-22-2004, O-11-2004, O-02-2004, O-18-2003, O-15-2003, O-08-2003, O-20-2002, O-19-2002, O-16-2002, O-10-2002, O-05-2002, O-16-2001, 99-20, 99-17, 99-12, 99-11, 99-09, 99-04, 98-13 and 98-05.

**Chapter 17.05**  
**GENERAL PROVISIONS**

Sections:

[17.05.010 Short title.](#)

[17.05.020 What this chapter does.](#)

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[17.05.040 Regulatory authority.](#)

[17.05.050 Vested rights – Transition to this title.](#)

[17.05.060 Nonconforming lots.](#)

[17.05.070 Nonconforming uses and structures.](#)

[17.05.080 Most restrictive standards apply.](#)

[17.05.090 Conflict with private agreements.](#)

[17.05.100 Burden of proof.](#)

[17.05.110 Severability.](#)

[17.05.120 Amendments to this title.](#)

[17.05.130 Amendments to the zoning map.](#)

[17.05.140 Exactions.](#)

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[17.05.160 Public hearings.](#)

[17.05.170 Land use authority.](#)

[17.05.180 Appeal authority.](#)

[17.05.190 Tables.](#)

**17.05.010 Short title.**

This title shall be known as the land use ordinance for Eagle Mountain City, and may also be so cited and pleaded. This land use ordinance shall be referred to herein as “this title,” and the chapters and sections hereinafter referred to shall be chapters and sections of this title, unless the context clearly indicates otherwise. [Ord. O-23-2005 § 3 (Exh. 1(1) § 1.1)].

**17.05.020 What this chapter does.**

This chapter establishes the purpose of this title, identifies the enabling statute pursuant to which it is adopted, allows certain vested rights during the transition from the regulations previously applicable to the lands included in Eagle Mountain, establishes a procedure for the vesting of rights for developments approved as provided by this title, and sets rules for the continuation of nonconforming lots, land uses and buildings. This chapter also establishes basic rules for the interpretation of this title and summarizes the procedural process for notices, approvals, and appeals of the land use authority. [Ord. O-23-2005 § 3 (Exh. 1(1) § 1.2)].

**17.05.030 Purpose.**

The purposes of this title are:

- A. To protect property rights and resources and to coordinate development;
- B. To promote and expand economic development of the city in order to create jobs in the city, to make success and products available in the city, and to expand and diversify the city's revenue

sources and tax base;

C. To foster the industries and other nonresidential land uses that will be conducive to the creation of a balanced mixture of land uses and an appropriate level of urban and nonurban development;

D. To promote the development of a safe and serviceable city resulting from an orderly development pattern and effective use of resources;

E. To encourage and facilitate orderly growth and development of the city that will result in efficient urban development, reduced public infrastructure and conservation of manmade and natural resources;

F. To provide adequate open space to prevent overburdening of the land, and to lessen congestion in the streets;

G. To regulate future growth and development within the city in accordance with the general plan and to provide for the efficient and orderly growth of the city;

H. To provide for adequate safety from fire, flood or other dangers, and to prevent overburdening of the land and undue congestion of population;

I. To provide for coordinated development of the city and to assure sites suitable for building purposes and human habitation. [Ord. O-23-2005 § 3 (Exh. 1(1) § 1.3)].

#### **17.05.040 Regulatory authority.**

This title is adopted pursuant to the authority granted by the Municipal Land Use, Development, and Management Act (Sections 10-9-102, 10-9-401, et seq., Utah Code Annotated 1953). This title establishes regulations for development of real property. No subdivision shall be recorded or subdivision lots sold unless the owner of the property proposed for sale of lots or land subdivision has complied with the provisions of this title. [Ord. O-23-2005 § 3 (Exh. 1(1) § 1.4)].

#### **17.05.050 Vested rights – Transition to this title.**

A vested right is the right to proceed with development under the regulations that applied prior to the incorporation of Eagle Mountain and the adoption of the ordinance codified in this title or the right to proceed under this title, as it existed at the time an application for a permit was approved. Vested rights to proceed with development initiated prior to the effective date of the ordinance codified in this title shall be established only by:

A. Building Permit. Having obtained a building permit.

B. Recorded Plat. Having recorded a final plat in full compliance with the provisions of previous regulations. Recording a final plat establishes a vested right to the lot layout and road network of the subdivision. It does not establish a vested right for any specific improvement of the lots. Such improvements must comply with this title and are subject to the current capital facilities requirements that may be needed to service such subdivision lots.

C. Master Development Plans. Having an approved master development agreement entitling property owners to density ceilings and permitted and conditional land uses of the approved zoning districts. All development standards and processes adopted with this title that do not conflict with the aforementioned master development agreement's entitlements or other provisions specifically included in individual master development agreements shall be applicable to the property contained in the master development plan. [Ord. O-23-2005 § 3 (Exh. 1(1) § 1.5)].

#### **17.05.060 Nonconforming lots.**

Notwithstanding the vested rights described in EMMC [17.05.050](#), a nonconforming lot is a separate parcel of land that existed on the effective date of the ordinance codified in this title, but is too small to serve as a site for building in compliance with its requirements. Nonconforming lots may be developed only as indicated here.

A. Dividing Lots. Nonconforming lots shall be further divided only in order to bring adjoining lots

closer to conformity. Where such divisions are made in a platted subdivision, an amended plat shall be filed. Otherwise, such divisions shall be exempt from the platting requirements of this title.

B. Single-Family Dwelling. Where the only requirement of this title preventing construction of one single-family dwelling on a nonconforming lot is a minimum lot size standard, the administrator is authorized to issue a building permit for one single-family dwelling (provided all other city provisions and requirements are met pursuant to the issuance of building permits). Where other standards make construction of one single-family dwelling on a nonconforming lot infeasible, the board of adjustment may accept nonconforming lot size as the basis for the minimum variances needed to permit the construction of one single-family dwelling. Conditions designed to mitigate potentially adverse consequences of development on a small lot may be attached to permits and variances issued pursuant to this requirement. [Ord. O-23-2005 § 3 (Exh. 1(1) § 1.6)].

**17.05.070 Nonconforming uses and structures.**

A nonconforming use or structure is one that was in existence on the effective date of the ordinance codified in this title, but that would not comply with one or more of the requirements of this title if submitted for approval after the adoption of the ordinance codified in this title. Nonconforming uses and structures run with the land and may continue subject to the rules established here.

A. Abandonment. The right to continue any nonconforming use is terminated when it is abandoned (as defined in Chapter [17.10](#) EMMC).

B. Change of Use. The use of a nonconforming site or building shall be changed only to a conforming use.

C. Repair or Maintenance. There shall be no limit on repair or maintenance activities for nonconforming uses and structures, but no such activity shall increase the size or degree of nonconformity.

D. Replacement. Nonconforming uses and structures may be replaced if they are destroyed involuntarily, but such replacement shall not increase the degree of nonconformity. [Ord. O-23-2005 § 3 (Exh. 1(1) § 1.7)].

**17.05.080 Most restrictive standards apply.**

Eagle Mountain City adopts uniform codes to provide minimum standards for protecting the public health, safety, and welfare through regulating and controlling the design, construction, quality of materials, use and occupancy, location, and maintenance of all private and public buildings, infrastructure, and public facilities. These codes include: International Fire Code (IFC); International Building Code (IBC); International Residential Code (IRC); Manual of Uniform Traffic Control Devices (MUTCD); American Association of State Highway and Transportation Officials (AASHTO) standards; and Eagle Mountain City Construction Specifications and Standards. When these codes along with state or federal laws impose additional requirements on activities governed by this title, the most restrictive shall apply. [Ord. O-23-2005 § 3 (Exh. 1(1) § 1.8)].

**17.05.090 Conflict with private agreements.**

This title does not nullify easements, covenants, deed restrictions, and similar private agreements, but where any such private agreement imposes standards that are less restrictive than those adopted here, the provisions of this title shall apply. [Ord. O-23-2005 § 3 (Exh. 1(1) § 1.9)].

**17.05.100 Burden of proof.**

The burden of demonstrating substantial compliance with the requirements and standards of this title for a land use entitlement rests with the developer or property owner. [Ord. O-23-2005 § 3 (Exh. 1(1) § 1.10)].

**17.05.110 Severability.**

If any provision of this title is held to be invalid by a court, the remainder shall continue to be in effect. [Ord. O-23-2005 § 3 (Exh. 1(1) § 1.11)].

**17.05.120 Amendments to this title.**

Amendments to this title may be initiated and proposed by the city through the planning director, planning commission or city council. Individuals may also propose amendments by submitting such amendments in writing and paying an application fee as adopted in the city's consolidated fee schedule. The process for amending this title shall be that process allowed for and required by the Utah Code, as amended from time to time, for changing the city's land use title. [Ord. O-23-2005 § 3 (Exh. 1(1) § 1.12)].

**17.05.130 Amendments to the zoning map.**

Map 1.1, Eagle Mountain City Zoning Map, is adopted as the official zoning map for the land contained within the incorporated limits of the city. The city has adopted land use plans through the master development plan process which serve as specific zoning maps for those areas of the city.

A. Amendments. Amendments to the official zoning map of the city may be initiated and proposed by the city through the planning director, planning commission or city council as outlined in the state code. Individuals may also propose amendments through the rezoning of property or master development plan processes as described in this title and EMMC Title [16](#). [Ord. O-23-2005 § 3 (Exh. 1(1) § 1.13)].

**17.05.140 Exactions.**

In the carrying out of this title and EMMC Title [16](#), the land use authority may impose an exaction on a proposed development only if there is an essential link that exists between a legitimate governmental interest and each exaction; and if each exaction is roughly proportionate, both in nature and extent, to the impact of the proposed development. [Ord. O-23-2005 § 3 (Exh. 1(1) § 1.14)].

**17.05.150 Public meetings.**

All public meetings shall comply with the requirements of this section. Any challenge regarding notice of a public meeting shall occur within 30 days of the meeting or action, otherwise notice is considered to have been adequate and proper.

A. Post the agendas in three public places and submit a copy to the newspaper 24 hours in advance of the public meeting.

B. Notify all applicants on the agenda of the date, time, and place of the meeting. [Ord. O-23-2005 § 3 (Exh. 1(1) § 1.15)].

**17.05.160 Public hearings.**

All public hearings shall comply with the notice requirements contained in Table 17.05.190(a), Public Hearing, and contained in the individual chapters of this title and EMMC Title [16](#). Any challenge regarding notice of the public hearing shall occur within 30 days of the meeting or action, otherwise notice is considered to have been adequate and proper. [Ord. O-23-2005 § 3 (Exh. 1(1) § 1.16)].

**17.05.170 Land use authority.**

Table 17.05.190(b), Land Use Authority, summarizes the person, board, commission, agency, or other body designated by the city council to act upon an application or land use application. Individual chapters of this title and EMMC Title [16](#) contain the specific process for the approval. In those cases where the planning commission has been identified as the land use authority, the city council reserves the right to become the land use authority by requesting that the item be scheduled for review and action by the council within 15 calendar days of the planning commission's action. In cases where the city council exercises this option, then the planning commission is not the land use authority unless the city council remands the application back to the planning commission. In taking final action, the council may approve, approve with conditions, deny based upon findings of fact, table the application for further study and review or remand the application with changes back to the planning commission. [Ord. O-19-2011 § 3 (Exh. 1); Ord. O-23-2005 § 3 (Exh. 1(1) § 1.16)].

**17.05.180 Appeal authority.**

Aggrieved applicants may appeal the decision of the land use authority to the appeal authority

within the specified time. Table 17.05.190(c), Appeal Authority, identifies the appeal authority and time to appeal for the various applications. Appeals shall be filed by a written statement submitted to the city recorder detailing the grounds upon which the aggrieved applicant is appealing the land use authority's decision. Upon receipt of such an appeal it shall be placed on the next available appeal authority's agenda for which the item may be reasonably scheduled. The appeal authority shall review the decision of the land use authority and their findings of facts to determine if the land use ordinances were correctly applied to the application or decision. During this review the appeal authority shall determine if the original decision was valid or invalid. If it is determined that the decision is invalid then the appeal authority may eliminate the offending condition of approval or remand the application with their findings back to the land use authority for further action. The following provisions apply generally to appeals to development approvals and decisions:

- A. The appellant may only allege the land use authority erred in administering or applying the ordinance.
- B. The appellant has burden of proof.
- C. All theories whereby an appellant would appeal are raised to the appeal authority before appealing to district court.
- D. Legislative decisions shall be valid if reasonably debatable and not illegal.
- E. Administrative or quasi-judicial decisions shall be valid if supported by substantial evidence and not illegal. [Ord. O-19-2011 § 3 (Exh. 1); Ord. O-23-2005 § 3 (Exh. 1(1) § 1.17)].

**17.05.190 Tables.**

**Table 17.05.190(a) Public Hearing**

	P.C. Hearing	C.C. Hearing	Notice Type	Notice Period	Affected Entities**
<b>GENERAL PLAN</b>					
<b>General Plan*</b>	Yes	Yes	Published in paper – Direct mailed notice to affected entities – Post notice in 3 public places	10 Days	Yes – Check definition of affected entity
<b>LAND USE ORDINANCE</b>					
<b>EMMC Titles 16, Subdivisions, and 17, Zoning: Requirements and Approvals</b>	Yes	Yes	Published in paper – Direct mailed notice to property owners within 600 feet including at least 25 property owners and to affected agencies – Post notice in 3 public places	10 Days	Perhaps – Check definition of affected entity
<b>HOME BUSINESS</b>					
<b>License Official Approval</b>	No	No	N/A	N/A	N/A
<b>Planning Commission Approval</b>	Yes	No	Direct mailed notice to property owners within 300 feet including at least 15 property owners – Post notice in 3 public places	10 Days	N/A
<b>ACCESSORY APARTMENTS</b>					
<b>Planning Director Approval</b>	No	No	N/A	N/A	N/A
<b>Planning Commission</b>	Yes	No	Direct mailed notice to	10	N/A

<b>Approval</b>			property owners within 600 feet – Post notice in 3 public places	Days	
<b>SIGN REGULATIONS</b>					
<b>Sign Permit – Planning Director Approval</b>	No	No	N/A	N/A	N/A
<b>Model Home Signage</b>	No	No	N/A	N/A	N/A
<b>Directional/Advertising Business Signage</b>	No	No	N/A	N/A	N/A
<b>ANIMAL MANAGEMENT PLANS</b>					
<b>Planning Commission</b>	Yes	No	Direct mailed notice to property owners within 600 feet including at least 25 property owners – Post notice in 3 public places	10 Days	N/A
<b>REZONING OF PROPERTY</b>					
<b>Rezoning</b>	Yes	Yes	Published in paper – Direct mailed notice to property owners within 600 feet including at least 25 property owners and to affected entities – Post notice in 3 public places	10 Days	Perhaps – Check definition of affected entity (required if rezoning to a multi-unit residential, commercial, and industrial)
<b>CONDITIONAL USE</b>					
<b>Conditional Use</b>	Yes	No	Direct mailed notice to property owners within 600 feet including at least 25 property owners and to affected entities – Post notice in 3 public places	10 Days	Perhaps – Check definition of affected entity (required if rezoning to a multi-unit residential, commercial, and industrial)
<b>SITE PLAN REVIEW</b>					
<b>Site Plan Review</b>	Yes	No	Direct mailed notice to property owners within 600 feet including at least 25 property owners and to affected entities – Post notice in 3 public places	10 Days	Perhaps – Check definition of affected entity (required if rezoning to a multi-unit residential, commercial, and industrial)
<b>VARIANCES</b>					
<b>Variance</b>	Yes	No	Direct mailed notice to property owners within 600 feet including at least 25 property owners and to affected entities – Post notice in 3 public places	10 Days	Perhaps – Check definition of affected entity

NOTES: Posting the agenda for a public meeting on the website (<http://emcity.org>) counts as a public place.

\* The general plan requires a notice of intent of 10 days to prepare a plan amendment which is mailed or e-mailed to the affected entities.

\*\* Affected entities include but are not limited to: State Planning Coordinator, Automated Geographic Reference Center, Utah Department of Transportation, Utah County, Mountainland Association of Governments, Alpine School District, Timpanogos Special Service District, Saratoga

Springs, Fairfield, and Cedar Fort.

**Table 17.05.190(b) Land Use Authority**

	Land Use Authority	
	Advisory Body	Land Use Authority
<b>GENERAL PLAN</b>		
General Plan	Planning Commission	City Council
<b>LAND USE ORDINANCE</b>		
EMMC Title 17, Zoning	Planning Commission	City Council
EMMC Title 16, Subdivisions: Requirements and Approvals	Planning Commission	City Council
<b>HOME BUSINESS</b>		
License Official Approval	None	License Official
Planning Commission Approval	License Official	Planning Commission*
<b>ACCESSORY APARTMENTS</b>		
Planning Director Approval	None	Planning Director
Planning Commission Approval	Planning Director	Planning Commission*
<b>SIGN REGULATIONS</b>		
Sign Permit – Planning Director	None	Planning Director
Model Home Signage	Planning Commission	City Council
Directional/Advertising Business Signage	Planning Commission	City Council
<b>ANIMAL MANAGEMENT PLANS</b>		
Animal Management Plan	Planning Commission	City Council
<b>REZONING OF PROPERTY</b>		
Rezoning	Planning Commission	City Council
<b>CONDITIONAL USE</b>		
Conditional Use Permit	Planning Director	Planning Commission*
<b>SITE PLAN REVIEW</b>		
Site Plan	Planning Commission	City Council
<b>VARIANCES</b>		
Variance	Planning Director	Planning Commission

\* The city council reserves the right to become the land use authority by requesting that the item be scheduled for review and action by the council within 15 calendar days of the planning commission's action. See EMMC [17.05.170](#) for additional details.

**Table 17.05.190(c) Appeal Authority**

	Land Use Authority	1st Appeal		2nd Appeal		3rd Appeal	
		Days to Appeal	Body	Days to Appeal	Body	Days to Appeal	Body
<b>GENERAL PLAN</b>							
General Plan	City Council	30	District	N/A	None	N/A	None

			Court				
<b>LAND USE ORDINANCE</b>							
<b>EMMC Title 17, Zoning</b>	City Council	30	District Court	N/A	None	N/A	None
<b>EMMC Title 16, Subdivisions: Requirements and Approvals</b>	City Council	30	District Court	N/A	None	N/A	None
<b>HOME BUSINESS</b>							
<b>License Official Approval</b>	License Official	10	Planning Commission	10	City Council	30	District Court
<b>Planning Commission Approval</b>	Planning Commission	10	City Council	30	District Court	N/A	None
<b>ACCESSORY APARTMENTS</b>							
<b>Planning Director Approval</b>	Planning Director	10	Planning Commission	10	City Council	30	District Court
<b>Planning Commission Approval</b>	Planning Commission	10	City Council	30	District Court	N/A	None
<b>SIGN REGULATIONS</b>							
<b>Sign Permit – Planning Director</b>	Planning Director	10	Planning Commission	10	City Council	30	District Court
<b>Model Home Signage</b>	City Council	30	District Court	N/A	None	N/A	None
<b>Directional/Advertising Business Signage</b>	City Council	30	District Court	N/A	None	N/A	None
<b>ANIMAL MANAGEMENT PLANS</b>							
<b>Animal Management Plan</b>	Planning Commission	10	City Council	30	District Court	N/A	None
<b>REZONING OF PROPERTY</b>							
<b>Rezoning</b>	City Council	30	District Court	N/A	None	N/A	None
<b>CONDITIONAL USE</b>							
<b>Conditional Use Permit</b>	Planning Commission	10	City Council	30	District Court	N/A	None
<b>SITE PLAN REVIEW</b>							
<b>Site Plan</b>	City Council	30	District Court	N/A	None	N/A	None
<b>VARIANCES</b>							
<b>Variance</b>	Planning Commission	10	City Attorney	30	District Court	N/A	None
<b>ADMINISTRATIVE DECISIONS</b>							
<b>Nonconforming Use or Structure</b>	Planning Director	10	City Attorney	30	District Court	N/A	None

<b>Vested Rights</b>	Planning Director	10	City Attorney	30	District Court	N/A	None
<b>Administrative Decisions*</b>	Planning Director	10	Planning Commission	10	City Council	30	District Court

\*Administrative decisions include but are not limited to: interpretations of this title and the zoning map, etc.

[Ord. O-19-2011 § 3 (Exh. 1); Ord. O-23-2005 § 3 (Exh. 1(1) Tables 1.1 – 1.3)].

**Chapter 17.10  
DEFINITIONS**

Sections:

[17.10.010 What this chapter does.](#)

[17.10.020 General purpose.](#)

[17.10.030 Definitions.](#)

**17.10.010 What this chapter does.**

This chapter provides definitions of important terms used in Eagle Mountain City's Land Development Code (this title and EMMC Title [16](#), Subdivisions). [Ord. O-12-2009 § 2 (Exh. A); Ord. O-10-2007 § 2 (Exh. A § 2.1); Ord. O-23-2005 § 3 (Exh. 1(1) § 2.1)].

**17.10.020 General purpose.**

For the purpose of the land development code, the following terms and words and their derivations shall have the meaning as given herein. When not inconsistent with the context, words used in the present tense include the future; words in the singular number include the plural and the plural the singular. "Shall" is always mandatory. Words not included herein, but which are defined in the International Building Code, International Residential Code or in other city ordinances, shall be construed as defined therein. Words that are not included herein or in the International Building Code, International Residential Code or in other city ordinances shall be given their usual meaning as found in an English dictionary, unless the context of the words clearly indicates a different meaning. Definitions of words applicable particularly to certain sections or chapters may be included in those sections or chapters. Chapter [17.80](#) EMMC, Sign Regulations and Sign Permits, and Chapter [17.85](#) EMMC, Animal Regulations, both contain additional definitions specific to those chapters. [Ord. O-12-2009 § 2 (Exh. A); Ord. O-10-2007 § 2 (Exh. A § 2.2); Ord. O-23-2005 § 3 (Exh. 1(1) § 2.2)].

**17.10.030 Definitions.**

"Abandonment" means to cease or discontinue a use or activity for one year without intent to resume, but excluding temporary or short-term interruptions to a use or activity during periods of remodeling, maintaining, or otherwise improving or rearranging a facility, or during normal periods of vacation or seasonal closure.

"Accessory apartment" means a self-contained second living unit which is built into or attached to an existing single-family dwelling. The apartment is private and generally equal to or smaller than the primary unit and usually contains one or two bedrooms, bath, sitting room, kitchen, and a separate entrance. Accessory apartments may be located in any part of the house depending upon the availability of usable space.

"Accessory structure or building" means a subordinate structure detached from but located on the same lot as the principal structure, the use of which is incidental and accessory to that of the principal structure.

"Accessory use" means a use that (1) is clearly incidental to and customarily found in connection with a principal or main use; (2) is subordinate to and serves a principal or main use; (3) is subordinate in extent, area, or purpose to the principal or main use; (4) is located on the same lot as the principal or main use; and (5) contributes to the comfort, convenience, or necessity of occupants, business, or industry of the principal or main use. Home businesses shall be considered an accessory use. Accessory uses may occur within a principal structure and shall not necessarily take place in an accessory structure.

"Adjacent" or "adjoining" includes all lots or parcels that directly border the lot or parcel on which a development is proposed, and all lots or parcels separated from that lot or parcel by only a public or private easement or right-of-way, including streets and irrigation canals.

"Affected entity" means a county, municipality, independent special district under Title 17A, Chapter 2, Utah Code Annotated 1953, Independent Special Districts; local districts under Title 17B, Chapter

2, Utah Code Annotated 1953, Local Districts; school districts, interlocal cooperation entities established under Title 11, Chapter 13, Utah Code Annotated 1953, Interlocal Cooperation Act; specified public utilities, or the Utah Department of Transportation if: (1) the entity's services or facilities are likely to require expansion or significant modification because of an intended use of land; (2) the entity has filed with the municipality a copy of the entity's general or long-range plan; or (3) the entity's boundaries or facilities are within one mile of land which is the subject of a general plan amendment or land use ordinance change.

"Agricultural use" means the use of a tract of land for growing crops in the open, dairying, pasturage, horticulture, floriculture, general farming uses and necessary accessory uses, including the structures necessary for carrying out farming and ranching operations and the residence of the person who owns or operates the farm, and the family thereof; provided, however, such agricultural use shall not include: the raising or keeping of fur-bearing animals, or the operation of commercial stockyards, or feed yards, slaughterhouses, rendering facilities, or concentrated animal production operations such as hog or poultry farms.

"Alluvial fan" means an outward spreading, gently sloping mass of alluvium deposited by a stream, especially in an arid or semiarid region where a stream issues from a narrow canyon onto a plain or valley floor. Viewed from above it has the shape of an open fan, the apex being at the canyon mouth.

"Appeal authority" means a person, board, commission, agency, or other body designated by ordinance to decide an appeal of a decision of a land use application or variance.

"Application" means an application required by this title or EMMC Title [16](#).

"Art gallery" means an establishment engaged in the sale, loan or display of paintings, sculpture or other works of art. This term does not include libraries or museums.

"Asphalt and concrete production" means the production of asphalt and/or concrete in one or more plants, including, but not limited to, batch plants, together with the excavation and storage of rock, sand, gravel, and other materials used in the production of asphalt and/or concrete. This term shall include the presence and operation of rock crushers, screens, shredders and other earth and plant sorting, moving, processing, and grading equipment and buildings, facilities and storage yards used to mix asphalt and concrete products.

"Auditorium" means a multi-purpose assembly facility that is designed to accommodate conventions, live performances, trade shows, sports events and other similar public events.

"Auto service, major" means an establishment engaged primarily in the repair or maintenance of motor vehicles, trailers and similar large mechanical equipment, including paint, body and fender, and major engine and engine part overhaul, provided it is conducted within a completely enclosed building.

"Auto service, minor" means an establishment engaged primarily in the repair or maintenance of motor vehicles, trailers and similar large mechanical equipment, including brake, muffler, upholstery work, tire repair and change, lubrication, tune-ups and transmission work, provided it is conducted within a completely enclosed building.

"Automobile gas station" means an establishment for the retail sale of automotive fuels and lubricants and at which no vehicle repair or maintenance service is offered. Such an establishment may offer for retail sale other convenience items such as food, and may also include a car wash.

"Automobile, truck, recreational vehicle and equipment sales or rental" means sales or rental of both new or used motor vehicles and equipment from indoor or outdoor areas, but not to include non-serviceable or junk vehicles or equipment.

"Bank" means a business principally involved in the lending, borrowing, exchanging, issuing or safeguarding of money, under charter from an agency of the state of Utah or the United States.

“Bar” or “tavern” means a business principally involved in the sale of alcoholic beverages under license from the city and the state of Utah.

“Bed and breakfast facility” means a limited commercial activity conducted within a structure, which includes dining and bathroom facilities with sleeping rooms, on a residential scale for short-term guest rental. This definition will typically involve overnight accommodations, limited food services, parking facilities and open space in a natural setting.

“Bonus density” means any density granted above the base density of 0.8 dwelling units per acre.

“Bonus density ceiling” means the maximum allowable density available in any particular residential zone category.

“Buildable land” means any land suitable for development or construction of any building or structure, and all other land not classified as unbuildable land. For the purposes of calculating improved open space acreage requirements, buildable land shall include all land incorporated within the boundaries of any lot.

“Buildable lot area” means that portion of a building lot not included within any required yard setbacks, public utility easement, or open space within which a main building may be located.

“Building” means any structure used or intended for supporting or sheltering of any use or occupancy.

“Building official, city” means the employee, contractor, individual or firm responsible for all building construction plan reviews, inspection of all building construction, enforcement of the city’s adopted building codes and policies and any other responsibilities required by the city relating to the construction of buildings.

Certificate of Occupancy. A certificate of occupancy is issued upon the completion of a building and any accompanying improvements required by the city and its ordinances.

“Character” means the aggregate of all features and traits that form the individual nature of a person or thing.

“Church” means a place of worship, synagogue, temple, mosque or other place of religious worship, including any accessory use or structure used for religious observances.

“City” means Eagle Mountain City, Utah.

“City council” means Eagle Mountain’s elected and governing body.

“Clear vision triangle” means a clear line of sight provided at intersections by delineating triangular areas adjacent to all intersections, within which no parking, building, structure, berming, or landscaping over three feet in height above the street shall be permitted. Single-trunk trees may be planted within such areas, but only where the tree will be pruned to eliminate all branches and foliage below eight feet. Driveways are prohibited within the clear vision triangle of local streets unless there is no other feasible placement of a driveway on a lot. Clear vision triangles may not be required if an approved chain link or other non-sight-obscuring fence is used. See Chapter [17.60](#) EMMC for more information.

“Cluster home” means a detached home that is generally located on a small lot or clustered near other detached homes with common open space between the homes. A cluster homes development will generally include a park, courtyard, or additional improved open space within the development. These are sometimes referred to as patio homes.

“Community recreation center” means a place, structure, area or other facility used to provide social and recreational programs generally open to the public and designed to accommodate and serve some segment of the community.

“Compatible” or “compatibility” means consistent with, harmonious with, similar and complementary

to the use and/or function of natural systems and/or existing land uses in an area.

“Concept plan” means a pre-application opportunity for the city administrator and the planning commission to be made aware of an impending development proposal and for the developer to be made aware of possible issues and questions, as well as the applicable requirements of this title. Concept plans are not approved or denied, but are intended to only identify and raise relevant issues related to the proposed development.

Conditional Use. A conditional use allows certain structures in zones which may be acceptable under special conditions and in specific locations within the zoning district. Conditional uses require a special permit that is approved subject to the use meeting standards contained in this title.

“Conditional use permit” means a permit granted by the city that allows a use identified as requiring conditional use approval in the zoning district regulations or elsewhere in this title.

“Condominium” means a single unit in a multi-unit project or structure which is separately owned, which may be combined with an undivided interest in common areas and facilities of the property, and subject to the Utah Condominium Ownership Act.

“Constrained land” means all land with a slope greater than 25 percent or encumbered by floodplains.

“Corner lot” means any lot that is bordered by more than one street where such streets are not parallel.

“Culinary water authority” means the person, department, agency, or public entity with responsibility to review and approve the feasibility of the culinary water system and sources for the subject property.

“Day care center, adult” means a nonmedical facility for the daytime care of adults who, due to advanced age, disability or impairment, require assistance and/or supervision during the day.

“Day care center – child, large” means an establishment providing care and maintenance to 50 or more children separate from their parents or guardians, and as licensed by the Office of Licensing of the Utah State Department of Human Services.

“Day care center – child, small” means an establishment providing care and maintenance to more than 12, but fewer than 50, children separate from their parents or guardians, and as licensed by the Office of Licensing of the Utah State Department of Human Services.

“Day care establishment – family, child” means an establishment providing care and maintenance to four or more, but fewer than 12, children separate from their parents or guardians, and as licensed by the Office of Licensing of the Utah State Department of Human Services to be provided within a single-family residence.

“Degree of nonconformity” means the measured extent to which an existing use or building fails to comply with a requirement of this title. For example, the degree of nonconformity of a parking lot that has four spaces, but serves a commercial use requiring nine, is five parking spaces. No change in the nonconforming use that would reduce the number of parking spaces could be permitted, because that would increase the degree of nonconformity.

“Density” means the gross number of dwelling units per acre. Gross acreage includes the entire development (roads, neighborhood parks and squares, neighborhood commercial centers, etc.). “Density” is not synonymous with “lot size.”

“Development” means any activity or construction, excluding normal agricultural activities, that changes the basic character or use of the land, including the division of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any regulated mining, excavation, landfill, or substantial land disturbance; and any use or extension of the use of land. The following operations or uses shall not

be taken to be development for the purposes of this title:

1. Work by a highway or road agency for the maintenance of a road, if the work is carried out on land within the boundaries of the right-of-way;
2. Utility installations;
3. Landscaping for residential uses; and
4. Work involving the maintenance of existing landscaped areas and existing rights-of-way such as setbacks and other planted areas.

“Development agreement” means a form of contract between city and developer that establishes in detail the specific improvements required for some development approvals and which may contain other requirements on which the approval is conditioned. They may also vest certain additional rights with the developer or the city.

“Development density area” means the land area in which bonus density may be implemented through participation in the required project improvements.

“Development density area acreage” means the total (gross) acreage of the development density area and approved project improvements.

“Earth products extraction” means the extraction and removal of sand, gravel, topsoil, and other earth products from underground mines or open pits. This term shall include the presence and operation of rock crushers, screens, shredders and other earth and plant sorting, moving, processing, and grading equipment and stockpiles, waste dumps, buildings, facilities and storage yards used in and relating to the extraction and removal of earth products.

“Electronics repair shop” means a use engaged in repair of household electronic items and appliances.

“Engineer, city” means the employee, contractor, individual or firm responsible for all municipal engineering activities including, but not limited to, design of public infrastructure, construction inspection of public infrastructure, long-range capital infrastructure planning, design and construction review services and any other responsibilities required by the city.

Existing. The term “existing” is used to indicate a parcel of land, use, or building that was in existence on the effective date of the ordinance codified in this title.

“Family” is defined as follows:

1. One or more persons related by blood, marriage, adoption or legal guardianship, including foster children, living together as a single housekeeping unit in a dwelling unit; or
2. A group of not more than three persons not related by blood, marriage, adoption, or legal guardianship living together as a single housekeeping unit in a dwelling unit; or
3. Two unrelated persons and their children living together as a single housekeeping unit in a dwelling unit.

The term “family” shall not be construed to mean a club, group home, lodge, fraternity/sorority house or shelter.

“Final plat” means a drawing recordable under the provisions of the Utah Code.

“Floor area ratio” means the total floor area of a building, including all floors, divided by the total lot size.

“Garden court” means a detached housing development consisting of a courtyard or park surrounded on two or three sides by homes. These homes are generally facing/fronting the courtyard, are located on small lots or areas of common open space, and are accessed from a

residential alley behind the homes.

“General plan” means the comprehensive, long-range strategic future development plan for the city, which includes elements such as future land uses, transportation, housing, parks and open space.

“Group home” means a residential facility established as a single housekeeping unit and shared by no more than eight unrelated persons, exclusive of staff, who require assistance and supervision. A group home is licensed by the state of Utah and provides counseling, therapy and specialized treatment through this temporary living arrangement, along with habilitation or rehabilitation services for physically or mentally disabled persons. See Chapter [17.75](#) EMMC for regulations concerning group homes.

“Home business” means a nonresidential or business activity conducted in a dwelling or a building accessory to a dwelling. Home businesses, by definition, comply with the detailed performance standards of the city’s land development code.

“Hotel” or “motel” means a building or group of buildings containing individual sleeping units designed and used primarily for the accommodation of short-term guests, and with automobile parking or storage available. This definition includes restaurant, food service and group meeting facilities.

“Impact” means the direct or indirect effect or consequence resulting from a development upon land, the environment, the community or any part or segment thereof. The term shall include, but not be limited to, physical, environmental, economic, visual, or auditory effects.

“Improved open space” means park area that is improved as part of a residential development. Improved open space may include, but need not be limited to, lawns, landscape areas, paved trails, active recreation areas, children’s playgrounds, swimming pools, ball fields, multi-purpose courts, tennis courts, and other approved park improvements. The design and included elements in required improved open space are approved at the discretion of the planning commission and city council in accordance with Chapter [16.35](#) EMMC.

“Interior lot” means any lot that is bordered by only one street.

Land Use Application. See “Application.”

“Land use authority” means a person, board, commission, agency, or other body designated by the city council to act upon an application or land use application.

“Land use ordinance” means a planning, zoning, development, or subdivision ordinance of Eagle Mountain City, but not including the general plan.

“Landscaping” means the improvement of a lot, parcel or tract of land with rock material, grass, ground cover, shrubs and/or trees. Landscaping may include pedestrian walks, flower beds, ornamental objects such as fountains, statuary and other similar natural or artificial objects designed and arranged to produce an aesthetically pleasing effect.

“Lot” means a parcel of land legally approved by the city for building purposes.

“Lot coverage” means the ratio of the portion of the lot covered by buildings, including accessory buildings, sidewalks, driveways, and other impervious surfaces, to the total lot area.

“Lot frontage” means that portion of a lot extending along a public or private street.

“Lot line adjustment” means the adjustment of a property lot line that meets the requirements of this title for the adjustment of lot lines.

“Lot split” means the division of a single lot or parcel of land from an existing lot of record as of the date of the incorporation of Eagle Mountain City for immediate or future offer, sale, lease, or development that is not exempted by the city’s land development code and where both parcels will have access to a public street.

“Major development” means any proposed development process that requires a public hearing and review by the planning commission and city council; these processes generally include, but are not limited to, master development plans, rezoning of property, preliminary and final subdivision plats, site plans, conditional uses, and plat amendments.

“Manufactured home or dwelling” means a single-family dwelling complying with the National Manufactured Home Construction and Safety Standards Act (4 USC 5401), the International Building Code or the International Residential Code. Mobile homes, travel trailers, houses mounted on self-propelled or drawn vehicles, and tents or other forms of temporary housing or portable housing are not included within this definition.

“Manufacturing, heavy” means the assembly, fabrication or processing of goods and materials using processes that ordinarily have greater than average effects on the environment, or that ordinarily have significant effects on the use and enjoyment of adjacent property through noise, dust, smoke, fumes, odors, glare or health or safety hazards or that otherwise do not constitute “light manufacturing.” This term includes processing and fabrication of large or bulky products, products made from raw or extracted materials, or products involving flammable or explosive materials and processes which require land area for fabrication or storage of products. This term shall include refineries and chemical manufacturing.

“Manufacturing, light” means the assembly, fabrication or processing of goods and materials using processes that ordinarily do not create noise, dust, smoke, fumes, odors, glare or health or safety hazards outside of the building or lot where such activities take place, where such uses are housed entirely within a building or where the area occupied by outdoor storage of goods and materials used in such processes does not exceed 25 percent of the floor area of all buildings on the property. Light manufacturing generally includes processing and fabrication of finished products, predominantly from previously prepared materials. This term shall include uses such as electronic equipment production and printing plants.

“Master development plan” means a plan that indicates, among other things, density ceilings, how property will be developed, phasing, utility service, financial feasibility, vehicular and pedestrian circulation, open space, parks and recreation, trails and all other requirements of master development plans found in the city’s land development code.

“Medical and health care offices” means offices or clinics which provide services for the prevention, treatment and care of illness or injury; medical, dental and chiropractic offices; offices devoted to the healing arts such as licensed, accredited massage therapists; licensed physical therapists; and psychotherapists; and which may include a pharmacy, drug store or laboratory intended to serve patients of the medical or dental professions as an accessory use.

“Minor development” means any proposed development process that may be reviewed and approved by the planning director upon compliance with the provisions of this title and EMMC Title [16](#). A minor development may also be an element of a major development application for which the planning commission or city council has performed a previous review and delegated final approval to the planning director upon compliance with the conditions of approval.

“Mixed-use” means a land use accommodating two or more compatible land uses, typically residential and commercial uses.

Motel. See “Hotel.”

“Multifamily dwelling” means all attached housing products and types, including condominiums, apartments, townhomes, and twinhomes. All multifamily dwellings shall be considered Tier III or Tier IV residential. Multifamily dwellings may include dwelling units intended to be rented and maintained under central ownership or management, or cooperative apartments, condominiums and the like. Any multifamily dwelling in which dwelling units are available for rental or lease for periods of less than one month shall be considered a hotel/motel. See also “Family.”

“Museum” means an institution for the acquisition, preservation, study and exhibition of works of

artistic, historical or scientific value and for which any sales relating to such exhibits are incidental and accessory to the exhibits presented.

“Nonconforming lot” means a separate parcel of land that existed on the effective date of the ordinance codified in this title but is too small to serve as a site for building in compliance with the requirements of this title.

“Nonconforming structure” means a structure that: (1) legally existed before its current land use designation; and (2) because of one or more subsequent land use ordinance changes does not conform to setback, height, restrictions, or other regulations, excluding those regulations that govern the use of land.

“Nonconforming use” means a use of land that: (1) legally existed before its current land use designation; (2) has been maintained continuously since the time the land use ordinance regulation governing the land changed; and (3) because of one or more subsequent land use ordinance changes does not conform to the regulations that now govern the use of the land.

“Off-street parking” means parking provided on public or private property, excluding public rights-of-way.

“Office use” means a type of business use, which may or may not offer services to the public, that is engaged in the processing, manipulation or application of business information or professional expertise. An office use is not materially involved in fabrication, assembly or warehousing of physical products for the retail or wholesale market, nor is an office engaged in the repair of products or retail services. Examples include accounting, investment services, architecture, engineering, legal services and real estate services.

“Open space” means an area which is completely free and unobstructed from any structure or parking areas. Landscaping, walkways, covered patio areas, light poles and other ornamental features shall not be considered as obstructions for the purposes of this definition.

“Park, community” means one that is typically intended to serve a specific segment of the community, and is generally medium-sized. Park improvements are generally intended to provide a full range of passive and active recreational events. However, extensive lighting or parking will not be utilized in these parks.

“Park, neighborhood” is a smaller park that provides for the immediate family and neighborhood recreational needs of a residential area.

“Park, regional” is a park with a large area, or it can be constructed in the form of a community recreation facility. It is intended to serve large segments of the population.

“Patio home” means a detached home that is generally located on a small lot or clustered near other detached homes with common open space between the homes. Patio homes may also be attached to one or more other patio homes, each with a small private patio or yard area. A patio home development will generally include a park, courtyard, or additional improved open space within the development. These are sometimes referred to as cluster homes.

“Permitted use” means a use which is authorized by definition in the zone.

“Phasing plan” means a plan that identifies the order and timing of the construction or completion of a development, subdivision, master development plan, site plan or other project.

“Planning director” means the employee, contractor, individual or firm responsible for coordination of all municipal planning activities including, but not limited to, long-range land use planning, ordinance preparation, administration and enforcement of the land development code, land use interpretation, major development review, coordination with the city planning commission and any other responsibilities required by the city relating to planning and development.

“Plat amendment” means any change in the lot arrangement or routing of rights-of-way or

easements within a recorded plat.

“Preliminary plat” means a map indicating the proposed layout of a development and related information that is submitted for preliminary plat approval.

“Private and public schools” means accredited schools for residential and nonresidential classroom instruction with state-approved curriculum.

“Public hearing” means a hearing at which members of the public are provided a reasonable opportunity to comment on the subject of the hearing.

“Public meeting” means a meeting that is required to be open to the public under Title 52, Chapter 4, Utah Code Annotated 1953, Open and Public Meetings.

“Religious or cultural meeting hall” means a building or buildings owned or maintained by organized religious organizations and nonprofit associations for social, civil or philanthropic purposes, or as a place of worship. Uses also include public nonprofit displays of art, historic or cultural artifacts or other inanimate exhibits, a building used as a lending library or reading room, seminaries (associated with schools), monasteries and convents. This definition shall not include tents or temporary structures.

“Residential, base density” means the residential zone category that consists of projects with gross densities less than or equal to 0.8 dwelling units per acre. All residential projects are allowed to develop at this density.

“Residential, Tier I” means the residential zone category that consists of projects with densities between 0.81 and 1.6 dwelling units per acre.

“Residential, Tier II” means the residential zone category that consists of projects with densities between 1.61 and 5.2 dwelling units per acre.

“Residential, Tier III” means the residential zone category that consists of projects with densities between 5.21 and 12.2 dwelling units per acre. Tier III residential is a conditional use in the residential zone and must be processed as part of a master development plan.

“Residential, Tier IV” means the residential zone category that consists of projects with densities between 12.21 and 22.7 dwelling units per acre. Tier IV residential is a conditional use in the residential zone and must be processed as part of a master development plan.

“Restaurant” means a building, property, or location where the primary purpose is to serve as an eating establishment with facilities in which food is prepared for either on- or off-site consumption. This definition also includes specialty food stores, such as ice cream parlors or delicatessens.

“Retail goods establishment” means a building, property, or activity, the principal use or purpose of which is the sale of physical goods, products, or merchandise directly to the consumer.

“Retail services establishment” means a building, property, or activity where the principal use or purpose is the provision of personal services directly to the consumer. This term shall include barber shops, beauty parlors, laundry and dry cleaning establishments (with off-plant premises), tailoring shops, shoe repair shops, and the like.

“Sanitary sewer authority” means the person, department, agency, or public entity with responsibility to review and approve the feasibility of sanitary sewer service or on-site wastewater systems.

“Setback” means the minimum required distance between the property line and the building, excluding porches, window wells, verandas, uncovered decks, and other similar structures. Currently recorded or approved subdivisions at the time of enactment of the ordinance codified in this title by the City Council shall continue to be subject to side setback requirements of the development code of Eagle Mountain City adopted on September 28, 1999.

1. For interior lots:

- a. Front. The front setback is the distance, at the nearest point, from the street right-of-way to the outer foundation wall of the principal building, or to any projection that extends more than two feet beyond the outer foundation wall, including basement stairwells.
- b. Rear. The rear setback is the distance, at the nearest point, from the alley right-of-way or the property line that is parallel, or more or less parallel, to the street, to the outer foundation wall of the principal building, or to any projection that extends more than two feet beyond the outer foundation wall, including basement stairwells.
- c. Side. The side setback is the distance, at the nearest point, from a property line that is perpendicular, or more or less perpendicular, to the street, to the outer foundation wall of the principal building, or to any projection that extends more than two feet beyond the outer foundation wall, including basement stairwells.

2. For corner lots:

- a. Front. The front setback is the distance, at the nearest point, from the street right-of-way on which the principal building has its address to the outer foundation wall of the principal building, or to any projection that extends more than two feet beyond the outer foundation wall, including basement stairwells.
- b. Rear. The rear setback is the distance, at the nearest point, from the property line opposite the street on which the principal building has its address to the outer foundation wall of the principal building, or to any projection that extends more than two feet beyond the outer foundation wall, including basement stairwells.
- c. Side. The side setback is the distance, at the nearest point, from a property line that is perpendicular, or more or less perpendicular, to the street on which the building has its address, or to any projection that extends more than two feet beyond the outer foundation wall, including basement stairwells.

“Shopping center” means a concentration of related commercial establishments with one or more major anchor tenants, shared parking, and unified architectural and site design. A shopping center normally has single or coordinated ownerships/operations/management control and may include separate stand-alone sites as well as architecturally connected units.

“Sign” means any object or structure used to identify, advertise, or in any way attract or direct attention to any use, building, person, or product by any means, including, but not limited to, the use of lettering, words, pictures, and other graphic depictions or symbols.

“Single-family detached dwelling” means any detached single-family residence that averages 20 or more feet in width as measured across the front of the foundation, is attached to a permanent foundation, is permanently connected to the municipal utilities (where available), and is clearly designed for occupancy by one family related by blood or marriage. This specifically includes manufactured homes that meet the foregoing definition and comply with the National Manufactured Home Construction and Safety Standards Act (40 USC 1504) and the International Building Code or the International Residential Code. Manufactured homes that do not comply with the standards set forth above, such as recreational vehicles and travel trailers, are multifamily dwellings. See also “Family.”

“Site plan review” means an approval process for commercial, industrial, institutional and multifamily dwelling development plans, proposed on property that has been previously zoned for that purpose. Locations of improvements, buildings, parking areas, landscaping, access points, open space, trails, signage, lighting or other site considerations and requirements are part of a site plan review process.

Slope. Slope shall be determined before any site clearing, excavation, or grading, and expressed as a percentage (rise/run x 100). Measurement shall be made perpendicular to the contours of the

land, between natural (changes in slope as landforms change) or manmade (road cuts and similar breakpoints) breakpoints.

“Special district” means an entity established under the authority of Title 17A, Utah Code Annotated 1953, Special District, and any other governmental or quasi-governmental entity that is not a county, municipality, school district, or unit of the state.

“Story” means that portion of a building included between the upper surface of any floor and the upper surface of the next floor above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above.

“Subdivision” means any land that is divided, resubdivided or proposed to be divided into two or more lots, parcels, sites, units, plots, or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms and conditions for the purposes of sale or development. The following are not considered subdivisions where no new streets or public infrastructure is created or is required to be created: (1) divisions of land for agricultural purposes where the resulting parcels are in excess of 160 acres in size; (2) divisions of property by testamentary provisions; (3) divisions of property by court order; (4) consolidation of existing properties by deed or other recorded instrument; (5) a legally approved lot split as defined in this title.

“Temporary use” means a land use that is less than 30 days in duration and is most commonly related to specific events such as Pony Express Days, festivals, special sales or other activities.

“Theater, concert hall” means a building used principally to present live performances of plays, operas, concerts and the like to the public.

“Theater, movie” means a building used principally to present showings of cinematic films to the public.

“Unbuildable land” means land with slopes in excess of 25 percent, land restricted by power lines, canyons and washes, streams, alluvial discharge areas, storm drain retention/detention areas, floodplains and floodways, geologically sensitive areas that require special engineering considerations for safe habitation, and wetlands. For the purpose of determining what land may qualify as improved open space only, unbuildable land is any land with slopes in excess of 15 percent.

“Uplighting” means where a landscape feature, sign, building, or architectural feature is illuminated by a luminary that is directed upward at an angle of more than 50 degrees.

“Use” means the activities occurring on a lot or parcel for which land or a building is arranged, designed or intended, for which land or a building is or may be occupied, including all accessory uses.

“Utilities” includes culinary water lines and systems, pressure and gravity irrigation lines and/or ditches, sanitary sewer lines, storm drain lines, subdrains, electric power, natural gas facilities, cable television, telephone transmission lines, data transmission lines, underground conduits and junction boxes.

Variance. Variances provide relief for landowners who, because of some unique physical characteristic of their property, would have no beneficial use of that property if the provisions of this title are strictly enforced. A variance is a deviation from the basic land use requirements that apply to the property and its structures.

“Warehouse” means a structure, or part thereof, or area used primarily for the storage of goods, inventory and merchandise. [Ord. O-06-2015 § 2 (Exh. A); Ord. O-04-2015 § 2 (Exh. A); Ord. O-08-2012 § 3 (Exh. A); Ord. O-05-2011 § 2 (Exh. A); Ord. O-12-2009 § 2 (Exh. A); Ord. O-10-2007 § 2 (Exh. A § 2.3); Ord. O-23-2005 § 3 (Exh. 1(1) § 2.3)].

**Chapter 17.15**  
**ROLES AND DUTIES**

Sections:

[17.15.010 What this chapter does.](#)

[17.15.020 Planning director.](#)

[17.15.030 Planning commission – Organization.](#)

[17.15.040 Planning commission – Duties.](#)

[17.15.050 City council.](#)

[17.15.060 Other boards and commissions.](#)

[17.15.070 Public meetings and public hearings.](#)

[17.15.080 Individual liability.](#)

**17.15.010 What this chapter does.**

This chapter describes the roles and duties of the official participants in the administration of this title. This chapter also serves as the ordinance to establish a planning commission, as provided by Section 10-9-201(1), Utah Code Annotated 1953. [Ord. O-23-2005 § 3 (Exh. 1(1) § 3.1)].

**17.15.020 Planning director.**

The mayor may, with the advice and consent of the city council, appoint a planning director to perform the duties listed herein as delegated by the mayor.

A. Prepare Development Applications. The planning director or designee shall prepare official development application forms which shall be reviewed and approved by resolution of the city council, and receive all applications for permits required by this title.

B. Review Development Applications. The planning director or designee shall review applications for permits for compliance with this title or other city ordinances and approve or disapprove such applications as allowed by this title and other city ordinances.

C. Prepare Application Reports. The planning director or designee shall refer applications for development permits and master development plan approval to other agencies, as directed by this title and other city ordinances, and shall prepare reports on, or arrange for professional review of, applications for development permits and master development plans following the procedures of this title and other city ordinances.

D. Agendas and Public Notice. The planning director or designee shall assist the city recorder, planning commission, board of adjustment, mayor, and city council in setting agendas, providing required notice of all hearings as set forth in this title, providing required notice of all decisions made, and ensuring that the required accurate record of all proceedings is accurate and available to the public.

E. Code Enforcement. The planning director or designee shall issue certificates of compliance, based on site inspections, as provided in this title or any other city ordinances, enforce the provisions of development agreements, investigate possible violations of this title, and initiate proceedings to correct violations, as provided by this title.

F. Other Duties as Assigned. The planning director or designee shall perform all other duties assigned by this title and the city council. [Ord. O-23-2005 § 3 (Exh. 1(1) § 3.2)].

**17.15.030 Planning commission – Organization.**

A planning commission shall be established, as authorized by Section 10-9-201, et seq., Utah Code Annotated 1953.

A. Five Members. The planning commission shall consist of five regular members. The mayor, with

the advice and consent of the city council, shall appoint members to the planning commission.

B. Terms. Planning commission members shall serve terms of three years, except those members initially appointed, who shall serve terms, as set by lottery, of up to six years, in order to provide for the annual appointment or reappointment of at least one member.

C. Vacancies. The mayor shall, with the advice and consent of the city council, fill any vacancy within 30 days of the death, resignation, or removal of a member, or the expiration of a member's term. The term of such appointment shall be for the remainder of the unexpired term.

D. Bylaws. The planning commission shall elect officers and adopt policies, bylaws and procedures for the conduct of its internal business, in accordance with state law and this title.

E. Removals. Planning commission members may be removed for failure to attend meetings, as provided by the planning commission's policies and procedures. Members may also be removed for cause by the city council, based on written charges and after a hearing before the city council, if such a hearing is requested by the member, at which the city council shall vote on removal of the planning commission members. [Ord. O-23-2005 § 3 (Exh. 1(1) § 3.3)].

#### **17.15.040 Planning commission – Duties.**

The duties of the planning commission shall be to:

A. Review or Approve Applications. Review and recommend to the city council, or approve, development applications as allowed in this title and by Section 10-9-204, Utah Code Annotated 1953, Powers and Duties;

B. General Plan. Monitor development activity, periodically review the general plan and this title, and recommend desirable amendments to the general plan or this title to the city council following the procedures established herein;

C. Land Use Authority. Periodically review and make a recommendation to the city council designating at least one land use authority to hear and act upon land use applications;

D. Appeal Authority. Periodically review and make a recommendation to the city council designating at least one appeal authority to hear and act on an appeal from a decision of the land use authority;

E. Streamline Review. Periodically review the approval process within the development code and make recommendations as to how uncontested applications may receive a streamlined review and approval;

F. Interpretation Appeals. Appeals concerning the interpretation of this title, appeals from decisions of the planning director using the appeals procedure provided in this title;

G. Variances. For variances concerning the terms of this title, the planning commission shall strictly adhere to the criteria enacted by the state of Utah as defined in Section 10-9-707, Utah Code Annotated 1953, for the granting of variances;

H. Other Duties as Assigned. Carry out any other duties and responsibilities that are required by this or any other title and hear and decide any matters that the city council designates. [Ord. O-23-2005 § 3 (Exh. 1(1) § 3.4)].

#### **17.15.050 City council.**

The mayor and city council have the legal authority to amend this title following the process required by the Utah Code, as amended. The other duties of the mayor and city council in the administration of this title shall be to:

A. Appointments. The mayor shall appoint, with advice and consent of the city council, planning commission, public works board, and board of adjustment members, as provided by this title;

B. Approve Agreements and Plats. Review and act on proposed development agreements and final subdivision plats, as provided by this title;

C. Appeals. Hear certain appeals, as provided by this title;

D. Review and Approve Applications. Review and approve applications for major development permits, as provided by this title;

E. Annexations. Review and approve annexation petitions, master development plans and accompanying annexation or master development plan agreements. [Ord. O-23-2005 § 3 (Exh. 1(1) § 3.5)].

**17.15.060 Other boards and commissions.**

The city council has the authority to create other boards and commissions. These additional boards and commissions may be created or amended at any time by ordinance of the city council. [Ord. O-23-2005 § 3 (Exh. 1(1) § 3.6)].

**17.15.070 Public meetings and public hearings.**

All public meetings and public hearings conducted in the administration of this title shall be conducted in compliance with the Open and Public Meetings Act, Section 52-4-1, et seq., Utah Code Annotated 1953. [Ord. O-23-2005 § 3 (Exh. 1(1) § 3.7)].

**17.15.080 Individual liability.**

The provisions of the Utah Governmental Immunity Act shall govern the assumption of defense and liability for individuals holding public office in the city or under the employ of the city. [Ord. O-23-2005 § 3 (Exh. 1(1) § 3.8)].

**Chapter 17.20**  
**AGRICULTURE ZONE**

Sections:

[17.20.010 What this chapter does.](#)

[17.20.020 Purpose and objective.](#)

[17.20.030 Permitted uses.](#)

[17.20.040 Permitted accessory uses and structures.](#)

[17.20.050 Conditional uses.](#)

[17.20.060 Prohibited uses.](#)

[17.20.070 Right to farm.](#)

[17.20.080 Lot size requirements.](#)

[17.20.090 Setbacks – Primary structures.](#)

[17.20.100 Setbacks – Accessory structures.](#)

[17.20.110 Driveways.](#)

[17.20.120 Lot frontage and width requirements.](#)

[17.20.130 Building height.](#)

[17.20.140 Minimum dwelling size.](#)

[17.20.150 Open space requirements.](#)

[17.20.160 Supplementary regulations.](#)

[17.20.170 Previous zoning district equivalents.](#)

**17.20.010 What this chapter does.**

This chapter establishes the land use regulations for the agriculture zone in Eagle Mountain City, including permitted and conditional uses, minimum land use standards, and other agriculture-related provisions. [Ord. O-23-2005 § 3 (Exh. 1(1) § 4.1)].

**17.20.020 Purpose and objective.**

The purpose and objective of this chapter is to allow for the continuation of agricultural pursuits on parcels that are currently being used for such purposes and to provide areas for large open lands where residents may live, own farm animals and otherwise use large parcels for agricultural purposes. Agriculture as a land use in Eagle Mountain City is encouraged. [Ord. O-23-2005 § 3 (Exh. 1(1) § 4.2)].

**17.20.030 Permitted uses.**

Permitted uses in this zone include:

- A. Single-family detached dwellings.
- B. Agricultural uses such as row crops, livestock boarding, grazing and associated cultivating and herding activities; provided, that such grazing and associated activities are not part of, nor conducted in conjunction with, any livestock feed yard, livestock sales yard, or any other confined feeding facilities or animal by-product business.
- C. Public and private utility structures or facilities.
- D. Public parks. [Ord. O-23-2005 § 3 (Exh. 1(1) § 4.3)].

**17.20.040 Permitted accessory uses and structures.**

Accessory uses and structures are permitted in the agriculture zone; provided, that they are incidental to, and do not substantially alter the character of, the permitted principal uses or structures. Such permitted accessory uses include, but are not limited to, the following:

- A. Accessory buildings such as barns, garages, greenhouses, gardening sheds, recreation rooms, and similar structures that are customarily used in conjunction with the primary uses in this district.
- B. Windmills, silos, tank houses, buildings or shelters for farm equipment and machinery, water wells, water reservoirs and storage tanks.
- C. Stands for the purpose of displaying and selling agricultural or farming products that are grown or produced on the premises on which the stand is located. Such stand shall not exceed 300 square feet in size and shall be limited to one stand per parcel of property.
- D. Structures required for the housing, nurture, confinement or storage of animals, crops or products that are lawfully permitted or produced on the property. [Ord. O-23-2005 § 3 (Exh. 1(1) § 4.4)].

**17.20.050 Conditional uses.**

The following conditional uses and such uses as the planning director and planning commission may recommend as similar and consistent with the scale, character and impact of the area will be considered:

- A. Limited processing of agricultural products.
- B. Religious or cultural meeting hall.
- C. Radio, microwave or other transmission towers.
- D. Home businesses (as allowed by this title).
- E. Accessory apartments in accordance with the standards contained in this title.
- F. Commercial hunting areas as a temporary land use with no long-term vesting. [Ord. O-23-2005 § 3 (Exh. 1(1) § 4.5)].

**17.20.060 Prohibited uses.**

The following are prohibited uses and such uses as the planning director and planning commission determine to be similar or consistent with the prohibited use:

- A. Large-scale packaging or processing operations.
- B. The raising or keeping of fur-bearing animals, or the operation of commercial stockyards, or feed yards, slaughterhouses, rendering facilities, or concentrated animal production operations such as hog or poultry farms (except as allowed as pre-existing nonconforming uses).
- C. On-site sale of agricultural products in excess of what is allowed by this chapter.
- D. Multifamily dwellings.
- E. Sexually oriented businesses. [Ord. O-23-2005 § 3 (Exh. 1(1) § 4.6)].

**17.20.070 Right to farm.**

Property owners of parcels that are zoned agriculture in Eagle Mountain City shall be deemed to have the right to conduct agricultural activities as allowed in this zone. Unless agricultural activities are creating a health or safety concern for the general public, such activities may continue without interruption in this zone. While residents residing adjacent to or near agricultural activities may experience noxious smells, noise or late and early hours of operation, such intrusions are understood to be a common element of routine and permissible agricultural activities. [Ord. O-23-2005 § 3 (Exh. 1(1) § 4.7)].

**17.20.080 Lot size requirements.**

The following lot size requirements shall apply to this district:

The minimum lot size for single-family detached dwellings in this zone is five acres. Other uses may require a minimum size greater than five acres and will be evaluated by the planning commission on an individual basis to determine if more property is required to reasonably accommodate the proposed use. [Ord. O-23-2005 § 3 (Exh. 1(1) § 4.8)].

**17.20.090 Setbacks – Primary structures.**

Primary structures in this zone shall maintain a setback of no less than 50 feet from any property line. Setbacks shall only apply to structures that require a city permit or approval. No structure which cannot be removed shall be constructed across an easement. [Ord. O-23-2005 § 3 (Exh. 1(1) § 4.9)].

**17.20.100 Setbacks – Accessory structures.**

Accessory structures in this zone shall not be located within any front yard and shall maintain a setback of not less than 10 feet from any side or rear property line, or 15 feet if the lot is on a corner. Setbacks shall only apply to structures that require a city permit or approval. No structure which cannot be removed shall be constructed across an easement. [Ord. O-23-2005 § 3 (Exh. 1(1) § 4.10)].

**17.20.110 Driveways.**

Residential driveways shall comply with the following standards:

A. Slopes. Driveways shall not exceed grades of 12 percent. The building official may approve driveway slopes that exceed 12 percent in circumstances that are deemed necessary because of the topographical conditions.

B. Clear Vision Triangle. Residential driveways when feasible shall not be permitted in the clear vision triangle at local streets as described in this title.

C. Driveway Length. Residential driveways shall be a minimum of 22 feet from the property line. [Ord. O-23-2005 § 3 (Exh. 1(1) § 4.11)].

**17.20.120 Lot frontage and width requirements.**

All property within this zone shall have a lot frontage of no less than 100 feet. [Ord. O-23-2005 § 3 (Exh. 1(1) § 4.12)].

**17.20.130 Building height.**

No primary structures shall exceed 35 feet in height. No accessory structures shall exceed 50 feet in height, except windmills as approved by staff. [Ord. O-23-2005 § 3 (Exh. 1(1) § 4.13)].

**17.20.140 Minimum dwelling size.**

The minimum dwelling size in the agriculture zone for single-story dwellings shall be 1,000 square feet on the main floor plus a 400-square-foot garage. Two-story dwellings shall be 800 square feet on the main floor, 200 square feet on the second floor and shall have a 400-square-foot garage. Garages shall be a minimum of 20 feet wide by 20 feet deep. Garages that are 18 feet wide may be allowed if the total square footage is at least 400 square feet. Garage door openings shall be a minimum of 16 feet wide by seven feet tall. [Ord. O-23-2005 § 3 (Exh. 1(1) § 4.14)].

**17.20.150 Open space requirements.**

There is no minimum open space requirement for properties in this zone. This does not exempt owners or developers of agriculturally zoned property from complying with other provisions that may require public improvements including, but not limited to, parks, drainage facilities or entry features. [Ord. O-23-2005 § 3 (Exh. 1(1) § 4.15)].

**17.20.160 Supplementary regulations.**

All properties in Eagle Mountain City are also subject to the supplemental land use regulations of this title. [Ord. O-23-2005 § 3 (Exh. 1(1) § 4.16)].

**17.20.170 Previous zoning district equivalents.**

The equivalent zoning district contained in previous development codes include the agriculture (AG) zone. Properties zoned prior to the adoption of the ordinance codified in this title shall only be entitled to the permitted and conditional uses permissible under the land use ordinance in which the property was zoned. With the exception of the land uses, property zoned under previous development codes shall comply with all other regulations and standards contained in this chapter so long as it does not restrict density entitlements that are solidified in a master development agreement. Property zoned under the development code of Eagle Mountain City adopted on September 28, 1999, is entitled to the following land uses:

A. Agriculture (AG). Permitted uses in the AG zone will be single-family dwellings on existing parcels of at least five acres as an accessory use to agriculture, such as the cultivation of row crops and other agricultural products, livestock grazing and associated cultivation or herding activities. Limited processing of agricultural products will be authorized on a conditional use basis, but large-scale packing or processing operations will only be allowed in the industrial zone. Confined feeding operations, such as poultry farms, swine farms or feedlots, will not be allowed, except as a continuation of a pre-existing use. [Ord. O-23-2005 § 3 (Exh. 1(1) § 4.17)].

**Chapter 17.22**  
**AGRICULTURE PROTECTION AREAS**

Sections:

[17.22.010 Establishment permitted.](#)

[17.22.020 Application – Contents.](#)

[17.22.030 Application – Fee.](#)

[17.22.040 Notice.](#)

[17.22.050 Planning commission review.](#)

[17.22.060 Review criteria.](#)

[17.22.070 Minimum area.](#)

[17.22.080 City council approval.](#)

**17.22.010 Establishment permitted.**

The establishment of agriculture protection areas is hereby permitted and encouraged within Eagle Mountain City. [Ord. 99-21 § 1].

**17.22.020 Application – Contents.**

A. Each application for an agriculture protection area (APA) shall be executed by an authorized representative of the owner of the land on a form approved by the city and shall contain the following information:

1. A legal description of the land to be protected;
2. The total acreage to be protected;
3. The type of agricultural use for each land area for which protection is requested;
4. The nature and extent of existing or proposed farm improvements;
5. The nature and extent of existing agricultural use if other than described in response to subsection (A)(3) of this section;
6. The name, address and telephone number of an authorized contact person for the owner;
7. The tax parcel number of each parcel; and
8. Any other relevant information believed by the owner to be appropriate for consideration by the city.

B. The application shall be accompanied by a copy of the plat of record maintained by the Utah County recorder of the land proposed for the APA. [Ord. 99-21 § 2].

**17.22.030 Application – Fee.**

Each application shall be accompanied by a processing fee of \$100.00. [Ord. 99-21 § 3].

**17.22.040 Notice.**

Upon receipt of an application for an agriculture protection area, the city clerk shall notify the city council and shall post and publish notice of the proposed agriculture protection area as otherwise required by Utah law. [Ord. 99-21 § 4].

**17.22.050 Planning commission review.**

The planning commission of Eagle Mountain City shall review the proposal for the agriculture protection area and shall recommend to the city council, in the manner and within the time requirements of Utah law, the analysis and recommendation of the planning commission. [Ord. 99-21 § 5].

**17.22.060 Review criteria.**

The planning commission and the city council shall use the criteria provided by Utah law to determine whether or not to establish the agriculture protection area in compliance with the application. [Ord. 99-21 § 6].

**17.22.070 Minimum area.**

Each agriculture protection area shall contain a minimum contiguous acreage of 80 acres. [Ord. 99-21 § 7].

**17.22.080 City council approval.**

The city council shall review the recommendation of the planning commission and agriculture protection area commission of Utah County as provided by law, and may approve the area proposed, modify the proposed area for approval or disapprove the application. [Ord. 99-21 § 8].

**Chapter 17.25**  
**RESIDENTIAL ZONE**

Sections:

[17.25.010 What this chapter does.](#)

[17.25.020 Purpose and objective.](#)

[17.25.030 Types of residential uses.](#)

[17.25.040 Permitted uses.](#)

[17.25.050 Permitted accessory uses and structures.](#)

[17.25.060 Conditional uses.](#)

[17.25.070 Prohibited uses.](#)

[17.25.080 Generally applicable residential zone provisions.](#)

[17.25.090 Driveways.](#)

[17.25.100 Unbuildable lands.](#)

[17.25.110 Base density residential development standards.](#)

[17.25.120 Tier I residential development standards.](#)

[17.25.130 Tier II residential development standards.](#)

[17.25.140 Tier III residential development standards.](#)

[17.25.150 Tier IV residential development standards.](#)

[17.25.160 Valley View residential development standards.](#)

[17.25.170 Previous zoning district equivalents.](#)

**17.25.010 What this chapter does.**

This chapter establishes the land use regulations for the residential zone in Eagle Mountain City, including permitted and conditional uses, minimum land use standards and other development provisions. This chapter does not change existing zoning in areas already approved by the city. Landowners in these properties may apply for rezoning as outlined in Chapter [17.90](#) EMMC. [Ord. O-05-2011 § 2 (Exh. A); Ord. O-11-2010 § 2 (Exh. A); Ord. O-18-2008 § 2 (Exh. A § 5.1); Ord. O-10-2007 § 2 (Exh. A § 5.1); Ord. O-18-2006 § 2 (Exh. 1 § 5.1); Ord. O-02-2006 § 3 (Exh. 1 § 5.1); Ord. O-23-2005 § 3 (Exh. 1(1) § 5.1)].

**17.25.020 Purpose and objective.**

The purpose and objective of this chapter is to allow for the development of residences in the city in a zone that allows for a variety of residential uses. [Ord. O-05-2011 § 2 (Exh. A); Ord. O-11-2010 § 2 (Exh. A); Ord. O-18-2008 § 2 (Exh. A § 5.2); Ord. O-10-2007 § 2 (Exh. A § 5.2); Ord. O-18-2006 § 2 (Exh. 1 § 5.2); Ord. O-02-2006 § 3 (Exh. 1 § 5.2); Ord. O-23-2005 § 3 (Exh. 1(1) § 5.2)].

**17.25.030 Types of residential uses.**

Residential developments are categorized according to the density of the project. Base density residential consists of projects with gross densities less than or equal to 0.8 dwelling units per acre. Participation in the bonus density entitlement opportunities detailed in Chapter [17.30](#) EMMC vests a project with additional densities. Tier I residential development is categorized by project densities from 0.81 up to 1.6 dwelling units per acre. Tier II residential development is categorized by project densities from 1.61 up to 5.2 dwelling units per acre. Tier III residential development is categorized by project densities from 5.21 up to 12.2 dwelling units to the acre, and Tier IV residential development is categorized by project densities from 12.21 up to 22.7 dwelling units to the acre. Base density, Tier I, and Tier II residential developments are all permitted uses in the

residential zone. Tier III and Tier IV residential developments are conditional uses in the residential zone, designed to accommodate the densest residential development available under this code. For the purposes of this title all densities listed are gross, unless otherwise specified. [Ord. O-05-2011 § 2 (Exh. A); Ord. O-11-2010 § 2 (Exh. A); Ord. O-18-2008 § 2 (Exh. A § 5.3); Ord. O-10-2007 § 2 (Exh. A § 5.3); Ord. O-18-2006 § 2 (Exh. 1 § 5.3); Ord. O-02-2006 § 3 (Exh. 1 § 5.3); Ord. O-23-2005 § 3 (Exh. 1(1) § 5.3)].

**17.25.040 Permitted uses.**

Permitted uses in the zone are:

- A. Single-family detached dwellings with project densities equal to or less than 5.2 dwelling units per acre (base density, Tier I, and Tier II).
- B. Public and private utility structures or facilities.
- C. Public parks and trails.
- D. Home businesses in compliance with the standards set forth in Chapter [17.65](#) EMMC. [Ord. O-05-2011 § 2 (Exh. A); Ord. O-11-2010 § 2 (Exh. A); Ord. O-18-2008 § 2 (Exh. A § 5.4); Ord. O-10-2007 § 2 (Exh. A § 5.4); Ord. O-18-2006 § 2 (Exh. 1 § 5.4); Ord. O-02-2006 § 3 (Exh. 1 § 5.4); Ord. O-23-2005 § 3 (Exh. 1(1) § 5.4)].

**17.25.050 Permitted accessory uses and structures.**

Accessory uses and structures are permitted; provided, that they are incidental to, and do not substantially alter, the character of the permitted principal uses or structures. Such permitted accessory uses include, but are not limited to, garages and gardening sheds.

Accessory buildings such as barns and similar structures that are customarily associated with large lots and farm animals are restricted to lots of one acre or larger, or to lots within an equine overlay zone. Any minor exceptions to the accessory structure standards in this chapter may be approved administratively at the discretion of the planning director if they are found to not cause negative effects to the character of the neighborhood or immediate neighboring properties. Other exceptions require planning commission approval. [Ord. O-05-2011 § 2 (Exh. A); Ord. O-11-2010 § 2 (Exh. A); Ord. O-18-2008 § 2 (Exh. A § 5.5); Ord. O-10-2007 § 2 (Exh. A § 5.5); Ord. O-18-2006 § 2 (Exh. 1 § 5.5); Ord. O-02-2006 § 3 (Exh. 1 § 5.5); Ord. O-23-2005 § 3 (Exh. 1(1) § 5.5)].

**17.25.060 Conditional uses.**

The following conditional uses and such uses as the planning director and planning commission may recommend as similar and consistent with the scale, character and impact of the area will be considered:

- A. Multifamily dwellings as defined in Chapter [17.10](#) EMMC.
- B. Cluster homes, patio homes, garden courts, and other detached housing as defined in Chapter [17.10](#) EMMC.
- C. Tier III and Tier IV development.
- D. Religious or cultural meeting halls.
- E. Public/private schools.
- F. Radio, microwave or other transmission towers.
- G. Accessory apartments in accordance with the standards contained in this title.
- H. Commercial development is also a conditional use in the residential zone, but it may not be the predominant use of the development. This development is allowed to offer convenience and service to residential uses, but commercial uses will only be approved if they do not inhibit the full use and enjoyment of the predominant residential uses. This definition includes mixed-use commercial and residential developments. [Ord. O-05-2011 § 2 (Exh. A); Ord. O-11-2010 § 2 (Exh. A); Ord. O-18-

2008 § 2 (Exh. A § 5.6); Ord. O-10-2007 § 2 (Exh. A § 5.6); Ord. O-18-2006 § 2 (Exh. 1 § 5.6); Ord. O-02-2006 § 3 (Exh. 1 § 5.6); Ord. O-23-2005 § 3 (Exh. 1(1) § 5.6)].

**17.25.070 Prohibited uses.**

The following are prohibited uses and such uses as the planning director and planning commission determine to be similar or consistent with the prohibited use:

A. Sexually oriented businesses.

B. Industrial uses. [Ord. O-05-2011 § 2 (Exh. A); Ord. O-11-2010 § 2 (Exh. A); Ord. O-18-2008 § 2 (Exh. A § 5.7); Ord. O-10-2007 § 2 (Exh. A § 5.7); Ord. O-18-2006 § 2 (Exh. 1 § 5.7); Ord. O-02-2006 § 3 (Exh. 1 § 5.7); Ord. O-23-2005 § 3 (Exh. 1(1) § 5.7)].

**17.25.080 Generally applicable residential zone provisions.**

All development projects within this zone shall conform to the following general requirements:

A. Garage Dimensions. Two-car garages shall be a minimum of 20 feet wide by 20 feet deep. Garages that are 18 feet wide may be allowed if the total square footage is at least 400 square feet. Two-car garage door openings shall be a minimum of 16 feet wide by seven feet tall. Single-car garages shall be a minimum of 10 feet wide by 20 feet deep. Single-car garage door openings shall be a minimum of eight feet wide by seven feet tall.

B. Buffers and Transitions Between Developments and Uses. All residential zone developments shall comply with the transitioning and buffering requirements as set forth in Chapter [17.60 EMMC](#).

Where commercial development is allowed as a conditional use in the residential zone, the more restrictive of the residential or commercial buffering and transitioning requirements shall apply. [Ord. O-05-2011 § 2 (Exh. A); Ord. O-11-2010 § 2 (Exh. A); Ord. O-18-2008 § 2 (Exh. A § 5.8); Ord. O-10-2007 § 2 (Exh. A § 5.8); Ord. O-18-2006 § 2 (Exh. 1 § 5.8); Ord. O-02-2006 § 3 (Exh. 1 § 5.8); Ord. O-23-2005 § 3 (Exh. 1(1) § 5.8)].

**17.25.090 Driveways.**

Residential driveways on all single-family detached dwellings and twinhomes shall comply with the following standards:

A. Slopes. Driveways shall not exceed grades of 12 percent. The building official may approve driveway slopes that exceed 12 percent in circumstances that are deemed necessary because of the topographical conditions.

B. Clear Vision Triangle. Residential driveways, when feasible, shall not be permitted in the clear vision triangle at local streets as described in this title.

C. Driveway Length. Residential driveways shall be a minimum of 22 feet in length from the property line. [Ord. O-05-2011 § 2 (Exh. A); Ord. O-11-2010 § 2 (Exh. A); Ord. O-18-2008 § 2 (Exh. A § 5.9); Ord. O-10-2007 § 2 (Exh. A § 5.9); Ord. O-18-2006 § 2 (Exh. 1 § 5.9); Ord. O-02-2006 § 3 (Exh. 1 § 5.9); Ord. O-23-2005 § 3 (Exh. 1(1) § 5.9)].

**17.25.100 Unbuildable lands.**

In considering the layout of any development in the city, the developer shall conform to the following restrictions with respect to environmentally sensitive lands or lands that are unsuitable for development. No construction may occur in areas that have slopes in excess of 25 percent, land restricted by power lines, canyons and washes, streams, high volume floodplains, alluvial discharge areas, storm drain retention/detention areas, floodplains and floodways, geologically sensitive areas that require special engineering considerations for safe habitation, and wetlands. Land in excess of 15 percent shall be ineligible for inclusion in improved open space requirements unless the planning commission recommends and the city council approves specific improvements on land in excess of 15 percent which these bodies determine to be an approved amenity. In this case, only the acreage of land in excess of 15 percent which is improved will be considered towards the improved open space requirements. [Ord. O-05-2011 § 2 (Exh. A); Ord. O-11-2010 § 2 (Exh. A); Ord. O-18-2008 § 2 (Exh. A § 5.10); Ord. O-10-2007 § 2 (Exh. A § 5.10); Ord. O-18-2006

§ 2 (Exh. 1 § 5.10); Ord. O-02-2006 § 3 (Exh. 1 § 5.10); Ord. O-23-2005 § 3 (Exh. 1(1) § 5.10)].

**17.25.110 Base density residential development standards.**

A. Base Density. Developments with project densities less than or equal to 0.8 dwelling units per acre are categorized as base density residential and shall be developed in accordance with the base density residential development standards, which establish required lot frontages, building setbacks, building size regulations, etc. It is expected that these developments will be rural residential areas that are compatible with predominantly agricultural uses and natural open spaces that traditionally define the character of Cedar Valley and the associated foothills of Lake Mountain and Cedar Pass. Subdivisions developed at this density may not be required to install urban-type public infrastructure improvements such as curb, gutter, sidewalk and streetlights.

B. Lot Size and Density Requirements. The following lot size and density requirements shall apply to base density residential development:

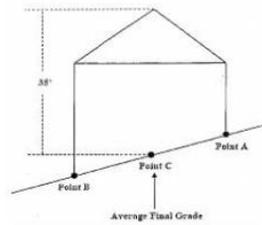
1. The minimum lot size for single-family detached dwellings in base density residential developments is one-half acre. Accessory uses may require a minimum size greater than one-half acre and will be evaluated by the city council, after review and recommendation by the planning commission, on an individual basis to determine if more property is required to reasonably accommodate the proposed use.
2. Subdivisions in base density residential developments shall not exceed 0.8 dwelling units per acre.

C. Setbacks – Primary Structures. Lots that are one-half to three-quarters of an acre shall have a front and rear setback of no less than 50 feet and a side yard setback no less than 25 feet. If the road is constructed with curb and gutter and/or a trailway, then the front setback may be reduced to 35 feet. Lots in excess of three-quarters of an acre shall have a front and rear setback of no less than 50 feet and a side yard setback no less than 25 feet. Setbacks shall only apply to structures that require a city building permit or approval. No structure which cannot be removed shall be constructed across an easement. Up to a 10 percent variation in setbacks may be approved by the planning director and building official if the variation is deemed appropriate due to an issue with slope, unique lot configuration, or other unique circumstance. Home design is not considered a unique circumstance.

D. Setbacks – Accessory Structures. Accessory structures in this category shall not be located within any front yard and shall maintain a setback of not less than 10 feet from any side or rear property line, or 15 feet if the lot is on a corner. Setbacks shall only apply to structures that require a city permit or approval. No structure which cannot be removed shall be constructed across an easement.

E. Lot Frontage Requirements. Every lot within a subdivision in a base density development shall have a minimum lot frontage of 40 feet on a cul-de-sac or circle. All other lots shall have a minimum lot frontage of 100 feet along a public or private street. Lots equal to or greater than one acre in size shall have a minimum lot frontage of 60 feet on a cul-de-sac or circle, and 150 feet along all other streets.

F. Building Height. No primary structures shall exceed 35 feet in height, measured from the average of the highest finished grade and the lowest finished grade of the structure to the highest point of the roof. Chimneys, television antennas, flagpoles, church towers or any ancillary structures not used for human occupancy shall be excluded when determining the height. No ancillary structure shall extend more than 10 feet above the primary structure without planning commission approval. No accessory structures shall exceed 35 feet in height.



G. Open Space and Trail Requirements. There is no minimum open space requirement for base density residential developments. This does not exempt owners or developers from complying with other provisions that may require public improvements including, but not limited to, drainage facilities or other minimum standard infrastructures. Pedestrian trails along collector or arterial roads shall be a required improvement when the subdivision is being developed without sidewalks. Equestrian trails that adjoin each lot shall be a required improvement when the subdivision is designed to accommodate horse raising and keeping. The planning commission may recommend and the city council may approve that open space requirements are satisfied by the developer paying a fee in lieu. The city engineer will recommend the fee for the city council to approve. [Ord. O-07-2015 § 2 (Exh. A); Ord. O-09-2013 § 2 (Exh. A); Ord. O-05-2011 § 2 (Exh. A); Ord. O-11-2010 § 2 (Exh. A); Ord. O-18-2008 § 2 (Exh. A § 5.11); Ord. O-10-2007 § 2 (Exh. A § 5.11); Ord. O-18-2006 § 2 (Exh. 1 § 5.11); Ord. O-02-2006 § 3 (Exh. 1 § 5.11); Ord. O-23-2005 § 3 (Exh. 1(1) § 5.11)].

#### **17.25.120 Tier I residential development standards.**

A. Bonus Density. Tier I residential subdivisions shall be developed at densities between 0.81 and 1.6 dwelling units per acre. Bonus density is granted through participation in the required Tier I residential bonus density entitlements outlined in Chapter [17.30](#) EMMC. It is expected that Tier I residential developments will be single-family neighborhoods with larger lots that are characteristic of traditional rural and suburban residential neighborhoods. They shall be developed in accordance with the following Tier I residential development standards, which establish required lot frontages and building setbacks, building size regulations, etc.

B. Lot Size and Density Requirements. The following lot size and density requirements shall apply to Tier I residential development:

1. The minimum lot size for single-family detached dwellings in Tier I residential developments is one-half acre. Accessory uses may require a minimum size greater than one-half acre and will be evaluated by the city council, after review and recommendation by the planning commission, on an individual basis to determine if more property is required to reasonably accommodate the proposed use.
2. Subdivisions in Tier I residential developments shall not exceed 1.6 dwelling units per acre.

C. Open Space Requirement. All Tier I residential developments in Eagle Mountain City are required to dedicate to the city at least four percent of the project's buildable land area as improved open space (which includes parks and trails). The planning commission may recommend and the city council may approve that open space requirements are satisfied by the developer paying a fee in lieu. The city engineer will recommend the fee for the city council to approve.

D. Setbacks – Primary Structures. Primary structures shall maintain setbacks in accordance with the following lot sizes. Setbacks shall only apply to structures that require a city permit or approval. No structure which cannot be removed shall be constructed across an easement. Up to a 10 percent variation in setbacks may be approved by the planning director and building official if the variation is appropriate due to an issue with slope, unique lot configuration, or other unique circumstance. Home design is not considered a unique circumstance.

1. Lots that are one-half to three-quarters of an acre shall have a front and rear setback of no less than 50 feet and a side yard setback no less than 25 feet. If the road is constructed with

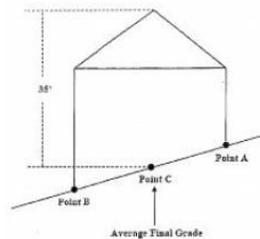
curb and gutter and/or a trailway, then the front setback may be reduced to 35 feet.

2. Lots in excess of three-quarters of an acre shall have a front and rear setback of no less than 50 feet and a side yard setback no less than 25 feet.

E. Setbacks – Accessory Structures. Accessory structures in this category shall not be located within any front yard and shall maintain a setback of not less than 10 feet from any side or rear property line, or 15 feet if the lot is on a corner. Setbacks shall only apply to structures that require a city building permit or approval. No structure which cannot be removed shall be constructed across an easement.

F. Lot Frontage Requirements. Every lot within a subdivision in a Tier I residential development shall have a minimum lot frontage of 40 feet on a cul-de-sac or circle. All other lots shall have a minimum lot frontage of 125 feet along a public street. Lots equal to or greater than one acre in size shall have a minimum lot frontage of 60 feet on a cul-de-sac or circle, and 150 feet along all other streets.

G. Building Height. No primary structures shall exceed 35 feet in height, measured from the average of the highest finished grade and the lowest finished grade of the structure to the highest point of the roof. Chimneys, television antennas, flagpoles, church towers or any ancillary structures not used for human occupancy shall be excluded when determining the height. No ancillary structure shall extend more than 10 feet above the primary structure without planning commission approval. No approved agriculture- or farm-related accessory structures shall exceed 35 feet in height; no other accessory structure shall exceed 20 feet in height.



H. Size of Accessory Structures. The combined square footage of accessory structures on lots that are between one-half acre and one acre in size is limited to 75 percent of the square footage of the footprint of the residential dwelling, including attached garage. Lots larger than one acre have no limit on the square footage of accessory structures. [Ord. O-09-2013 § 2 (Exh. A); Ord. O-05-2011 § 2 (Exh. A); Ord. O-11-2010 § 2 (Exh. A); Ord. O-18-2008 § 2 (Exh. A § 5.12); Ord. O-10-2007 § 2 (Exh. A § 5.12); Ord. O-18-2006 § 2 (Exh. 1 § 5.12); Ord. O-02-2006 § 3 (Exh. 1 § 5.12); Ord. O-23-2005 § 3 (Exh. 1(1) § 5.12)].

#### 17.25.130 Tier II residential development standards.

A. Bonus Density. Tier II residential subdivisions shall be developed at densities between 1.61 and 5.2 dwelling units per acre. Bonus density is granted through participation in the required Tier I and optional Tier II residential bonus density entitlements outlined in Chapter [17.30](#) EMMC. It is expected that Tier II residential developments will be single-family neighborhoods with medium-sized lots that are characteristic of traditional suburban residential neighborhoods. Developments in the Tier II residential category shall be developed in accordance with the following development standards, which establish required lot frontages and building setbacks, building size regulations, etc. Subdivisions developed at this density shall install all urban-type public infrastructure improvements or utilities including curb, gutter, sidewalks and streetlights.

B. Open Space Requirement. All Tier II residential developments in Eagle Mountain City are required to dedicate to the city at least eight percent of the project's buildable land area as improved open space (which may include parks and trails). The planning commission may recommend and the city council may approve that open space requirements are satisfied by the

developer paying a fee in lieu. The city engineer will recommend the fee for the city council to approve.

C. Setbacks – Primary Structures. Setbacks shall only apply to structures that require a city permit or approval. No structure which cannot be removed shall be constructed across an easement. Up to a 10 percent variation in setbacks may be approved by the planning director and building official if the variation is appropriate due to an issue with slope, unique lot configuration, or other unique circumstance. Home design is not considered a unique circumstance. The following minimum setbacks shall apply in this category to primary structures:

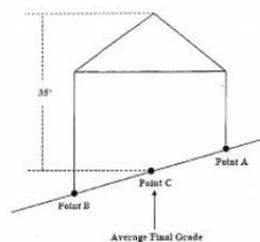
1. Front Yard. Each lot or parcel shall have a front yard not less than 15 feet. If accessed from the front, garages shall have a minimum front setback of 22 feet.
2. Street Yards, Corner Lot. The two street yards on corner lots shall not be less than 15 feet from the property lines running along the streets.
3. Side Yard, Interior. The two interior side yards on all lots shall not be less than a combination of 15 feet total and no smaller than five feet on one side. If a structure is constructed with less than an eight-foot setback, piping or other approved drainage system shall be installed in that side yard prior to occupancy, sending the water at least 10 feet downhill away from the foundation (in conformance to the current International Residential Code).
4. Rear Yard. The rear yard shall not be less than 20 feet.
5. Rear Yard, Alleyway. Rear yards adjacent to alleyways shall not be less than 15 feet.

D. Setbacks – Accessory Structures. Setbacks shall only apply to structures that require a building permit. No structure which cannot be removed shall be constructed across an easement. The following minimum setbacks shall apply in this category to accessory structures:

1. Street Yards, Corner Lot. No accessory structures shall be closer to street property lines than the required street yards for primary structures.
2. Side Yard, Interior and Rear Yard. Accessory structures may be located no less than five feet from a side or rear property line.
3. Primary Structure. Accessory structures must be a minimum of six feet away from the primary structure.

E. Lot Frontage Requirements. Every lot within a subdivision in a Tier II residential development shall have a minimum lot frontage of 20 feet on a cul-de-sac or circle. All other lots shall have a minimum lot frontage of 55 feet along a public street.

F. Building Height. No primary structures shall exceed 35 feet in height, measured from the average of the highest finished grade and the lowest finished grade of the structure to the highest point of the roof. Chimneys, television antennas, flagpoles, church towers or any ancillary structures not used for human occupancy shall be excluded when determining the height. No ancillary structure shall extend more than 10 feet above the primary structure without planning commission approval. No accessory structures shall exceed 20 feet in height.



G. Size of Accessory Structures. The combined square footage of accessory structures on lots smaller than one-half acre shall be no greater than 50 percent of the square footage of the footprint of the residential dwelling, including attached garage. The combined square footage of accessory structures on lots that are between one-half acre and one acre in size is limited to 75 percent of the square footage of the footprint of the residential dwelling, including attached garage. Lots larger than one acre have no limit on the square footage of accessory structures. [Ord. O-09-2013 § 2 (Exh. A); Ord. O-14-2011 § 2 (Exh. A); Ord. O-05-2011 § 2 (Exh. A); Ord. O-11-2010 § 2 (Exh. A); Ord. O-18-2008 § 2 (Exh. A § 5.13); Ord. O-10-2007 § 2 (Exh. A § 5.13); Ord. O-18-2006 § 2 (Exh. 1 § 5.13); Ord. O-02-2006 § 3 (Exh. 1 § 5.13); Ord. O-23-2005 § 3 (Exh. 1(1) § 5.13)].

**17.25.140 Tier III residential development standards.**

A. Bonus Density. Tier III residential subdivisions shall be developed at densities between 5.21 and 12.2 dwelling units per acre. Bonus density is granted through participation in the Tier I, Tier II, and Tier III residential bonus density entitlements outlined in Chapter [17.30](#) EMMC. Participation in Tier III raises the density entitlement in a development density area to a bonus density ceiling of 12.2 residential units per acre. It is expected that Tier III residential developments will offer more dense development and may allow for cluster homes, garden courts, patio homes, apartments, townhomes, and condominium construction. Tier III residential development is a conditional use in the residential zone and is subject to the conditional use approval process before the planning commission.

B. Open Space Requirement. Tier III residential developments are required to dedicate to the city at least 10 percent of the development density area acreage as improved open space, which may also be used and credited for buffering requirements around and among Tier III residential development areas. The planning commission may recommend and the city council may approve that open space requirements are satisfied by the developer paying a fee in lieu. The city engineer will recommend the fee for the city council to approve.

C. Site Plan Approval. The diverse types of potential housing products require that all developments in this category (with the exception of single-family detached dwellings) shall be subject to a site plan review and approval (this includes detached cluster homes, patio homes, and garden courts). The review and approval shall include, but not be limited to, setbacks of primary and accessory structures, building height, dwelling size, and building elevations and materials (in compliance with Chapter [17.72](#) EMMC). The minimum distance between multifamily housing structures in Tier III shall be 20 feet. Single-family homes at Tier III densities shall comply with all of the Tier II development standards. The council, subject to the prior recommendation of the planning commission, may approve a minimum distance between multifamily housing structures in Tier III that differs from the above standard upon a finding that the distance is: (1) appropriate for the proper development of the project; (2) consistent with providing safe and convenient utility services to the public; and (3) will not result in the establishment of a hazardous condition. [Ord. O-05-2011 § 2 (Exh. A); Ord. O-11-2010 § 2 (Exh. A); Ord. O-18-2008 § 2 (Exh. A § 5.14); Ord. O-10-2007 § 2 (Exh. A § 5.14); Ord. O-18-2006 § 2 (Exh. 1 § 5.14); Ord. O-02-2006 § 3 (Exh. 1 § 5.14); Ord. O-23-2005 § 3 (Exh. 1(1) § 5.14)].

**17.25.150 Tier IV residential development standards.**

A. Bonus Density. Tier IV residential subdivisions shall be developed at densities between 12.21 and 22.7 dwelling units per acre. Bonus density is granted through participation in the Tier I, Tier II, Tier III, and Tier IV residential bonus density entitlements outlined in Chapter [17.30](#) EMMC. The highest cumulative density entitlements may be acquired by participation in Tier IV residential development amenities. Residential developments in the Tier IV category may thereby gain bonus density ceilings up to 22.7 residential units per acre. It is expected that Tier IV residential developments will offer the densest development available under this code and will allow for apartment, townhome, and condominium construction. Tier IV residential development is a conditional use in the residential zone and is subject to the conditional use approval process before the planning commission.

B. Open Space Requirement. Tier IV residential developments are required to dedicate to the city at

least 10 percent of the development density area acreage as improved open space, which may also be used and credited for buffering requirements around and among Tier IV residential development areas. The planning commission may recommend and the city council may approve that open space requirements are satisfied by the developer paying a fee in lieu. The city engineer will recommend the fee for the city council to approve.

C. Site Plan Approval. The diverse types of potential housing products require that all developments in this category shall be subject to a site plan review and approval. The review and approval shall include, but not be limited to, setbacks of primary and accessory structures, building height, dwelling size, and building elevations and materials (in compliance with Chapter [17.72](#) EMMC). The minimum distance between multifamily housing structures in Tier IV shall be 20 feet. The council, subject to the prior recommendation of the planning commission, may approve a minimum distance between multifamily housing structures in Tier IV that differs from the above standard upon a finding that the distance is: (1) appropriate for the proper development of the project; (2) consistent with providing safe and convenient utility services to the public; and (3) will not result in the establishment of a hazardous condition. [Ord. O-05-2011 § 2 (Exh. A); Ord. O-11-2010 § 2 (Exh. A); Ord. O-18-2008 § 2 (Exh. A § 5.15); Ord. O-10-2007 § 2 (Exh. A § 5.15); Ord. O-18-2006 § 2 (Exh. 1 § 5.15); Ord. O-02-2006 § 3 (Exh. 1 § 5.15); Ord. O-23-2005 § 3 (Exh. 1(1) § 5.15)].

#### **17.25.160 Valley View residential development standards.**

The Valley View category of the residential zone is reserved for the area north of SR 73 in between Meadow Ranch and North Ranch and south of Camp Williams. This area encompasses 305.12 acres and is vested with a maximum density of 1.1 dwelling units per acre, for a total of 335 single-family detached homes. The minimum lot size in this category shall be one-half acre. All lots that border North Ranch, Meadow Ranch, or Camp Williams shall be a minimum one acre in size. The minimum lot frontage along a public or private street shall be no less than 100 feet, or 150 feet for lots equal to or greater than one acre in size. Curbs, gutters, streetlights, and sidewalks may not be required as long as adequate storm water improvements are provided. A trails system shall be required along roads and shall provide connectivity to adjacent subdivisions. The Valley View category of the residential zone is not eligible for participation in the bonus density provisions of this title. [Ord. O-05-2011 § 2 (Exh. A); Ord. O-11-2010 § 2 (Exh. A); Ord. O-18-2008 § 2 (Exh. A § 5.16); Ord. O-10-2007 § 2 (Exh. A § 5.16); Ord. O-18-2006 § 2 (Exh. 1 § 5.16); Ord. O-02-2006 § 3 (Exh. 1 § 5.16); Ord. O-23-2005 § 3 (Exh. 1(1) § 5.16)].

#### **17.25.170 Previous zoning district equivalents.**

The equivalent zoning districts contained in previous development codes include the country residential (CR) zone, town core residential (TCR), commercial core (CC), and village core (VC). Properties zoned prior to the adoption of this title shall only be entitled to the permitted and conditional uses permissible under the land use ordinance in which the property was zoned. With the exception of the land uses, property zoned under previous development codes shall comply with all other regulations and standards contained in this chapter so long as they do not restrict density entitlements that are solidified in a master development agreement. Property zoned under the development code of the town of Eagle Mountain adopted on September 28, 1999, is entitled to the following land uses:

A. Country Residential (CR). Permitted uses within the CR zone will be single-family detached dwellings on individual building lots. Conditional uses within the zone are multiple-family dwellings, commercial uses as identified in the town core residential not to exceed 10 percent, places of worship, bed and breakfast and public and private schools.

B. Town Core Residential (TCR). Single-family dwellings, both attached and detached, and recreational facilities designed to service a group of residential structures are the only permitted uses in the TCR zone. The following conditional uses and such uses as the planning commission may recommend as similar and consistent in character, scale and impact will be considered: multiple-family dwellings, restaurants, office uses, day care centers, art galleries, museums, places of worship and public and private schools. All other uses are expressly prohibited.

C. Commercial Core (CC). Permitted uses in this zone are retail sales, business offices, banks, restaurants, apartments or condominiums, and professional offices. The following conditional uses and such uses as the planning commission may recommend as similar and consistent with the scale, character and impact of existing uses will be considered: retail service establishments, restaurants, theaters, hotels, motels, bed and breakfast facilities, retail goods establishments and places of worship. All other uses are expressly prohibited.

D. Village Core (VC). Single-family dwellings, detached and attached, will be a permitted use in this zone. All uses that are included in the commercial core will be allowed on a conditional basis in the village core. Public and private schools will also be a conditional use. [Ord. O-05-2011 § 2 (Exh. A); Ord. O-11-2010 § 2 (Exh. A); Ord. O-18-2008 § 2 (Exh. A § 5.17); Ord. O-10-2007 § 2 (Exh. A § 5.17); Ord. O-18-2006 § 2 (Exh. 1 § 5.17); Ord. O-02-2006 § 3 (Exh. 1 § 5.17); Ord. O-23-2005 § 3 (Exh. 1(1) § 5.17)].

**Chapter 17.30**  
**RESIDENTIAL ZONE BONUS DENSITY ENTITLEMENTS**

Sections:

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[17.30.110 Tables.](#)

[17.30.120 Repealed.](#)

**17.30.010 What this chapter does.**

This chapter establishes the provisions and processes for the granting of bonus density to subdivisions and master development plans. [Ord. O-06-2015 § 2 (Exh. A); Ord. O-24-2008 § 2 (Exh. A § 6.1); Ord. O-27-2006 § 2 (Exh. A § 6.1); Ord. O-23-2005 § 3 (Exh. 1(1) § 6.1)].

**17.30.020 Purpose and objective.**

The purpose and objective of this chapter is to identify the improvements, facilities, and amenities necessary to accommodate the demands of a higher density development and to provide developers with incentives to contribute necessary amenities and development upgrades that benefit city residents. This chapter is intended to allow maximum flexibility so as to foster creativity and innovation in development and to allow developers to respond to market demands. It is also the objective of this chapter to facilitate projects that will have a variety of housing types and attractive neighborhoods. [Ord. O-06-2015 § 2 (Exh. A); Ord. O-24-2008 § 2 (Exh. A § 6.2); Ord. O-27-2006 § 2 (Exh. A § 6.2); Ord. O-23-2005 § 3 (Exh. 1(1) § 6.2)].

**17.30.030 Structure of bonus density entitlements.**

Bonus density entitlements, or increases in the number of residential units a developer is entitled to build on an acre (above the 0.8 residential dwelling units per acre base density of the residential zone), shall be permitted when a project provides additional improvements and amenities as outlined in this chapter. Bonus density entitlements are structured in tiers and are cumulative. The requirements of each tier must be met before bonus density from the next tier may be awarded. All bonus density entitlements granted by the city council are density maximums. It is the responsibility of the developer to demonstrate that a parcel designated for higher densities can accommodate the requested densities in compliance with all of the generally applicable requirements of this title and EMMC Title 16. All bonus density entitlements are subject to the applicable standards and limitations of this code, including EMMC 16.40.090, restricting construction and impermeable surfaces on sloped land. Bonus density will not be granted when the proposed improvement, facility, or amenity is an otherwise required improvement for a land use as found in this title and EMMC Title 16.

A. Density for Master Development Plans. Master development plans will be approved with bonus density ceilings in compliance with Tables 17.30.110(a) through (d), and will be formalized in a master development agreement. The specific improvements, facilities, and amenities shall be

identified and agreed to during the master development plan approval process. The master development agreement will specify the improvements, facilities, and amenities to be funded and/or constructed within the development density areas throughout the development, in exchange for increased density entitlements. All development projects of 160 acres or more or those which propose any Tier III or Tier IV residential project shall have an approved master development plan. Smaller development projects may also participate in the master development plan process. Once a master development plan is approved, additional bonus densities are no longer available for the project.

B. Density for Preliminary Plats. Tier I and Tier II projects less than 160 acres may be developed through the preliminary plat process. Preliminary plats will be approved with bonus density ceilings in compliance with Tables 17.30.110(a) through (d), and will be formalized in a development agreement. The specific improvements, facilities, and amenities shall be identified and agreed to during the preliminary plat approval process. The development agreement will specify the improvements, facilities, and amenities to be funded and/or constructed within the development density areas throughout the development, in exchange for increased density entitlements. Once a preliminary plat is approved, additional bonus densities are no longer available for the project.

C. Density for Tier I and Tier II Residential Developments. All developments that have project densities greater than the base density residential 0.8 dwelling units per acre shall be developed with the improvements and amenities required to comply with the increased density entitlements. Table 17.30.110(a), Tier I Residential Bonus Density Entitlements (Required), and Table 17.30.110(b), Tier II Residential Bonus Density Entitlements (Optional), summarize the amenities for which bonus densities will be granted in Tier I and Tier II residential developments, respectively. The developer shall identify the specific improvements and amenities for the development project and the bonus density entitlement thereby earned with submission of a master development plan, and again with the submission of a preliminary plat application if the area's density exceeds the overall master development plan density. Approval is granted by the city council upon recommendation by the planning commission. Improvements and amenities shall be enumerated in a development agreement, which provides for bonding of all improvements and shall be approved by the city council.

D. Density for Tier III and Tier IV Residential Developments. All multifamily dwellings and other developments that have project densities between 5.21 and 22.7 dwelling units per acre shall be proposed in a master development plan. Table 17.30.110(c), Tier III Residential Bonus Density Entitlements (Required), and Table 17.30.110(d), Tier IV Residential Bonus Density Entitlements (Optional), summarize the amenities for which bonus densities will be granted in Tier III and Tier IV residential developments, respectively. All improvements and amenities listed on Tables 17.30.110(c) and (d) shall be developed within the boundaries of the project. The developer shall identify the specific improvements and amenities for the development project and the bonus density entitlement thereby earned with submission of a master development plan, and again with the submission of a preliminary plat application if the area's density exceeds the overall master development plan density. Approval is granted by the city council upon recommendation by the planning commission. Improvements and amenities shall be enumerated in a development agreement, which provides for bonding of all improvements and shall be approved by the city council. [Ord. O-06-2015 § 2 (Exh. A); Ord. O-24-2008 § 2 (Exh. A § 6.3); Ord. O-27-2006 § 2 (Exh. A § 6.3); Ord. O-23-2005 § 3 (Exh. 1(1) § 6.3)].

**17.30.040 Optional detailed bonus density vesting arrangements.**

A developer or master developer may submit a plan specifying a bonus density arrangement within development density area(s), which indicates where more and less dense development will be located and demonstrating how the various densities average out to comply with the overall density entitlement within a development density area. Such a plan shall be submitted graphically with a map showing the outlines of the land to be built with various densities. If this option is exercised, and the bonus density arrangement is approved, then the developer and the city become bound by the terms of the arrangement and density within the development area is vested according to the approved arrangement. Any subsequent change in the density arrangement would require an

amendment to the master development plan. Once a master development plan is approved, additional bonus densities are no longer available for the project. [Ord. O-06-2015 § 2 (Exh. A); Ord. O-24-2008 § 2 (Exh. A § 6.4); Ord. O-27-2006 § 2 (Exh. A § 6.4); Ord. O-23-2005 § 3 (Exh. 1(1) § 6.4)].

**17.30.050 Application.**

The property owner or an authorized agent shall make application for bonus density on forms created by the planning director. Completed bonus density application forms shall be submitted as part of a master development plan application or preliminary plat application (when not processed previously as part of a master development plan). No bonus density application shall be processed without the submission of the completed application and supporting materials as required by this chapter. The fee to process the bonus density application is included in the preliminary plat or master development plan processes. Incomplete applications shall not be processed under any circumstance.

A. Supporting Materials. Bonus density applications shall be submitted with supporting materials outlined in EMMC [17.30.060](#), Bonus density criteria. The supporting materials shall be as clear and concise as feasible when explaining future improvements. The supporting materials explaining the improvements and amenities that are being proposed for bonus density shall include, but not be limited to, plans, drawings, and cost estimates. An appropriate licensed professional shall prepare supporting materials when required by this chapter. [Ord. O-06-2015 § 2 (Exh. A); Ord. O-24-2008 § 2 (Exh. A § 6.5); Ord. O-27-2006 § 2 (Exh. A § 6.5); Ord. O-23-2005 § 3 (Exh. 1(1) § 6.5)].

**17.30.060 Bonus density criteria.**

The improvements, facilities, and amenities listed in this section are available as improvements for which bonus density shall be granted by the planning commission and city council. Accordingly, the granting of bonus density for projects shall not be done in an arbitrary manner; projects that propose improvements that are consistent with the criteria set forth in this chapter shall be eligible for bonus density. The burden to demonstrate compliance with the criteria is upon the applicant. It shall be the role of the staff, planning commission, and city council to determine substantial compliance with the criteria. Notwithstanding these provisions the applicant may propose, and the planning commission may recommend to the city council, awarding density when a proposal diverges from the general criteria but an equivalent value to the city and its residents can be demonstrated. Upon receipt of this recommendation, the city council may exercise its discretionary powers associated with entering into agreements and award density once it has been determined that the proposed improvement, facility, amenity, or payment is within the public's interest. [Ord. O-06-2015 § 2 (Exh. A); Ord. O-24-2008 § 2 (Exh. A § 6.6); Ord. O-27-2006 § 2 (Exh. A § 6.6); Ord. O-23-2005 § 3 (Exh. 1(1) § 6.6)].

**17.30.070 Tier I residential bonus density entitlements (required).**

Participation in Tier I entitles a developer to a bonus density increase of 0.8 units per acre in addition to the 0.8 base density within the development density area. Developers desiring this bonus density entitlement are required to fulfill the following obligations: (1) fund, construct or otherwise give value equaling \$2,000 per acre of buildable land, covered by the bonus density entitlement, toward completion of amenities with a community-wide benefit, described in this chapter and identified on Table 17.30.110(a) as Tier I amenities; (2) dedicate to the city as open space, and improve into parks or trails, four percent of the buildable land covered by the bonus density entitlement; (3) provide landscaped entryways and monument signage; (4) provide a professionally developed and stamped land plan, which provides for compatibility and buffering between uses and densities, creates and shows central features (including parks and open space), arranges lots around central features, and incorporates curvilinear streets into the development layout; and (5) enter into a development agreement with the city setting forth the obligations and vesting that flow between the city and the developer relating to the proposed development on land covered by the bonus density entitlement.

A. Fund or Construct Community Improvement. The developer may contribute the value toward community amenities by constructing the amenity or providing an element toward the completion of

an amenity, by dedicating land or water rights to the city for such amenities at fair market value or by contributing a fee of \$2,000 per acre of buildable land by paying a fee in lieu of dedicating or constructing, or by a combination of these methods. This fee is due at recordation of the plat with which it is associated. Amenities in Tier I include regional parks and public buildings. The city will determine the Tier I amenities that will be created with the developer contribution based on the priority of the community's needs and the suitability of each development to accommodate such an amenity. All Tier I amenities shall be constructed in a location that will serve the residents of the proposed development.

1. Regional Park Description and Purpose. Completed regional parks are improved tracts of land that are 30 to 50 acres in size. The purpose of regional parks is to provide recreational benefits sufficient to meet the needs of 20,500 residents or 5,000 dwelling units. Regional parks are intended to provide adequate facilities for organized sports and recreational activities as outlined in the city's capital facilities and parks plans. Regional parks are to be centrally located with good automobile and pedestrian access.

2. Improvements. Regional parks shall comply with the adopted standards of the park and recreational plan. Regional parks will include at a minimum the following: land, water rights, baseball and/or softball diamonds, soccer/football fields, concession areas, restroom facilities, parking areas, pedestrian walkways and trails, lighting, landscaping with irrigation systems, turf, trees, shrubs, and landscaping.

3. Public Buildings Description and Purpose. Public buildings include all improvements associated with the construction of the following types of buildings: fire stations, public works buildings, libraries, city administration offices, amphitheaters, stadiums, and community/recreation centers. These buildings will improve the level of services to residents in and around the development project. Providing a completed, builder-constructed amenity to the city requires that the amenity be completed in compliance with all published and approved standards and schedules for the type of improvement or construction and in accordance with a completion schedule as set forth in the development agreement.

4. Completion. A completion schedule for amenities to be improved by the developer, or for transfers of land, or any other timing of contributions toward community amenities shall be defined in each development agreement.

B. Open Space. The developer shall provide 1,000 square feet per lot to be dedicated as improved open space. The planning commission may recommend and the city council may require that open space requirements are satisfied by the developer paying a fee in lieu according to EMMC [16.35.105\(A\)\(11\)](#). Parks and trails must be improved as required by the standards set forth in Chapter [16.35](#) EMMC.

C. Landscaped Entryways and Monument Signage. Entryways to projects and subdivisions shall be landscaped and shall include a monument entry sign as part of the Tier I required improvements. The purpose of these improvements is to create a unique identity for subdivisions through signage or a notable landmark, to help people find subdivisions, and to create a gateway into the subdivision or project. Landscaped entryways shall not be counted towards the improved open space requirement.

1. Improvements. A landscaped entryway with a monument sign shall be located at each entry to the development or subdivision. There shall be a prominent monument at the principal entry to the development that may consist of a water feature, sculpture, or monument sign that bears the name of the project. Entryway landscaping shall be designed and stamped by a licensed landscape architect. The approved plan shall have an irrigation system adequate to support the plantings selected, which may include drought-tolerant plants and native rock. The landscape architect shall select a variety of species that have color, blossoms, and foliage throughout the seasons. The ongoing maintenance of the landscaped entryway shall be by a homeowners' association organized and authorized to conduct such maintenance.

2. Completion. The construction of the landscaped entryway and monument shall be completed before the first certificate of occupancy is issued in the subdivision. The landscaped entryway and monument shall be bonded for with the subdivision improvements.

3. Supporting Materials. Landscaped entryway and monument plans (including elevations).

4. Evaluation. Monument signage shall not be governed by Chapter [17.80](#) EMMC but shall be approved by the city council upon receiving a recommendation from the planning commission prior to the development agreement being executed.

D. Valuation of Land Involved in Tier I Transactions. In the event the city and developer agree that value toward community amenities will be contributed in the form of a land dedication to the city, the value of the land for purposes of bonus density entitlements is the appraised value at the time of bonus density vesting. In the event of a land sale to the city for a community amenity, the city will pay that appraised amount at vesting for the desired acreage. In the event of a dedication of land to the city, the developer will receive credit towards the per acre contribution up to that appraised amount. The city and the developer may agree to satisfy all or part of the Tier I contribution of value with dedication of land. Land offered to the city by developers for the purposes of this section may be located outside the land proposed for development, but community amenities constructed on the land must serve the development in which bonus density is vested. For example, a developer might purchase land for a fire station not within the proposed development benefiting from the bonus density entitlement, but the fire station would have to be within a service area that would service the vested land. [Ord. O-06-2015 § 2 (Exh. A); Ord. O-24-2008 § 2 (Exh. A § 6.7); Ord. O-27-2006 § 2 (Exh. A § 6.7); Ord. O-23-2005 § 3 (Exh. 1(1) § 6.7)].

**17.30.080 Tier II residential bonus density entitlements (optional).**

Developers who have participated in the Tier I bonus density entitlement, and thereby achieved an overall density of 1.6 units per acre, may participate in Tier II to earn additional density entitlements. Tier II consists of development improvements that are designed to offer an upgraded residential product to city residents. Developers may choose from one or more of these options to increase the overall density of the proposed subdivision or master plan. Tier II density requires eight percent of the project's buildable land to be dedicated to the city as improved open space. The planning commission may recommend and the city council may approve that open space requirements are satisfied by the developer paying a fee in lieu. The city engineer will recommend the fee for the city council to approve. Parks and trails shall be improved as required by the standards set forth in Chapter [16.35](#) EMMC.

A. Architectural and Landscape Design Guidelines, Covenants, Conditions and Restrictions, and Design Review Committee. Development density areas participating in the professionally prepared architectural design guidelines option shall be eligible for a bonus density of an additional one-half dwelling unit per acre.

1. Description and Purpose. Professionally prepared architectural and landscape design guidelines shall identify elements of design, construction, layout or premium features that enhance the residential experience. Professionally prepared design guidelines are expected to establish a coherent design concept and standards to be consistently applied throughout a project. The developer shall record covenants, conditions and restrictions (CC&Rs) reciting the architectural and landscape design guidelines and requiring compliance with the guidelines by future property owners. The CC&Rs shall also establish a private regulatory board such as an architectural review committee that reviews and approves site plans, building plans, landscaping plans, and subdivision plans prior to approval by the city. The private regulatory board shall be responsible for compliance with their architectural and landscape design guidelines.

2. Requirements and Standards. A licensed architect and landscape architect shall prepare and stamp the architectural and landscape design guidelines. Architectural and landscape design guidelines shall establish a design concept and specific elements that are explicit and binding upon the project. The text of the guidelines shall have regulatory language such as

“shall” for requirements. The design guidelines shall have diagrams and typical standards that illustrate the design theme. Bonus density entitlements are subject to review and recommendation by the planning commission and final approval by the city council. Each body may negotiate changes in architectural and landscape guidelines with the developer before granting this bonus density entitlement.

3. Completion. Professionally prepared design guidelines shall be prepared and approved prior to bonus density entitlement vesting in a master development plan agreement or a preliminary plat approval.

4. Supporting Materials. Professionally prepared design guidelines (prepared by a licensed architect and landscape architect) and a template of the covenants, conditions, and restrictions to be recorded with future subdivisions shall be submitted with the bonus density application.

5. Evaluation. Professionally prepared design guidelines shall be approved by the city council upon receiving a recommendation from the planning commission prior to the development agreement being executed. Upon review and approval, these guidelines shall be made an exhibit to the development agreement granting a bonus density entitlement. The bonus density offered for architectural and landscape design guidelines, covenants, conditions and restrictions, and design review committee is set to require an additional cost of roughly \$40,000 to \$60,000.

B. Street Trees, Enlarged Park Strips, Fencing, and Street Signposts. Development density areas participating in the street trees, enlarged park strips, fencing, and street signposts option shall be eligible for an additional 0.7 dwelling unit per acre bonus density entitlement.

1. Description and Purpose. Developers may participate in Eagle Mountain City's effort to plant trees in residential areas. A significant component of this effort is the planting of street trees in park strips along road rights-of-way (ROW). The purposes of street trees are to mitigate winds, create shade, and improve the streetscapes of neighborhoods. Participation in this bonus density entitlement requires the developer to install enlarged park strips along roads that require curb and gutter and are within the development density area covered by the bonus density entitlement. Any fees associated with this option shall be made when 50 percent of building permits in the development project or phase have been issued. Decorative open space fencing and street signposts may be installed throughout a development. The purpose of such fencing is to create a consistent design concept throughout the development. The decorative fencing is intended to create an improved streetscape and to create a visual and limited physical barrier that directs ingress and egress from parks, trails, open space and other community features to safe entry and exit points. Signposts are to be constructed with upgraded materials (not typical metal posts) and are intended to create an improved streetscape.

2. Improvements. In all development density areas participating in the street tree bonus density entitlement, the park strip width shall be increased from the city's standard of five feet to a minimum width of six feet along all rights-of-way that require curb, gutter and sidewalk. This is required to accommodate trees' roots at maturity and thereby protect curb, gutter, sidewalk and road from root damage. The developer shall also install a sleeve large enough to accommodate one one-inch irrigation pipe under the sidewalk in front of each residential lot at a location that will allow for irrigation pipe to be easily run from the water meter into the park strip. The location of the sleeve shall be indicated by mark in the concrete on each side of the sidewalk. The sidewalk, curb, and gutter will be under warranty with the subdivision improvements.

Decorative fencing shall include, but not be limited to, materials such as cedar (or other durable or treated wood), vinyl, and masonry, and should be of consistent type and color throughout the development or subdivision. The surrounding uses and building materials may indicate, in part, the type of fencing materials. Decorative fencing (not privacy fencing) shall

be installed around all dedicated and nondedicated open spaces, unbuildable lands, and parks, with periodic breaks in the fence to allow convenient and safe public access to these spaces. Decorative fencing shall be of such design as to not interfere with the view into or out of the open space it serves. Maintenance of decorative fencing shall be the responsibility of the homeowners' association organized and empowered for such a purpose. Street signposts shall be constructed from upgraded materials (not metal posts).

3. Completion. Enlarged park strips shall be constructed with the subdivision improvements. The city will determine the species of trees suited for planting and the appropriate location for planting of trees. The city will arrange for purchase and planting of the trees (and for the installation of irrigation when necessary). The city, at its discretion, shall install trees. Park strip tree planting may be done at the time a lot is landscaped or at any time when adequate irrigation is assured and when seasonal considerations permit. There is no guarantee or suggestion that any particular lot will or will not have a street tree or trees.

Street signs and decorative fencing shall be installed with the subdivision improvements, unless such fencing would interfere with completion of other construction, in which case decorative fencing shall be installed at the earliest time it would not so interfere.

4. Supporting Materials. Developers participating in this bonus density entitlement opportunity will show the required widened park strips on all plat submissions, for planning commission review and recommendation and for city council approval, and shall thereby be made part of the development agreement.

Fencing and street post typical drawings prepared and stamped by the appropriate professionals, along with an improvement estimate, shall be submitted with the bonus density application.

A template of the covenants, conditions, and restrictions to be recorded on the property shall also be submitted. The CC&Rs shall provide for a homeowners' association that can perform entryway maintenance, shall specify decorative fencing types and shall set forth a schedule for installation of street signposts.

5. Evaluation. Street trees, enlarged park strips, decorative fencing and upgraded street signposts shall be approved by the city council upon receiving a recommendation from the planning commission prior to the development agreement being executed. Developers shall pay a fee to cover the purchase and planting of the trees in the amount of \$600.00 per residential unit contained within the development density area covered by this bonus density option. Upon review and approval, these guidelines shall be made an exhibit to the development agreement documents granting bonus density entitlements.

C. Masonry Materials. Use of masonry material on building exteriors shall make a project eligible for an additional one unit per acre bonus density entitlement increase.

1. Description and Purpose. Masonry materials include rock, stucco, and brick, and are intended to add an upgraded architectural feature to buildings within the project.

2. Improvements. To qualify for masonry materials bonus density, 75 percent of the exterior materials for residential structures shall be masonry materials, including accessory buildings such as garages. For the purposes of this section, masonry materials are rock, stucco, and brick.

3. Completion. The use of masonry materials shall occur with the construction of each phase of the development.

4. Submittal. This requirement shall be defined in the project's development agreement and CC&Rs.

5. Evaluation. The planning commission and city council shall review and approve the masonry materials during the preliminary plat review process.

D. Residential Lot Landscaping. Development density areas participating in the residential lot landscaping option shall be eligible for up to an additional one and one-half dwelling units per acre bonus density entitlement within the area.

1. Description and Purpose. Residential lot landscaping includes sod or successful hydroseed, irrigation, and planting of required trees on residential lots. The intent of residential lot landscaping is to improve the streetscape and reduce storm water runoff and erosion onto adjacent properties or into the storm drainage system.
2. Improvements. Residential full lot landscaping includes landscape improvements on the lot area (with priority being given to landscaping in the front yard first, then side yards, and then rear yards) that is not developed with a structure, driveway, and/or sidewalk. Front and side yard landscaping vests the project with a bonus density entitlement of one unit per acre. Rear yard landscaping vests the project with an additional one-half unit per acre bonus density entitlement. Specifically, these landscape improvements shall include, but are not limited to, sod (or successful hydroseed), required trees, and irrigation systems. Xeriscaping shall not be allowed unless a licensed landscape architect designs the landscape plan to prevent harmful runoff and erosion. Xeriscaping shall in no case cover more than 75 percent of landscaped area.
3. Completion. Lot landscaping improvements shall be constructed prior to occupancy of each home within the subdivision. The builder shall post a \$4,000 bond per unit for lot landscaping. In cases of inclement weather, landscaping shall be completed no later than six months after the issuance of a certificate of occupancy.
4. Supporting Materials. Typical landscaping plans shall be prepared and stamped by a landscape architect along with an improvement estimate which shall also be submitted. The final landscape plan shall be submitted with the building permit.
5. Evaluation. Typical landscaping plans shall be approved by the city council upon receiving a recommendation from the planning commission prior to the development agreement being executed.

E. Recreational Amenities. Development density areas participating in the recreational amenities option are entitled to an additional 0.1 to 0.6 dwelling unit per acre bonus density entitlement within the development density area, depending upon the amenity chosen.

1. Description and Purpose. Recreational amenities may include volleyball courts, tennis courts, baseball or softball backstops and fields, skate parks, pavilions or other recreational amenities, and restroom facilities at the location of such amenities in public parks, dedicated open spaces or on unbuildable lands.

The purpose of these amenities is to improve the residential experience by providing accessible recreational facilities, thereby increasing recreational opportunities for residents, and to enhance the value of homes within the development density area covered by this bonus density entitlement.

2. Improvements. Developer-installed recreational amenities may include basketball courts, volleyball courts, tennis courts, baseball or softball backstops and fields, skate parks, pavilions, fitness trails, etc., along with supporting restroom facilities or other necessary service facilities above and beyond those amenities otherwise required for improved parks and trails. Recreational amenities may be constructed in improved or landscaped areas such as along trailways, open spaces, or neighborhood parks. Recreational amenities may also be placed on unbuildable lands. Amenities on unbuildable lands shall include adequate pedestrian access. All recreational amenities shall include facilities to fully utilize the amenity (including restrooms and drinking fountains) and shall be designed to minimize overall maintenance and operation costs. The developer may dedicate unbuildable lands containing amenities to the city or may retain ownership. If a developer desires to dedicate unbuildable land containing

developer-installed recreational amenities to the city, the city will accept the land but the developer will receive credit towards this bonus density entitlement only for the value of the improvements that make up the amenity, not the value of the unbuildable land dedicated to the city.

3. Completion. Recreational amenities construction shall commence upon 50 percent of the building permits being issued in the project or the phase containing the amenity and shall be completed upon 75 percent of building permits being issued for the project or phase. Notwithstanding this schedule, the city may require the improvements to be constructed at an earlier time based on the size of the development if specified in the development agreement.

4. Supporting Materials. The site plan and elevations, as applicable, of the improvements shall be prepared by the appropriate licensed professional along with an improvement estimate which shall also be submitted with the bonus density application. Large construction plans prepared by the appropriate licensed professional shall be prepared prior to the construction of these improvements.

5. Evaluation. Recreational amenities shall be approved by the city council upon receiving a recommendation from the planning commission, prior to the development agreement being executed. Upon review and approval, the site plan and improvement estimates shall be made an exhibit to the development agreement granting bonus density. Recreational amenities are estimated to constitute an additional \$10,000 to \$100,000. [Ord. O-06-2015 § 2 (Exh. A); Ord. O-24-2008 § 2 (Exh. A § 6.8); Ord. O-27-2006 § 2 (Exh. A § 6.8); Ord. O-23-2005 § 3 (Exh. 1(1) § 6.8)].

**17.30.090 Tier III residential bonus density entitlements (required).**

A development is designated Tier III residential when the project density is between 5.2 and 12.2 dwelling units per acre. Participants in Tier III residential bonus density entitlements shall receive an additional seven units per acre. All Tier III residential developments are required to provide the Tier III clubhouse. Tier III residential developments of more than 150 per pod shall include a swimming pool in addition to the clubhouse facility. The maximum number of units in a single Tier III development is 250.

A. Improved Open Space. One thousand square feet improved open space is required per lot or residential unit. Common open space areas within multifamily projects shall not count towards this requirement, unless a large area is planned that meets the criteria found in EMMC [16.35.105](#).

B. Clubhouse.

1. Description and Purpose. A clubhouse that is centrally located in the development is intended to provide a recreational and social amenity to residents. No clubhouse shall serve more than 250 residential units. Multifamily developments may therefore require multiple clubhouses.

2. Improvements. A clubhouse shall be constructed at a minimum of 1,200 square feet in size. The clubhouse shall include food serving facilities, large gathering areas suited to community meetings and events and restroom facilities. The clubhouse shall be constructed from upgraded materials as compared to those typically used for residential structures in the development. The clubhouse shall be adjacent to the pool. To fulfill the required Tier III amenity assessment, developers may include and install in the clubhouse any amenities they determine will be of greatest use to the residents and will add greatest value to their development. These amenities may include exercise equipment, facilities to accommodate the arts, multimedia equipment, upgraded food preparation or service facilities, outdoor facilities including sport courts and tot lots adjacent to the clubhouse.

3. Completion. The construction of the clubhouse shall commence no later than upon the sale of 10 percent of number of units at project buildout. The clubhouse shall be bonded for with the subdivision improvements. Applicants shall submit a building permit application prior to constructing this improvement.

4. Submittal. Clubhouse elevations and a floor plan stamped by a licensed architect along with an improvement estimate shall be submitted.

5. Evaluation. The planning commission and city council shall review and approve the clubhouse structure during the site plan review process. Tier III amenity improvements shall constitute no less than an additional \$1,000 dollars per unit cost.

C. Swimming Pool.

1. Description and Purpose. An in-ground swimming pool that is centrally located in the development is intended to provide a recreational and social amenity to residents. No pool shall serve more than 250 units; multifamily developments may therefore require multiple pools.

2. Improvements. An in-ground swimming pool that is a minimum of 1,000 square feet in size, as well as other approved water recreation facilities. Depending upon the number of units in the project, the planning commission may recommend that the size requirement of the pool be adjusted so that it accommodates 35 percent of the residents in the pool at any given time. A non-sight-obscuring fence shall surround the pool and other provisions contained in the supplementary land use regulations of this title. A concrete patio and patio furniture shall surround the swimming pool.

3. Completion. The construction of the pool shall commence no later than upon the sale of 10 percent of number of units at project buildout. The swimming pool shall be completed by the time 50 percent of units in project or phase have been sold. The swimming pool shall be bonded for with the subdivision improvements. Applicants shall submit a building permit application prior to constructing this improvement.

4. Submittal. The swimming pool facility plans stamped by the appropriate professionals along with an improvement estimate shall be submitted.

5. Evaluation. The planning commission and city council shall review and approve the swimming pool facility during the site plan review process. Tier III amenity improvements shall constitute no less than an additional \$1,000 per unit cost. [Ord. O-06-2015 § 2 (Exh. A); Ord. O-24-2008 § 2 (Exh. A § 6.9); Ord. O-27-2006 § 2 (Exh. A § 6.9); Ord. O-23-2005 § 3 (Exh. 1(1) § 6.9)].

**17.30.100 Tier IV residential bonus density entitlements (optional).**

Tier IV residential developments may choose to qualify for additional bonus density entitlements for the following improvements, features and upgrades. Tier IV options (listed in Table 17.30.110(d)) are available only to developments that have fulfilled required Tier I, II and III project amenity improvements for bonus density entitlement. Tier IV projects may be developed in pods of no more than 250 units served by one clubhouse and buffered from other residential or commercial uses, including other multifamily pods, as required by this title.

A. Improved Open Space. One thousand square feet improved open space is required per lot or residential unit. Common open space areas within multifamily projects shall not count towards this requirement, unless a large area is planned that meets the criteria found in EMMC [16.35.105](#).

B. Covered Parking. Covered parking shall be eligible for a one and one-half unit bonus density increase above the base density.

1. Description and Purpose. An assigned covered parking stall per unit shall be located in close proximity to the dwelling. Covered parking stalls are meant to provide convenient off-street parking stalls for the residents.

2. Improvements. One covered parking stall shall be required for each unit. The parking structure shall completely cover the city's standard parking stall dimension of nine feet by 20 feet. The parking structure shall be constructed of colors that are of similar quality to the

residential structures in the project.

3. Completion. The construction of covered parking for each unit shall occur with the construction of each phase of the development. The covered parking shall be bonded for with the subdivision improvements. Applicants shall submit a building permit application prior to constructing this improvement.

4. Submittal. The covered parking stall structure, including elevations, improvement estimates, and construction plans stamped by a licensed engineer, shall be submitted.

5. Evaluation. The planning commission and city council shall review and approve covered parking structures during the site plan review process.

C. Garages. Garages providing space for parking one car per residential unit shall be eligible for an additional three and one-half units per acre bonus density entitlement increase.

1. Description and Purpose. One garage parking space per unit shall be located in close proximity to the dwelling and is intended to provide convenient and secure off-street parking for the residents.

2. Improvements. One parking stall per unit shall be in an enclosed garage. A separate single garage may be constructed for each unit or a common enclosed garage to accommodate all units in a building may be constructed. The garage doors shall be automated. Other entrances shall be accessed by key. Enclosed garages may be either detached or attached to the residential structure. Garage doors on separate, single-car garages serving one unit shall have a minimum garage door opening width of 10 feet and seven feet in height. The depth of single-car garages shall be 20 feet. Common enclosed garages provided to accommodate multiple units shall offer stalls that comply with other city-wide parking standards.

3. Completion. The construction of garage parking for each unit shall occur with the construction of each phase of the development. The garage parking shall be bonded for with the subdivision improvements. Applicants shall submit a building permit application prior to constructing this improvement.

4. Submittal. The garage elevations, improvement estimates, and construction plans stamped by a licensed engineer shall be submitted.

5. Evaluation. The planning commission and city council shall review and approve garage parking structures during the site plan review process.

D. Masonry Materials. Use of masonry material on building exteriors shall make a project eligible for an additional three and one-half units per acre bonus density entitlement increase.

1. Description and Purpose. Masonry materials include rock, stucco, and brick and are intended to add an upgraded architectural feature to buildings within the project.

2. Improvements. To qualify for masonry materials bonus density, 75 percent of the exterior materials for multifamily structures shall be masonry materials, including all accessory buildings such as garages and a clubhouse. For the purposes of this section, masonry materials are rock, stucco, and brick.

3. Completion. The use of masonry materials shall occur with the construction of each phase of the development.

4. Submittal. All building elevations, showing the masonry materials and stamped by a licensed architect, shall be submitted.

5. Evaluation. The planning commission and city council shall review and approve the masonry materials and elevations during the site plan review process.

E. Storage Units. Provision of individual storage units for each residential unit in a multifamily

development shall be eligible for an additional three and one-half units per acre bonus density entitlement increase.

1. Description and Purpose. Secured storage units are intended to provide residents with a space to secure personal items.
2. Improvements. A secured storage unit with no less than 100 square feet of contiguous floor area shall be provided for each unit. The storage units may be incorporated into garages or covered parking; provided, that it meets the requirement of 100 square feet of contiguous floor area.
3. Completion. The construction of the storage space for each unit shall occur with the construction of each phase of the development.
4. Submittal. Floor plans showing the storage areas, stamped by a licensed engineer, shall be submitted.
5. Evaluation. The planning commission and city council shall review and approve the storage units during the site plan review process. [Ord. O-06-2015 § 2 (Exh. A); Ord. O-24-2008 § 2 (Exh. A § 6.10); Ord. O-27-2006 § 2 (Exh. A § 6.10); Ord. O-23-2005 § 3 (Exh. 1(1) § 6.10)].

**17.30.110 Tables.**

**Table 17.30.110(a) Tier I Residential Bonus Density Entitlements (Required)**

Bonus Density	Improvement	Required/Optional
0.8	<i>Base Density Improvements</i>	<i>Required</i>
0.8	Improved open space: 1,000 square feet improved open space per lot (fee in lieu encouraged)	Required
	Fund or construct community improvements/amenities	Required
	Entryways and monuments	Required
	Professional land planning	Required
1.6	<b>Total density granted required to do all improvements noted above</b>	

0.81 to 1.6 dwelling units per acre: Tier I.

**Table 17.30.110(b) Tier II Residential Bonus Density Entitlements (Optional)**

Bonus Density	Improvement	Required/Optional
0.8	<i>Base Density Improvements</i>	<i>Required</i>
0.8	<i>Tier I Improvements</i>	<i>Required</i>
	Improved open space: 1,000 square feet improved open space per lot/unit	
0.5	Architectural and landscape guidelines/CC&Rs/design review committee	Optional
0.7	Street trees, enlarged park strips, fencing, and street signposts	Optional
1.0	Masonry materials (75% of the exterior)	Optional
Up to 1.5	Residential lot landscaping (1 front and sides, 0.5 rear)	Optional
0.1 – 0.6	Recreational amenities	Optional

<b>5.9</b>	<b>Total available (cannot exceed 5.2 dwelling units per acre)</b>
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1.61 to 5.2 dwelling units per acre: Tier II.

**Table 17.30.110(c) Tier III Residential Bonus Density Entitlements (Required)**

<b>Bonus Density</b>	<b>Improvement</b>	<b>Required/Optional</b>
<i>0.8</i>	<i>Base Density Improvements</i>	<i>Required</i>
<i>0.8</i>	<i>Tier I Improvements</i>	<i>Required</i>
<i>3.6</i>	<i>Tier II Improvements</i>	<i>Required</i>
<b>7.0</b>	Improved open space: 1,000 square feet improved open space per lot/unit	Required
	Clubhouse (all multifamily development)	Required
	Swimming pool	Required
<b>12.2</b>	<b>Total density granted required to do all improvements noted above</b>	

5.21 to 12.2 dwelling units per acre: Tier III.

**Table 17.30.110(d) Tier IV Residential Bonus Density Entitlements (Optional)**

<b>Bonus Density</b>	<b>Improvement</b>	<b>Required/Optional</b>
<i>0.8</i>	<i>Base Density Improvements</i>	<i>Required</i>
<i>0.8</i>	<i>Tier I Improvements</i>	<i>Required</i>
<i>3.6</i>	<i>Tier II Improvements</i>	<i>Required</i>
<b>7.0</b>	<i>Tier III Improvements</i>	<i>Required</i>
	Improved open space: 1,000 square feet improved open space per lot/unit	
1.5	Covered parking	Optional
3.5	Garages	Optional
3.5	Masonry materials (75%)	Optional
3.5	Storage units (100 square feet)	Optional
<b>24.2</b>	<b>Total available (cannot exceed 22.7 dwelling units per acre)</b>	

12.21 to 22.7 dwelling units per acre: Tier IV.

[Ord. O-06-2015 § 2 (Exh. A); Ord. O-24-2008 § 2 (Exh. A Tables 6.1 – 6.4); Ord. O-27-2006 § 2 (Exh. A Tables 6.1 – 6.4); Ord. O-23-2005 § 3 (Exh. 1(1) Tables 6.1 – 6.4)].

**17.30.120 Improved open space calculations.**

*Repealed by Ord. O-06-2015. [Ord. O-24-2008 § 2 (Exh. A, Exh. 6.5)].*

**Chapter 17.35  
COMMERCIAL ZONE**

Sections:

[17.35.010 What this chapter does.](#)

[17.35.020 Purpose.](#)

[17.35.030 Permitted uses.](#)

[17.35.040 Conditional uses.](#)

[17.35.050 Prohibited uses.](#)

[17.35.060 Area requirements.](#)

[17.35.070 Setback requirements.](#)

[17.35.080 Building height.](#)

[17.35.090 Commercial zone development standards.](#)

[17.35.100 Previous zoning district equivalents.](#)

**17.35.010 What this chapter does.**

This chapter contains land use provisions for the development of commercial land uses in areas that are zoned to accommodate such uses. Development entitlements are set forth and processes for approval are also specified. [Ord. O-23-2005 § 3 (Exh. 1(1) § 7.1)].

**17.35.020 Purpose.**

The purpose of the commercial zone is to provide for commercial businesses, professional offices, and shopping centers that will serve neighborhood, communitywide, and regional shopping demand, along with other commercial opportunities, which are reasonably separated or buffered from residential development. [Ord. O-23-2005 § 3 (Exh. 1(1) § 7.2)].

**17.35.030 Permitted uses.**

The following land uses shall be permitted uses in the commercial zone:

- A. Shopping centers that include grocery stores, general retail services in multi-unit buildings;
- B. Restaurants and banks (without drive-through service facilities);
- C. Office buildings including medical, dental or professional offices, corporate offices or corporate campuses;
- D. Office/business parks with no industrial or warehouse space;
- E. Retail establishments such as restaurants, department stores, furniture outlets, warehouse stores, auto parts, lumber, hardware and home improvement retail;
- F. Child day care center/preschool;
- G. Commercial fitness and recreation;
- H. Radio, television, watch, jewelry and shoe repair establishments;
- I. Public and private utility structures or facilities;
- J. Public parks or squares. [Ord. O-23-2005 § 3 (Exh. 1(1) § 7.3)].

**17.35.040 Conditional uses.**

The following conditional uses and such uses as the planning director and planning commission may recommend as similar and consistent with the scale, character and impact of the area will be considered:

- A. Automobile gas/service stations;
- B. Automobile sales and/or service;
- C. Auto and truck repair, including auto body;
- D. Convenience store;
- E. Motels and hotels;
- F. Restaurants and banks (with drive-through service facilities);
- G. Printing, lithography and publishing establishments;
- H. Laundry and dry cleaning establishments;
- I. Contract construction services establishments;
- J. Commercial laundries;
- K. Other businesses retailing goods and services or rendering personal services for a fee, except as otherwise regulated by the city's ordinances;
- L. Mixed-use residential development;
- M. Pet stores. [Ord. O-23-2005 § 3 (Exh. 1(1) § 7.4)].

**17.35.050 Prohibited uses.**

The following are prohibited uses and such uses as the planning director and planning commission determine to be similar or consistent with the prohibited use:

- A. Sexually oriented businesses. [Ord. O-23-2005 § 3 (Exh. 1(1) § 7.5)].

**17.35.060 Area requirements.**

There is no minimum lot size requirement for developments in this district. However, all uses, lots or parcels in the commercial zone shall be of sufficient size to assure compliance with the city's parking, landscaping, utilities, site plan and other land development regulations that may govern all or a portion of each project. All developments in this district are required to submit a master site plan that includes maps and descriptions of construction and uses (see Chapter [17.100](#) EMMC for more information on the site plan process). [Ord. O-23-2005 § 3 (Exh. 1(1) § 7.6)].

**17.35.070 Setback requirements.**

The following setback requirements are intended to describe the amount of space required between buildings and property lines. All buildings in this zone, including accessory buildings, are required to maintain a minimum distance from property lines as set forth below. Conditional uses may require greater setbacks so as to prevent a nuisance as determined by the city council.

- A. Front: 25 feet. The city council, in consideration of a prior recommendation by the planning commission, may reduce this if in its judgment the reduction does not interfere with the use, enjoyment and character of adjacent properties.
- B. Sides: 50 feet, where adjacent to a residential or agricultural zone. Lots adjoining within the commercial zone require no side lot setbacks.
- C. Rear: 20 feet for all uses except where a rear yard is located adjacent to a residential or agricultural zone. In those cases, the rear yard shall be increased to 50 feet. In the event that the rear of a building faces an arterial or collector street, there shall be a setback of 50 feet. The city council, in consideration of a prior recommendation by the planning commission, may reduce this if in its judgment the reduction does not interfere with the use, enjoyment and character of adjacent properties.
- D. Other General Requirements. In addition to the specific setback requirements noted above, no

building shall be closer than 10 feet from any private road, driveway or parking space. The intent of this requirement is to provide for building foundation landscaping and to provide protection to the building. Exceptions may be made for any part of the building that may contain an approved drive-up window. [Ord. O-23-2005 § 3 (Exh. 1(1) § 7.7)].

**17.35.080 Building height.**

No building in this zone shall be over five stories. [Ord. O-23-2005 § 3 (Exh. 1(1) § 7.8)].

**17.35.090 Commercial zone development standards.**

The following development standards shall apply to the commercial zone:

A. Architectural Review. The planning commission shall review the site plan and building elevations. The planning commission shall confirm compliance with architectural design standards for buildings and structures to assure compliance with the general plan and with the city's generally applicable policies and regulations.

B. Landscaping. All landscaping shall be completed in accordance with the approved site plan and all city ordinances, and shall be installed prior to the issuance of a certificate of occupancy for the building. The city building official may approve exceptions as seasonal conditions warrant. It shall be the responsibility of the property owner to maintain all approved landscaping in accordance with the approved site plan and in compliance with the city's parking and landscaping requirements.

C. Uses within Buildings. All uses in the commercial zone shall be conducted entirely within a fully enclosed building except those uses deemed by the planning commission and city council to be customarily and appropriately conducted outside. Such uses include service stations, gas pumps, plant nurseries, home improvement material yards, automobile sales, etc. Outside storage of merchandise shall be accommodated entirely within an enclosed structure unless the planning commission and city council deem such storage to be customarily and appropriately conducted outside.

D. Trash Storage. No trash, used materials, wrecked or abandoned vehicles or equipment shall be stored in an open area. All such materials shall be kept within an opaque enclosure that is architecturally compatible with the main building. Garbage dumpsters shall be located out of sight and away from major roads.

E. Screening Requirements. A wall, fence and/or landscaping of acceptable design shall effectively screen the borders of any commercial lot which abuts an agricultural or residential use. Such wall, fence or landscaping shall be at least six feet in height, unless a wall or fence of a different height is required by the city council in consideration of a prior recommendation by the planning commission as part of a site plan review. Such wall, fence or landscaping shall be maintained in good condition with no advertising thereon, except as permitted by the city's signage regulations. [Ord. O-23-2005 § 3 (Exh. 1(1) § 7.9)].

**17.35.100 Previous zoning district equivalents.**

The equivalent zoning districts contained in previous development codes include business park (BP), resort mixed use (RMU), satellite commercial (SC), and manufacturing and industrial (M&I) zones. Properties zoned prior to the adoption of the ordinance codified in this title shall only be entitled to the permitted and conditional uses permissible under the land use ordinance in which the property was zoned. With the exception of the land uses, property zoned under previous development codes shall comply with all other regulations and standards contained in this chapter so long as it does not restrict density entitlements that are solidified in a master development agreement. Property zoned under the development code of Eagle Mountain City adopted on September 28, 1999, is entitled to the following land uses:

A. Business Park (BP). Permitted uses within the business park are banks, business and corporate offices not to exceed three stories in height. The following conditional uses and such uses as the planning commission may recommend as similar and consistent with the scale, impact and character of existing uses will be considered: restaurants, retail services establishments, hotels, motels, bed and breakfast facilities, day care center, medical and health care offices, veterinary

offices, electronics repair shop and residential group homes. All other uses are expressly prohibited.

B. Resort Mixed Use (RMU). Golf courses are a permitted use within this zone. The following uses and those that the planning commission may determine are similar and compatible will be allowed on a conditional basis: hotels, motels, bed and breakfast facilities, restaurants, condominiums, retail goods establishments, group homes, dwellings, office uses, banks, places of worship, public and private schools. All other uses are expressly prohibited.

C. Satellite Commercial (SC). Supermarkets, gas stations and professional offices are permitted uses in the satellite commercial zone. The planning commission may approve the following conditional uses and those that it finds to be similar and compatible: automobile, truck, recreational vehicle and equipment sales or rentals, automotive repair and service stations, retail service establishments, restaurants, hotels, motels, bed and breakfast facilities, banks, theaters, art galleries and museums and retail goods establishments. All other uses are expressly prohibited.

D. Manufacturing and Industrial (M&I) Zone. Warehousing and construction trades or services will be permitted uses in the manufacturing and industrial zone. This designation can also accommodate large warehouse-style retailing operations, manufacturing facilities and other uses requiring large buildings or structures that would otherwise not be permitted within the commercial core or satellite commercial areas. The following conditional uses and such uses as the planning commission may recommend as similar and consistent with existing uses will be considered: manufacturing and retail services establishments. All other uses are expressly prohibited. [Ord. O-23-2005 § 3 (Exh. 1(1) § 7.10)].

**Chapter 17.37  
BUSINESS PARK ZONE**

Sections:

[17.37.010 What this chapter does.](#)

[17.37.020 Purpose.](#)

[17.37.030 Permitted uses.](#)

[17.37.040 Conditional uses.](#)

[17.37.050 Prohibited uses.](#)

[17.37.060 Area requirements.](#)

[17.37.070 Setback requirements.](#)

[17.37.080 Building height.](#)

[17.37.090 Business park development standards.](#)

**17.37.010 What this chapter does.**

This chapter contains land use provisions for the development of business park uses in areas that are zoned to accommodate such uses. Development entitlements are set forth and processes for approval are also specified. [Ord. O-18-2011 § 2 (Exh. A)].

**17.37.020 Purpose.**

The purpose of the business park zone is to provide for professional offices, research and development uses, retail or commercial businesses, light manufacturing and assembly, and multifamily development in an attractive mixed-use environment that provides community and regional business opportunities. [Ord. O-18-2011 § 2 (Exh. A)].

**17.37.030 Permitted uses.**

The following land uses shall be permitted uses in the business park zone:

- A. Office buildings including professional, medical, or corporate offices or corporate campuses;
- B. Research and development uses, including medical or electronic assembly and associated light manufacturing;
- C. Retail establishments such as shopping centers, grocery stores, restaurants, banks, department stores, furniture outlets, warehouse stores, auto parts, lumber, hardware and home improvement retail, automobile sales, and other similar retail uses;
- D. Hotels and motels;
- E. Commercial fitness and recreation;
- F. Theaters, art galleries, museums, or similar cultural and entertainment uses;
- G. Public and private utility structures or facilities (excluding communications towers);
- H. Public parks or squares;
- I. Public/civic buildings;
- J. Printing and publishing establishments;
- K. Schools;
- L. Hospitals or other health care facilities. [Ord. O-18-2011 § 2 (Exh. A)].

**17.37.040 Conditional uses.**

The following conditional uses and such uses as the planning director and planning commission may recommend as similar and consistent with the scale, character and impact of the area will be considered:

- A. Mixed-use and multifamily residential development;
- B. Automobile gas/service stations;
- C. Light manufacturing and assembly which are not obnoxious or offensive by reason of emission of odor, dust, smoke, noxious gases, noise, vibration, glare, heat, or other impacts, nor hazardous by way of materials, process, product, or waste, and which encloses all equipment, compressors, generators, and other ancillary equipment within a building or structure;
- D. Auto and truck repair, including auto body;
- E. Contract construction services establishments;
- F. Commercial laundries;
- G. Other businesses retailing goods and services or rendering personal services for a fee, except as otherwise regulated by the city's ordinances;
- H. Day care center/preschool;
- I. Distribution facilities;
- J. Self-storage or mini-storage units;
- K. Communications facilities and towers;
- L. Portable storage container. [Ord. O-18-2011 § 2 (Exh. A)].

**17.37.050 Prohibited uses.**

The following are prohibited uses, and such uses as the planning director and planning commission determine to be similar or consistent with the prohibited use:

- A. Manufacturing businesses (other than light manufacturing of finished products or parts, including processing, fabrication, assembly, treatment, packaging, and incidental storage of such products);
- B. Sexually oriented businesses;
- C. Single-family residential development;
- D. Junk yards and salvage yards;
- E. Animal rendering or processing. [Ord. O-18-2011 § 2 (Exh. A)].

**17.37.060 Area requirements.**

There is no minimum lot size requirement for developments in this district. However, all uses, lots or parcels in the business park zone shall be of sufficient size to assure compliance with the city's parking, landscaping, utilities, site plan and other land development regulations that may govern all or a portion of each project. All developments in this district are required to submit a master site plan that includes maps and descriptions of construction and uses (see Chapter [17.100](#) EMMC for more information on the site plan process). [Ord. O-18-2011 § 2 (Exh. A)].

**17.37.070 Setback requirements.**

Setback requirements between buildings and property lines will be determined by the city council during the site plan approval process, in consideration of a prior recommendation by the planning commission and potential impacts on neighboring properties' use, enjoyment, and character. Landscaping and other buffering may be required between uses where determined appropriate. In order to provide protection to the building and provide for building foundation landscaping, no building shall be closer than 10 feet from any private road, driveway, or parking space, except for

any drive-up windows. Setbacks shall be consistent with similar development within the business park zone. [Ord. O-18-2011 § 2 (Exh. A)].

**17.37.080 Building height.**

Buildings are permitted up to five stories. Buildings taller than five stories may be approved by the city council during the site plan approval process, in consideration of a prior recommendation by the planning commission. Buildings constructed near an airport or within one mile of Camp Williams taller than five stories may be given more stringent height restrictions during the site plan approval process. [Ord. O-18-2011 § 2 (Exh. A)].

**17.37.090 Business park development standards.**

The following development standards shall apply to the business park zone:

A. Architectural Review. The planning commission shall review the site plan and building elevations. The planning commission shall confirm compliance with architectural design standards for buildings and structures to assure compliance with the general plan and with the city's generally applicable policies and regulations.

B. Landscaping. All landscaping shall be completed in accordance with the approved site plan and all city ordinances, and shall be installed prior to the issuance of a certificate of occupancy for the building. The city building official may approve exceptions as seasonal conditions warrant. It shall be the responsibility of the property owner to maintain all approved landscaping in accordance with the approved site plan and in compliance with the city's parking and landscaping requirements.

C. Uses within Buildings. All uses in the business park zone shall be conducted entirely within a fully enclosed building except those uses deemed by the planning commission and city council to be customarily and appropriately conducted outside. Outside storage of merchandise shall be accommodated entirely within an enclosed structure unless the planning commission and city council deem such storage to be customarily and appropriately conducted outside.

D. Trash Storage. No trash, used materials, wrecked or abandoned vehicles or equipment shall be stored in an open area. All such materials shall be kept within an opaque enclosure that is architecturally compatible with the main building. Garbage dumpsters shall be located out of sight and away from major roads.

E. Screening Requirements. A wall, fence and/or landscaping of acceptable design may be required to effectively screen the borders of any business park lot which abuts a residential use, if determined appropriate by the city council in consideration of a prior recommendation by the planning commission as part of a site plan review. Such wall, fence or landscaping shall be maintained in good condition with no advertising thereon, except as permitted by the city's signage regulations. [Ord. O-18-2011 § 2 (Exh. A)].

**Chapter 17.38**  
**COMMERCIAL STORAGE ZONE**

Sections:

[17.38.010 What this chapter does.](#)

[17.38.020 Purpose.](#)

[17.38.030 Permitted uses.](#)

[17.38.040 Conditional uses.](#)

[17.38.050 Prohibited uses.](#)

[17.38.060 Area requirements.](#)

[17.38.070 Setback requirements.](#)

[17.38.080 Building height.](#)

[17.38.090 Commercial storage zone development standards.](#)

**17.38.010 What this chapter does.**

This chapter contains land use provisions for the development of commercial storage land uses in areas that are zoned to accommodate such uses. Development entitlements are set forth and processes for approval are also specified. [Ord. O-02-2011 § 2 (Exh. A)].

**17.38.020 Purpose.**

The purpose of the commercial storage zone is to provide for nonretail commercial sites for storage of vehicle, equipment, and inventory, and associated offices. [Ord. O-02-2011 § 2 (Exh. A)].

**17.38.030 Permitted uses.**

The following land uses shall be permitted uses in the commercial zone:

- A. Public and private utility structures or facilities;
- B. Public and private utility equipment and inventory storage, fenced or enclosed;
- C. Fully enclosed commercial storage of equipment and inventory. [Ord. O-02-2011 § 2 (Exh. A)].

**17.38.040 Conditional uses.**

The following conditional uses and such uses as the planning director and planning commission may recommend as similar and consistent with the scale, character and impact of the area will be considered:

- A. Fenced or unfenced outdoor storage of commercial equipment and inventory;
- B. Outdoor storage/parking of recreational vehicles, trailers, boats, and similar vehicles;
- C. Self-storage or mini-storage units;
- D. Small office uses associated with storage. [Ord. O-02-2011 § 2 (Exh. A)].

**17.38.050 Prohibited uses.**

The following are prohibited uses and such uses as the planning director and planning commission determine to be similar or consistent with the prohibited use:

- A. Sexually oriented businesses.
- B. Manufacturing. [Ord. O-02-2011 § 2 (Exh. A)].

**17.38.060 Area requirements.**

There is no minimum lot size requirement for developments in this district. However, all uses, lots or parcels in the commercial storage zone shall be of sufficient size to assure compliance with land

development regulations that may govern all or a portion of each project. All developments in this district are required to submit a site plan application (see Chapter [17.100](#) EMMC for more information on the site plan process). [Ord. O-02-2011 § 2 (Exh. A)].

**17.38.070 Setback requirements.**

The following setback requirements are intended to describe the amount of space required between buildings and property lines. All buildings in this zone, including accessory buildings, are required to maintain a minimum distance from property lines as set forth below. Conditional uses may require greater setbacks so as to prevent a nuisance as determined by the city council.

A. Front: 25 feet. The city council, in consideration of a prior recommendation by the planning commission, may reduce this if in its judgment the reduction does not interfere with the use, enjoyment and character of adjacent properties.

B. Sides: 50 feet, where adjacent to a residential zone. The city council, in consideration of a prior recommendation by the planning commission, may reduce this if in its judgment the reduction does not interfere with the use, enjoyment and character of adjacent properties. Lots adjoining other commercial or industrial uses require no side lot setbacks.

C. Rear: 20 feet for all uses except where a rear yard is located adjacent to a residential zone. In those cases, the rear yard shall be increased to 50 feet. In the event that the rear of a building faces an arterial or collector street, there shall be a setback of 50 feet. The city council, in consideration of a prior recommendation by the planning commission, may reduce this if in its judgment the reduction does not interfere with the use, enjoyment and character of adjacent properties.

D. Other General Requirements. In addition to the specific setback requirements noted above, no building shall be closer than 10 feet from any private road, driveway or parking space. The intent of this requirement is to provide for building foundation landscaping and to provide protection to the building. Buffer widths shall comply with Table 17.60.160(b), Required Buffer Widths and Improvements. [Ord. O-02-2011 § 2 (Exh. A)].

**17.38.080 Building height.**

No building in this zone shall be over two stories, or 25 feet. [Ord. O-02-2011 § 2 (Exh. A)].

**17.38.090 Commercial storage zone development standards.**

The following development standards shall apply to the commercial storage zone:

A. Architectural Review. The planning commission shall review the site plan and building elevations. The planning commission shall confirm compliance with architectural design standards for buildings and structures to assure compliance with the general plan and with the city's generally applicable policies and regulations.

B. Landscaping. All landscaping shall be completed in accordance with the approved site plan and all city ordinances, and shall be installed prior to the issuance of a certificate of occupancy for the building. The city building official may approve exceptions as seasonal conditions warrant. It shall be the responsibility of the property owner to maintain all approved landscaping in accordance with the approved site plan and in compliance with the city's parking and landscaping requirements. Some of these requirements may be reduced or waived by the planning commission and city council if warranted.

C. Trash Storage. No trash, wrecked or abandoned vehicles or wrecked equipment shall be stored in an open area. All such materials shall be kept within a fully enclosed building. Garbage dumpsters shall be located out of sight and away from roads.

D. Screening Requirements. A wall, fence and/or landscaping of acceptable design shall effectively screen any storage areas on the site, except approved outdoor unfenced storage. Such wall, fence or landscaping shall be at least six feet in height, unless a wall or fence of a different height is required by the city council in consideration of a prior recommendation by the planning commission

as part of a site plan review. Such wall, fence or landscaping shall be maintained in good condition with no advertising thereon, except as permitted by the city's signage regulations. Buffer widths and improvements shall comply with Table 17.60.160(b), Required Buffer Widths and Improvements. [Ord. O-02-2011 § 2 (Exh. A)].

**Chapter 17.40  
INDUSTRIAL ZONE**

Sections:

[17.40.010 What this chapter does.](#)

[17.40.020 Purpose.](#)

[17.40.030 Permitted uses.](#)

[17.40.040 Conditional uses.](#)

[17.40.050 Area requirements.](#)

[17.40.060 Setback requirements.](#)

[17.40.070 Building height.](#)

[17.40.080 Development standards.](#)

[17.40.090 Previous zoning district equivalents.](#)

**17.40.010 What this chapter does.**

This chapter contains land use provisions for the development of industrial land uses in areas that are zoned to accommodate such uses. Development entitlements are set forth and processes for approval are also specified. [Ord. O-23-2005 § 3 (Exh. 1(1) § 8.1)].

**17.40.020 Purpose.**

The purpose of the industrial zone is to provide for industrial opportunities which are reasonably separated from residential development and other incompatible land uses. [Ord. O-23-2005 § 3 (Exh. 1(1) § 8.2)].

**17.40.030 Permitted uses.**

The following land uses shall be permitted uses in the industrial zone:

- A. Industrial parks and warehouses;
- B. Office buildings including medical, dental or professional offices, corporate offices or corporate campuses;
- C. Research and development uses, including medical or electronic assembly and manufacturing;
- D. Public and private utility structures or facilities;
- E. Public parks, plazas, or squares. [Ord. O-23-2005 § 3 (Exh. 1(1) § 8.3)].

**17.40.040 Conditional uses.**

The following conditional uses and such uses as the planning director and planning commission may recommend as similar and consistent with the scale, character and impact of the area will be considered:

- A. Automobile gas/service stations;
- B. Automobile sales and/or service;
- C. Auto and truck repair, including auto body;
- D. Convenience store;
- E. Motels and hotels;
- F. Restaurants and banks (with drive-through service facilities);
- G. Printing, lithography and publishing establishments;

H. Wholesale trade, warehousing, distribution and other operations characterized by the need for large truck and shipping establishments;

I. Laundry and dry cleaning establishments;

J. Contract construction services establishments;

K. Commercial and industrial laundries;

L. Self-storage or mini-storage units;

M. Light manufacturing of finished products or parts, including processing, fabrication, assembly, treatment, packaging, and incidental storage of such products. Such uses include, but are not limited to, food, beverages, apparel, textiles, pharmaceuticals, household appliances and plastics;

N. Recycling facilities;

O. Other businesses retailing goods and services or rendering personal services for a fee, except as otherwise regulated by the city's ordinances;

P. Other manufacturing businesses;

Q. Sexually oriented businesses. [Ord. O-23-2005 § 3 (Exh. 1(1) § 8.4)].

**17.40.050 Area requirements.**

There is no minimum lot size requirement for developments in this district. However, all uses, lots or parcels in the industrial zone shall be of sufficient size to assure compliance with the city's parking, landscaping, utilities, site plan and other land development regulations that may govern all or a portion of each project. All developments in this district are required to submit a master site plan that includes maps and descriptions of construction and uses (see Chapter [17.100 EMMC](#) for more information on the site plan process). [Ord. O-23-2005 § 3 (Exh. 1(1) § 8.5)].

**17.40.060 Setback requirements.**

The following setback requirements are intended to describe the amount of space required between buildings and property lines. All buildings in this zone, including accessory buildings, are required to maintain a minimum distance from property lines as set forth below. Conditional uses may require greater setbacks so as to prevent a nuisance as determined by the city council.

A. Front: 25 feet. The city council, in consideration of a prior recommendation by the planning commission, may reduce this if in its judgment the reduction does not interfere with the use, enjoyment and character of adjacent properties.

B. Sides: 50 feet, where adjacent to a residential or agricultural zone. Lots adjoining within the industrial zone require no side lot setbacks.

C. Rear: 20 feet for all uses except where a rear yard is located adjacent to a residential or agricultural district. In those cases, the rear yard shall be increased to 100 feet. In the event that the rear of a building faces an arterial or collector street, there shall be a setback of 50 feet. The city council, in consideration of a prior recommendation by the planning commission, may reduce this if in its judgment the reduction does not interfere with the use, enjoyment and character of adjacent properties.

D. Other General Requirements. In addition to the specific setback requirements noted above, no building shall be closer than 10 feet from any private road, driveway or parking space. The intent of this requirement is to provide for building foundation landscaping and to provide protection to the building. Exceptions may be made for any part of the building that may contain an approved drive-up window. [Ord. O-23-2005 § 3 (Exh. 1(1) § 8.6)].

**17.40.070 Building height.**

No building in this zone shall be over five stories. [Ord. O-23-2005 § 3 (Exh. 1(1) § 8.7)].

**17.40.080 Development standards.**

The following development standards shall apply to the industrial zone:

- A. Architectural Review. The planning commission shall review the site plan and building elevations. The planning commission shall confirm compliance with architectural design standards for buildings and structures to assure compliance with the general plan and with the city's generally applicable policies and regulations.
- B. Landscaping. All landscaping shall be completed in accordance with the approved site plan and all city ordinances, and shall be installed prior to the issuance of a certificate of occupancy for the building. The city building official may approve exceptions as seasonal conditions warrant. It shall be the responsibility of the property owner to maintain all approved landscaping in accordance with the approved site plan and in compliance with the city's parking and landscaping requirements.
- C. Uses within Buildings. All uses in the industrial zone shall be conducted entirely within a fully enclosed building except those uses deemed by the planning commission and city council to be customarily and appropriately conducted outside. Such uses include service stations, gas pumps, plant nurseries, home improvement material yards, automobile sales, etc. Outside storage of merchandise shall be accommodated entirely within an enclosed structure unless the planning commission and city council deem such storage to be customarily and appropriately conducted outside.
- D. Trash Storage. No trash, used materials, wrecked or abandoned vehicles or equipment shall be stored in an open area. All such materials shall be kept within an opaque enclosure that is architecturally compatible with the main building. Garbage dumpsters shall be located out of sight and away from major roads.
- E. Screening Requirements. A wall, fence and/or landscaping of acceptable design shall effectively screen the borders of any commercial or industrial lot, which abuts an agricultural or residential use. Such a wall, fence or landscaping shall be at least six feet in height, unless a wall or fence of a different height is required by the city council in consideration of a prior recommendation by the planning commission as part of a site plan review. Such wall, fence or landscaping shall be maintained in good condition with no advertising thereon, except as permitted by the city's signage regulations. [Ord. O-23-2005 § 3 (Exh. 1(1) § 8.8)].

**17.40.090 Previous zoning district equivalents.**

The equivalent zoning districts contained in previous development codes include the business park (BP) and manufacturing and industrial (M&I) zones. Properties zoned prior to the adoption of the ordinance codified in this title shall only be entitled to the permitted and conditional uses permissible under the land use ordinance in which the property was zoned. With the exception of the land uses, property zoned under previous development codes shall comply with all other regulations and standards contained in this chapter so long as it does not restrict density entitlements that are solidified in a master development agreement. Property zoned under the development code of Eagle Mountain City adopted on September 28, 1999, is entitled to the following land uses:

- A. Business Park (BP). Permitted uses within the business park are banks, business and corporate offices not to exceed three stories in height. The following conditional uses and such uses as the planning commission may recommend as similar and consistent with the scale, impact and character of existing uses will be considered: restaurants, retail services establishments, hotels, motels, bed and breakfast facilities, day care center, medical and health care offices, veterinary offices, electronics repair shop and residential group homes. All other uses are expressly prohibited.
- B. Manufacturing and Industrial (M&I) Zone. Warehousing and construction trades or services will be permitted uses in the manufacturing and industrial zone. This designation can also accommodate large warehouse-style retailing operations, manufacturing facilities and other uses requiring large buildings or structures that would otherwise not be permitted within the commercial

core or satellite commercial areas. The following conditional uses and such uses as the planning commission may recommend as similar and consistent with existing uses will be considered: manufacturing and retail services establishments. All other uses are expressly prohibited. [Ord. O-23-2005 § 3 (Exh. 1(1) § 8.9)].

**Chapter 17.45  
AIRPARK ZONE**

Sections:

[17.45.010 What this chapter does.](#)

[17.45.020 Purpose and objective.](#)

[17.45.030 Permitted uses.](#)

[17.45.040 Conditional uses.](#)

[17.45.050 Prohibited uses.](#)

[17.45.060 Area and density requirements.](#)

[17.45.070 Land use standards.](#)

[17.45.080 Driveways.](#)

[17.45.090 Protection of airspace.](#)

[17.45.100 Open space requirements.](#)

[17.45.110 Supplementary regulations.](#)

[17.45.120 Previous zoning district equivalents.](#)

**17.45.010 What this chapter does.**

This chapter establishes the land use regulations for the airpark zoning district in Eagle Mountain City, including permitted and conditional uses, minimum land use standards, and open space provisions. [Ord. O-23-2005 § 3 (Exh. 1(1) § 9.1)].

**17.45.020 Purpose and objective.**

The purpose and objective of this chapter is to provide commercial and residential sites with access to hangars and taxiways suitable for business and general aviation aircraft. The airpark zone will encourage a variety of uses including business parks, light manufacturing, professional offices, restaurants, and lodging. [Ord. O-23-2005 § 3 (Exh. 1(1) § 9.2)].

**17.45.030 Permitted uses.**

Permitted uses in this zone are:

- A. Aircraft sales, manufacturing, assembly and service operations or other aviation services carried out under contract with the city are permitted uses;
- B. Single-family detached dwellings;
- C. Research and development uses, including medical or electronic assembly and manufacturing;
- D. Wholesale trade, warehousing, distribution and other operations characterized by the need for large truck and shipping establishments;
- E. Light manufacturing of finished products or parts, including processing, fabrication, assembly, treatment, packaging, and incidental storage of such products. Such uses include, but are not limited to, food, beverages, apparel, textiles, pharmaceuticals, household appliances and plastics;
- F. Laundry and dry cleaning establishments;
- G. Commercial recreation including golf courses;
- H. Motels and hotels;
- I. Office/business parks;

J. Shopping centers that include grocery stores, restaurants without drive-through windows, general retail services in multi-unit buildings;

K. Mixed uses of residential and commercial including small-scale retail, service commercial, or offices;

L. Public parks;

M. Public and private utility structures or facilities;

N. Residential facilities for the elderly;

O. Manufacturing. [Ord. O-23-2005 § 3 (Exh. 1(1) § 9.3)].

**17.45.040 Conditional uses.**

The following conditional uses and such uses as the planning director and planning commission may recommend as similar and consistent with the scale, character and impact of the area will be considered:

A. Retail establishments such as restaurants, department stores, furniture outlets, warehouse stores, hardware and building supply stores, auto parts and gasoline service stations and auto sales facilities;

B. Printing, lithography and publishing establishments;

C. Convenience stores;

D. Restaurants with drive-through windows;

E. Banks and banks with drive-through windows;

F. Religious or cultural meeting halls;

G. Public or private schools;

H. Home businesses (as allowed by Chapter [17.65 EMMC](#));

I. Pet stores. [Ord. O-23-2005 § 3 (Exh. 1(1) § 9.4)].

**17.45.050 Prohibited uses.**

The following are prohibited uses and such uses as the planning director and planning commission determine to be similar or consistent with the prohibited use:

A. Sexually oriented businesses;

B. Multifamily dwellings and twinhomes. [Ord. O-23-2005 § 3 (Exh. 1(1) § 9.5)].

**17.45.060 Area and density requirements.**

The following area and density requirements shall apply to this district:

A. The minimum lot size for single-family detached dwellings in this zone is one-half acre. Other uses may require a minimum size greater than one-half acre and will be evaluated by the city council, after review and recommendation by the planning commission, on an individual basis to determine if more property is required to reasonably accommodate the proposed use.

B. Subdivisions in this zone shall not exceed 1.6 dwelling units per acre. [Ord. O-23-2005 § 3 (Exh. 1(1) § 9.6)].

**17.45.070 Land use standards.**

The diverse types of land uses including aviation, residential, retail, warehouses, light industrial and manufacturing require all projects in this zone to be subject to a site plan review and approval. The planning commission shall approve all building setbacks and heights in compliance with the Federal Aviation Administration (FAA). The planning commission shall also approve the setbacks of

accessory structures, lot widths, and dwelling sizes. [Ord. O-23-2005 § 3 (Exh. 1(1) § 9.7)].

**17.45.080 Driveways.**

Residential driveways shall comply with the following standards:

A. Slopes. Driveways shall not exceed grades of 12 percent. The building official may approve driveway slopes that exceed 12 percent in circumstances that are deemed necessary because of the topographical conditions.

B. Clear Vision Triangle. Residential driveways when feasible shall not be permitted in the clear vision triangle at local streets as described in this title.

C. Driveway Length. Residential driveways shall be a minimum of 24 feet, measured from the property line. [Ord. O-23-2005 § 3 (Exh. 1(1) § 9.8)].

**17.45.090 Protection of airspace.**

The following standards will encourage aviation while at the same time provide for safety of residential and commercial development.

A. Development under Landing and Approach Patterns. All property within one-half mile of the end of an active runway and located under the noninterference cone trapezoids established by the Federal Aviation Administration (FAA) will be limited to agricultural or open space uses. Lands from one-half to one mile from the end of an active runway and located under the FAA cone trapezoid will generally be limited to agriculture, open space, low density commercial development or airpark uses.

B. Radio Communication. All aircraft in Eagle Mountain airspace and below 6,500 feet mean sea level (msl) must use radio communication in accordance with and as published in the Federal Aviation Administration's guidelines.

C. Minimum Altitude. All aircraft transiting Eagle Mountain airspace are requested to maintain an altitude in accordance with and as published in the Federal Aviation Administration's guidelines.

D. Approaches. Traffic patterns for landing at airports in Eagle Mountain will be from the west. [Ord. O-23-2005 § 3 (Exh. 1(1) § 9.9)].

**17.45.100 Open space requirements.**

Projects within this zone are required to provide at least 10 percent of the project areas as improved open space. [Ord. O-23-2005 § 3 (Exh. 1(1) § 9.10)].

**17.45.110 Supplementary regulations.**

All properties in Eagle Mountain City are also subject to the supplementary land use provisions of this title. [Ord. O-23-2005 § 3 (Exh. 1(1) § 9.11)].

**17.45.120 Previous zoning district equivalents.**

The equivalent zoning district contained in previous development codes includes the airpark zone. Properties zoned prior to the adoption of the ordinance codified in this title shall only be entitled to the permitted and conditional uses permissible under the land use ordinance in which the property was zoned. With the exception of the land uses, property zoned under previous development codes shall comply with all other regulations and standards contained in this chapter so long as it does not restrict density entitlements that are solidified in a master development agreement. Property zoned under the development code of Eagle Mountain City adopted on September 28, 1999, is entitled to the following land uses:

A. Airpark Zone. Aircraft sales, manufacturing, assembly and service operations or other aviation services carried out under contract with the city are permitted uses. The following conditional uses and such uses as the planning commission may recommend as similar and consistent with the scale, character and impact of the area will be considered: office use, restaurants, hotels, motels, bed and breakfast facilities, light manufacturing, warehousing, dwellings, group homes, places of worship, schools (public and private), banks and retail goods establishments. All other uses are

expressly prohibited. [Ord. O-23-2005 § 3 (Exh. 1(1) § 9.12)].

**Chapter 17.50**  
**WATER SOURCE PROTECTION OVERLAY ZONE**

Sections:

[17.50.010 What this chapter does.](#)

[17.50.020 Purpose and objective.](#)

[17.50.030 Prohibited uses.](#)

[17.50.040 Incorporation by reference of state law.](#)

**17.50.010 What this chapter does.**

This chapter establishes the land use regulations for the water source protection overlay zone in Eagle Mountain City. [Ord. O-23-2005 § 3 (Exh. 1(1) § 10.1)].

**17.50.020 Purpose and objective.**

The purpose and objective of this chapter is to restrict land uses in areas of the city required to be restricted for protection of ground water resources in compliance with the laws of the state of Utah, protect water sources and to comply with the Drinking Water Source Protection Rules and Regulations of the state of Utah. [Ord. O-23-2005 § 3 (Exh. 1(1) § 10.2); Ord. O-23-2004 § 1].

**17.50.030 Prohibited uses.**

The following are prohibited uses and such uses that constitute pollution sources as defined under the rules of the Drinking Water Division of the state of Utah or uses that the planning director and planning commission determine to be similar or consistent with the prohibited use include but are not limited to:

- A. Storage facilities that store liquid forms of hazardous substances;
- B. Septic tank, and septic tank drain fields;
- C. Class V underground injection wells;
- D. Landfills, open dumps, land filling of sludge and septage, manure piles, salt piles, pit privies, drain lines; and
- E. Animal feeding operations with more than 10 animal units. [Ord. O-23-2005 § 3 (Exh. 1(1) § 10.3); Ord. O-23-2004 § 2].

**17.50.040 Incorporation by reference of state law.**

Additional and specific prohibited land uses are contained in the Drinking Water Source Protection Rules of the Drinking Water Division of the state of Utah and are incorporated herein by reference as though fully set forth herein. [Ord. O-23-2005 § 3 (Exh. 1(1) § 10.4); Ord. O-23-2004 § 3].

**Chapter 17.52**  
**EQUINE OVERLAY ZONE**

Sections:

[17.52.010 What this chapter does.](#)

[17.52.020 Purpose and objective.](#)

[17.52.030 Land use regulations.](#)

[17.52.040 Development standards.](#)

[17.52.050 Setbacks.](#)

[17.52.060 Conditional uses.](#)

[17.52.070 Sanitation and maintenance.](#)

[17.52.080 Approval process.](#)

[17.52.090 Definitions.](#)

**17.52.010 What this chapter does.**

This chapter establishes the land use regulations for the equine overlay zone in Eagle Mountain City, including permitted, minimum land use standards and other development provisions. This chapter does not change the existing zoning. Landowners on these properties are required to apply for the equine overlay zone designation to run simultaneously with the existing zoning. [Ord. O-06-2008 § 2 (Exh. A § 23.1)].

**17.52.020 Purpose and objective.**

The purpose and objective of this chapter is to provide a mechanism for designating areas for equestrian uses and activities not allowed by existing zoning and to address the unique requirements of horses in residential zones in a manner conducive to the public safety, health and general welfare. [Ord. O-06-2008 § 2 (Exh. A § 23.2)].

**17.52.030 Land use regulations.**

The land use regulations shall be those of the base zoning with which the equestrian overlay zone is combined, unless modified by the equestrian zone. The following permitted animal and related uses shall apply and govern where conflicts arise with other portions of the development code.

The maximum number of horses (or equine animals) on any one developed lot of one-half acre to one acre in size is two equine animals in a residential neighborhood. Foals shall not be counted towards the maximum number of horses. [Ord. O-06-2008 § 2 (Exh. A § 23.3)].

**17.52.040 Development standards.**

A. Site Plan. A lot site plan including boundaries of the subject parcel, as well as surrounding parcels and structures, existing and proposed buildings and structures, lot line setbacks.

B. Stables and barns shall be constructed and maintained in accordance with the city's building codes.

C. Minimum Floor Area. A minimum 600 square feet of surface for each animal shall be provided within a corral or stable.

D. No part of any stable shall be used for human habitation.

E. Fencing is required to be designed and constructed to prevent animals from escaping and is required to be a minimum of five feet in height. [Ord. O-06-2008 § 2 (Exh. A § 23.4)].

**17.52.050 Setbacks.**

Setbacks shall be governed by the requirements of the existing base zone except that no part of any corral or stable will be located within 35 feet from a habitable dwelling on the same lot, or 30

feet from a patio, pool or similar structure on the same lot. Uncovered stables or corrals that abut alleyways may build up to the property line and are exempt from base zone accessory structure requirements. [Ord. O-06-2008 § 2 (Exh. A § 23.5)].

**17.52.060 Conditional uses.**

The following conditional uses and such uses as the planning director and planning commission may recommend as similar and consistent with the scale, character and impact of the area will be considered:

- A. Community, private, and public stables as defined in this chapter.
- B. Arenas and riding arenas as defined by this chapter.
- C. Veterinary offices/hospitals. [Ord. O-06-2008 § 2 (Exh. A § 23.6)].

**17.52.070 Sanitation and maintenance.**

All stables and horse facilities are required to comply with health department regulations. Each property owner is responsible for the maintenance of sanitary conditions including, but not limited to, the cleaning of stables, barns, corrals, and any other areas that animals have access. The removal and disposal of manure, offal, soiled straw and other refuse is required. Animal waste shall not be allowed to accumulate, run off, or leach so as to create a nuisance or be offensive to other persons in the vicinity. Each lot and structure needs to be maintained so that there is no standing surface water allowed to accumulate within the areas where the animals are kept. [Ord. O-06-2008 § 2 (Exh. A § 23.7)].

**17.52.080 Approval process.**

The designation of the equine overlay zone shall not be construed as an absolute right upon submission of an application and does not require the approval body to take action based upon findings of facts. The planning commission and city council shall review and take action on the proposed designation application in accordance with the following procedure:

- A. Planning Commission Public Hearing. Upon receipt of a complete application, the planning director shall schedule the application for a public hearing before the planning commission. The planning director shall cause all property owners within 600 feet of the boundaries of the proposed application area (including a minimum of at least 25 adjacent property owners and affected entities if there be any) to be notified by first class mail of the time and place of the public hearing at least 10 days prior to the planning commission meeting. The city recorder shall cause that this hearing is advertised in accordance with the requirements of any applicable state statutes. A copy of the public notice of the hearing shall also be posted in three public places (including the city offices) within the city at least 10 days prior to the hearing.
- B. City Council Public Hearing. The city council, after receiving a recommendation from the planning commission, shall also conduct a public hearing. The notice requirements for this hearing are identical to the planning commission hearing. The city recorder shall cause that this hearing is advertised in accordance with the requirements of any applicable state statutes.
- C. Additional Development Processes. The planning commission and city council at their discretion may require additional improvements or specific requirements as conditions of approval for the equine overlay designation. [Ord. O-06-2008 § 2 (Exh. A § 23.8)].

**17.52.090 Definitions.**

The following definitions apply in the equestrian (equine) overlay zone:

- “Adult horse” means any horse older than 12 months.
- “Arena” means an enclosed area used for entertainment and/or a building containing an arena.
- “Corral” means any enclosure designed for use as an open holding area for horses for an undetermined amount of time.

“Equine animal” means resembling a horse or relating to the horse family (ponies, donkeys, llamas).

“Foal” means any offspring horse which is less than 12 months in age.

“Stable, community” means a noncommercial stable for horses, operated by and for the exclusive use of the members of a nonprofit, incorporated community organization.

“Stable, private” means an accessory building, structure or premises designed, intended or used for the keeping of horses for the exclusive use of occupants of a dwelling located on the same lot.

“Stable, public” means any premises on which horses are boarded, trained, or rented for commercial purposes.

“Stall” means a division of a stable, a compartment for a horse for shelter for reasons pertinent to the health, welfare, and daily care of each animal. [Ord. O-06-2008 § 2 (Exh. A § 23.9)].

**Chapter 17.53  
SWEETWATER INDUSTRIAL OVERLAY ZONE**

Sections:

[17.53.010 What this chapter does.](#)

[17.53.030 Purpose.](#)

[17.53.040 Land uses.](#)

[17.53.050 Setbacks.](#)

[17.53.060 Development standards.](#)

**17.53.010 What this chapter does.**

This chapter contains land use provisions to provide for uses of property that might otherwise be undesirable due to their proximity to the odor and stigma of locating near a wastewater treatment plant. [Ord. O-21-2015 § 2 (Exh. A)].

**17.53.030 Purpose.**

The purpose of the Sweetwater industrial overlay zone is to provide for and allow industrial and business opportunities that will provide a buffer zone between the wastewater treatment facility and higher end businesses and industrial uses. The standards and processes of the base zoning or underlying zoning shall be applicable unless modified or replaced by this overlay zone. [Ord. O-21-2015 § 2 (Exh. A)].

**17.53.040 Land uses.**

The following land uses shall be permitted (P), permitted on a conditional basis (C), or prohibited uses (N) in the Sweetwater industrial overlay zone (and such conditional and prohibited uses as the planning director and planning commission may recommend as similar and consistent with the scale, character and impact of the area):

**Table 17.53 – Use Table**

Use	Status
Automobile Gas/Service Stations	P
Automobile Sales and/or Service	C
Commercial Animal Farms	N
Communications Facilities and Towers (Limited to 5 Stories)	P
Construction Related Business: Lumber, Hardware, Etc.	P
Contract Construction Service Establishments	P
Convenience Store	C
Distribution Facilities	P
Electronic Data Management Businesses	C
Fitness and Recreation	P
Industrial Parks and Warehouses	P
Laundry and Dry Cleaning Establishments	C

Light Manufacturing and Assembly	P
Manufactured Homes Developments	C
Motels and Hotels	C
Office Buildings Including: Medical, Dental or Professional Offices, Corporate Offices or Corporate Campuses	P
Other Businesses Retailing Goods and Services or Rendering Personal Services for a Fee, Except as Otherwise Regulated by the City's Ordinances	C
Other Manufacturing Businesses	C
Portable Storage Containers	P
Printing and Publishing Establishments	P
Public and Private Utility Structures or Facilities	P
Public Buildings	P
Public Parks, Plazas, or Squares	P
Recycling Facilities	N
Research and Development Uses Including: Medical or Electronic Assembly and Associated Light Manufacturing	P
Restaurants and Banks (with Drive-Through Service Facilities)	C
Self-Storage or Mini-Storage Units	P
Sexually Oriented Businesses	N
Wholesale Trade, Distribution, and Other Operations Characterized by the Need for Large Truck and Shipping Establishments	C
<b>Permitted (P), Conditional (C), and Prohibited Uses (N)</b>	

[Ord. O-21-2015 § 2 (Exh. A)].

**17.53.050 Setbacks.**

The setbacks of the base zoning or underlying zoning shall be applicable; however, the planning

commission and city council may approve any setback that is reasonable based upon the specific use and potential impacts to neighboring properties. [Ord. O-21-2015 § 2 (Exh. A)].

**17.53.060 Development standards.**

The base zoning development standards shall be applicable, unless modified or replaced as follows:

- A. Buildings must comply with the city's commercial design standards found in EMMC [17.72.040](#), except that metal may be used as a primary exterior building material, and pedestrian-scaled architectural details are not required.
- B. The front parking lots and driveway entrances shall be asphalted to city standards, while equipment and parking areas behind the front of a building may be graveled.
- C. Rear parking or storage areas do not need to comply with city landscaping requirements.
- D. Outdoor storage of equipment, used materials, and wrecked or abandoned vehicles shall be screened behind an opaque fence or wall to be out of sight of major roads. Fencing and screening of outdoor uses shall be reviewed with each individual site plan.
- E. All outdoor lighting shall comply with Chapter [17.56](#) EMMC.
- F. Parking for each site plan shall comply with Chapter [17.55](#) EMMC. [Ord. O-21-2015 § 2 (Exh. A)].

**Chapter 17.54**  
**EXTRACTIVE INDUSTRIES OVERLAY ZONE**

Sections:

[17.54.010 What this chapter does.](#)

[17.54.020 Purpose and objective.](#)

[17.54.030 Uses.](#)

[17.54.040 Area requirements.](#)

[17.54.050 Buffer and screening requirements.](#)

[17.54.060 Permit application and reclamation plan.](#)

Code reviser's note: Ordinance O-08-2012 adds Chapter [17.55](#). This chapter has been editorially renumbered to avoid duplication of numbering.

**17.54.010 What this chapter does.**

This chapter contains land use provisions that regulate mining and asphalt or concrete production on properties appropriately zoned. [Ord. O-08-2012 § 2 (Exh. A)].

**17.54.020 Purpose and objective.**

The purpose of the extractive industries overlay zone is to provide locational control over extractive uses, to promote the reclamation of these sites, and to provide proper buffering and protection for neighboring development and uses. [Ord. O-08-2012 § 2 (Exh. A)].

**17.54.030 Uses.**

In addition to the uses allowed in the base zone, the following uses are permitted as long as the applicable development standards have been met:

- A. Earth products extraction;
- B. Asphalt and concrete production. [Ord. O-08-2012 § 2 (Exh. A)].

**17.54.040 Area requirements.**

The minimum lot area for this overlay zone is 10 acres. [Ord. O-08-2012 § 2 (Exh. A)].

**17.54.050 Buffer and screening requirements.**

No new extraction or mining activities are permitted within 1,000 feet of property containing existing residential development. Rock crushers, shredders, batch plants, and other equipment that produces substantial noise are only permitted more than one-quarter mile or 1,320 feet from property containing residential development. Berms and/or landscaping may be required to buffer the equipment from neighboring properties and/or public roads. Lights must be directed in a way that will limit light pollution onto adjoining properties. [Ord. O-08-2012 § 2 (Exh. A)].

**17.54.060 Permit application and reclamation plan.**

An application for mining/extraction and a reclamation plan must be submitted for approval by the city engineer and planning director prior to any excavation or production work on the site, indicating how the site will be reclaimed upon completion of mining or production activities to allow for the productive and compatible reuse of the site. The reclamation plan shall include the following items of information:

- A. Phasing Plan. A plan showing the phasing of the excavation.
- B. Grading Plan. A grading plan showing the final topography of the site upon completion of reclamation.
- C. Supplemental runoff management plan/storm water pollution prevention plan.
- D. Revegetation Plan. A revegetation plan, if applicable, indicating what planting will occur to

reestablish vegetation on the site.

E. Drainage Plan. A drainage plan indicating the hydrological characteristics of the site after reclamation, including the creation/modification of floodplains or natural drainage channels.

F. Traffic Study. A traffic study detailing the impact of the traffic generated by the operation on city streets.

G. Financial Analysis. A financial analysis detailing all the costs of the reclamation plan.

H. Financial Security. Financial security, in a form and amount reasonably acceptable to the city, as determined by the city engineer, to assure the implementation of the reclamation plan. The security shall be released upon completion of reclamation or rehabilitation of the site. The security shall be forfeited to the city in the event of noncompliance.

I. Reclamation shall take place on or before one year after the date of cessation of operations or one year after the last date that any earth product materials are extracted from the site.

If the Utah Division of Oil, Gas, and Mining requires a reclamation plan and financial security or bond for the project/operation, this plan and evidence of a bond may be submitted to the city in lieu of the requirements listed above. [Ord. O-08-2012 § 2 (Exh. A)].

**Chapter 17.55**  
**OFF-STREET PARKING**

Sections:

[17.55.010 What this chapter does.](#)

[17.55.020 Purpose.](#)

[17.55.030 Off-street parking required.](#)

[17.55.040 General provisions for nonresidential and multifamily off-street parking facilities.](#)

[17.55.050 Submittal and approval of parking areas.](#)

[17.55.060 Dimensions for parking stalls.](#)

[17.55.070 Handicapped accessible parking.](#)

[17.55.080 Landscaping in parking areas.](#)

[17.55.090 Pedestrian walkways and accesses.](#)

[17.55.100 Shared parking and curb cuts.](#)

[17.55.110 Required parking by land use.](#)

[17.55.120 Tables.](#)

**17.55.010 What this chapter does.**

This chapter establishes minimum standards and requirements for off-street parking stalls and landscaping and buffering of parking lots. [Ord. O-23-2005 § 3 (Exh. 1(1) § 11.1)].

**17.55.020 Purpose.**

The purpose of this chapter is to reduce congestion and traffic hazards on public rights-of-way by requiring adequate, functional, and effective use of off-street parking areas. This chapter also requires landscaping and buffering within these parking areas to reduce adverse impacts of headlight glare and lighting within the parking area; improve circulation within parking areas by channeling vehicles and pedestrians; provide climatic relief from broad expanses of pavement; and improve the appearance of the site and surrounding neighborhood. [Ord. O-23-2005 § 3 (Exh. 1(1) § 11.2)].

**17.55.030 Off-street parking required.**

Off-street parking shall be provided according to standards noted in this chapter for all newly constructed buildings and additional parking that shall be provided for any structure or use that is expanded. [Ord. O-23-2005 § 3 (Exh. 1(1) § 11.3)].

**17.55.040 General provisions for nonresidential and multifamily off-street parking facilities.**

A. Materials for Parking Areas. Parking areas shall consist of concrete, asphalt, or other impervious materials approved in the Eagle Mountain City Construction Standards and Specifications manual.

B. Maintenance of Parking Areas. Pavement, striping, landscaping, and lighting are required to be maintained in all parking areas. During times of snowfall, parking areas shall be cleared of snow as soon as is practical and possible.

C. Parking Area Access. Parking areas serving more than one structure may use a common access. Common access locations shall be based upon acceptable standard design geometry, road alignment, and traffic volumes of the surrounding public streets. All nonresidential and mixed-use structures must be designed so that vehicles are not required to back up onto the public street.

D. Lighting in Parking Areas. Parking areas shall have adequate lighting to ensure the safe circulation of automobiles and pedestrians. Such lighting shall be directed in such a way as to not

be a nuisance to adjacent properties or uses. Parking lot luminaries shall be in conformance with Chapter [17.56](#) EMMC.

E. Location of Parking Areas. Required off-street parking areas for nonresidential uses shall be placed within 600 feet of the main entrance to the building.

F. Storm Water Runoff. All parking areas other than single-family and two-family dwellings shall be reviewed and approved by the city engineer for adequate drainage of storm water runoff.

G. Headlight Screen. Headlight screening is required around the perimeter of all parking areas adjacent to residential uses, or as deemed necessary by the planning director. A headlight screen shall consist of a berm, fence, wall, or landscaping consisting of at least three and one-half feet in height and capable of blocking headlight glare. Headlight screening may also be provided by buildings.

H. Parking Lot Slopes. Parking lots shall not have slopes on which vehicles park greater than five percent. [Ord. O-12-2014 (Exh. A); Ord. O-23-2005 § 3 (Exh. 1(1) § 11.4)].

#### **17.55.050 Submittal and approval of parking areas.**

Plans depicting the parking areas for newly constructed buildings and expanded structures or uses shall be submitted in conjunction with a site plan for all nonresidential and multifamily residential development. All other parking plans shall show the following: the required number of stalls and aisles scaled to the correct dimensions, the correct number of handicapped accessible parking spaces, storm water drainage capabilities, lighting, landscaping, irrigation, and pedestrian walkways. Single-family dwellings may submit a plan with an application for a building permit that shows driveways and other areas to be dedicated to parking. [Ord. O-23-2005 § 3 (Exh. 1(1) § 11.5)].

#### **17.55.060 Dimensions for parking stalls.**

The dimensions of parking stalls and aisles contained within the parking areas shall be dependent upon the orientation of stalls. Table 17.55.120(a), Dimensions for Parking Stalls and Aisles, details these standards. Any deviation from these standards must be recommended by the city engineer and approved by the planning commission. [Ord. O-23-2005 § 3 (Exh. 1(1) § 11.6)].

#### **17.55.070 Handicapped accessible parking.**

A. Stalls Count Toward Minimum Number Required. Handicapped parking stalls shall be provided in off-street parking areas and shall count towards fulfilling the minimum requirements for automobile parking.

B. Location. Handicapped parking stalls shall be located as nearly as practical to a primary building entrance with access ramps available for equipment used in assisting handicapped persons.

C. Signage. A permanently affixed reflective sign and/or surface identification depicting the standard symbol for handicapped parking shall identify each handicapped parking stall.

D. Number of Stalls. The number of handicapped parking stalls shall conform to the minimum requirements of the Americans with Disabilities Act (ADA) listed in Table 17.55.120(b), ADA Parking Requirements.

E. Dimensions of Stalls. The dimensions of handicapped parking stalls shall be 10 feet wide by 20 feet deep, with a five-foot access aisle (two handicapped parking spaces may share an access aisle between them), or such standard as may be required by the ADA. [Ord. O-23-2005 § 3 (Exh. 1(1) § 11.7)].

#### **17.55.080 Landscaping in parking areas.**

The following requirements shall apply to all landscaping of off-street parking areas:

A. Parking Areas Adjacent to Public Streets. All parking areas for nonresidential or multifamily residential uses which are adjacent to public streets shall have landscaped bermed strips of not less than 10 feet placed between the sidewalk and the parking area. Trees, both deciduous and/or

evergreen, shall be placed in the strip with spacing of no less than 30-foot intervals or the width of the two adjacent trees' canopy or foliage when mature. This spacing requirement is used for calculating the number of trees required to be installed along frontages and is not meant to dictate the design of the landscaping. Required street trees may be clustered so long as trees have sufficient space to grow to maturity without encroachment of other vegetation. The layout of the landscaping shall not be in close proximity to public facilities such as overhead power lines, fire hydrants, traffic control signage, etc., that would be obstructed when the vegetation reaches maturity. The following are sizes of planting standards for required landscaping that shall be followed for all new development:

1. Deciduous Trees. All deciduous trees shall have a minimum trunk size of one and one-half inches in caliper measured eight inches above the soil line.
2. Curbs. All landscaped areas abutting any paved surface shall be curbed according to the city's construction specification.

B. Clear Sight Triangles. Clear lines of sight shall be provided at intersections by delineating triangular areas adjacent to all intersections, within which no parking, building, structure, berming, or landscaping over three feet in height above the street shall be permitted. Single-trunk trees may be planted within such areas, but only where the tree will be pruned to eliminate all branches and foliage below eight feet. Driveways, when feasible, are prohibited within the clear vision triangle of local streets.

1. Local Streets. At intersections of local streets the triangle shall be defined by drawing a line between two points that are 30 feet from the intersection along the lot (property) lines.
2. Alleys and Driveways. At intersections of alleys and driveways (this includes private driveways) the triangle shall be defined by drawing a line between two points that are 15 feet from the intersection along the lot lines (along alleys) or 15 feet from the intersection along the lot line and outer edge of the driveway.
3. Alleys or Driveways and Local Streets. At intersections of alleys or driveways (this includes private driveways) and local streets the triangle shall be defined by drawing a line between two points that are 15 feet from the intersection along the lot lines (along alleys) or driveways and 30 feet on the street side.
4. Other Streets. Larger clear sight triangles may be required by the city engineer where local streets enter arterial streets, major collector streets, or parkways.

C. Required Parking Islands.

1. Islands on Doubled Rows of Parking. On doubled rows of parking stalls, there shall be one 40-foot-long by five-foot-wide landscaped island on each end of the parking rows, plus one 40-foot-long by five-foot-wide landscaped island to be placed at minimum of every 12 parking stalls. Each island on doubled parking rows shall include a minimum of two deciduous trees per planter having a minimum trunk size of one and one-half inches in caliper measured eight inches above the soil line. Other landscape installed in the island shall include shrubbery and an acceptable ground cover. No hard surface improvements such as concrete or asphalt are allowed within any landscape islands. Xeriscaping is encouraged in these areas.
2. Islands on Single Rows of Parking. On single rows of parking there shall be one 20-foot-long by five-foot-wide landscaped island a minimum of every 12 stalls. Islands on a single parking row shall have a minimum of one deciduous tree having a minimum trunk size of one and one-half inches in caliper measured eight inches above the soil line. Other landscaping installed in the island shall include shrubbery and an acceptable ground cover. No hard surface improvements such as concrete or asphalt are allowed within any landscaped islands. Xeriscaping is encouraged in these areas.
3. Traffic Circulation. Landscaped islands at the ends of parking rows shall be placed and

shaped in such a manner as to help direct traffic through the parking area. There shall be a break in parking rows at a minimum of 48 parking stalls for each double row of parking for the purpose of facilitating traffic circulation on the site.

4. Landscaped Boundary Strips. All landscaped boundary strips along street frontages shall be a minimum of 10 feet in width. The minimum landscaped boundary strips along parcels that have the same land use shall be a minimum of six feet. A fence, landscaped screen, or berm is required around the perimeter of the parking area to mitigate escape of light from headlights and other lighting on surrounding property. A headlight screen or berm shall be at least three and one-half feet in height and capable of blocking headlight glare.

5. Completion of Landscaping. All landscaping improvements shall be completed in accordance with the approved site plan, landscaping plan, and irrigation plan and occur prior to the issuance of a certificate of occupancy for the associated structure(s). Exceptions may be permitted and certificates of occupancy issued where weather conditions prohibit the completion of required landscaping improvements. In such cases an extension period of six months is permitted but a bond shall be posted for not less than 110 percent of the value of the landscaping and shall be held until the requirements of this chapter are met.

6. Snow Stacking Capacity. Every parking lot design shall plan for a snow stacking area to accommodate the stacking volume of a four-inch snow base over the entire parking lot. [Ord. O-23-2005 § 3 (Exh. 1(1) § 11.8)].

**17.55.090 Pedestrian walkways and accesses.**

Parking lots larger than 87,120 square feet shall provide raised or delineated pedestrian walkways. Walkways shall be a minimum of 10 feet wide and shall be placed through the center of the parking area and extend to the entrance of the building. Landscaped islands along the center walkway shall be placed at a minimum interval of every 30 feet. Landscaped islands are encouraged to be offset from one another to create a feeling of greater coverage. Where the developer desires to have a driveway access at the center of the parking area, a pedestrian access shall be placed on either side of the driveway. [Ord. O-23-2005 § 3 (Exh. 1(1) § 11.9)].

**17.55.100 Shared parking and curb cuts.**

Up to 50 percent of the required parking may be shared with other required parking areas upon approval by the planning commission. The developer must show an agreement granting shared parking or mutual access to the entire parking lot in perpetuity, as well as a professional traffic engineer's data showing that peak parking demand of all uses will not exceed parking spaces.

A. Shared Ingress and Egress. In most cases, shared parking areas shall also share ingress and egress. This requirement may be waived when the city engineer believes that shared accesses are not feasible. In reviewing the site plans the city engineer shall evaluate the need for limited access and the appropriate number of curb cuts, shared driveways or other facilities that will result in a safer, more efficient parking and circulation pattern. [Ord. O-23-2005 § 3 (Exh. 1(1) § 11.10)].

**17.55.110 Required parking by land use.**

This section describes criteria to be used in assessing required parking. The following criteria shall be used in conjunction with Table 17.55.120(c), Required Parking by Land Use, when determining required parking for any project.

A. Gross Square Footage. When a parking requirement is based upon square footage, the assessed parking shall be based upon gross square footage of the building or use.

B. Number of Employees. When parking requirements are based upon the number of employees, parking calculations shall use the largest number of employees who work at any one shift. Where shift changes may cause substantial overcrowding of parking facilities, additional stalls may be required.

C. Multiple Uses. When a development contains multiple uses, more than one parking requirement may be applied.

D. Fraction When Calculating. Any fraction obtained when calculating the parking requirement shall be required to add one additional parking stall.

E. No Parking Standard in Table 17.55.120(c). Where no comparative land use standard for parking is found in Table 17.55.120(c), Required Parking by Land Use, the city engineer shall make a recommendation to the planning commission. The planning commission shall then determine an appropriate parking requirement.

F. Additional Information. Any information provided by the developer relative to trip generation, hours of operation, shared parking, peak demands or other information relative to parking shall be considered when evaluating parking needs.

G. Alternative Parking Requirements. Alternative parking provisions which do not fully comply with requirements may deviate from the standards contained in Table 17.55.120(c), Required Parking by Land Use, when the planning commission determines that the deviation does not impair the service level required by this chapter. [Ord. O-23-2005 § 3 (Exh. 1(1) § 11.11)].

**17.55.120 Tables.**

**Table 17.55.120(a) Dimensions for Parking Stalls and Aisles**

Parking Angle	Stall Width	Stall Length	Aisle Width*	Aisle Width**
Parallel	9'	18'	N/A	12'
45	9'	18'	25'	14'
60	9'	18'	25'	18'
90	9'	18'	24'	24'

\* Two-way traffic only

\*\* One-way traffic only

**Table 17.55.120(b) ADA Parking Requirements**

Total Parking Stalls in Lot	Minimum Handicapped Accessible Stalls
1 – 25	1
26 – 50	2
51 – 75	3
76 – 100	4
101 – 150	5
151 – 200	6
201 – 300	7
301 – 400	8
401 – 500	9
501 – 999	2% of total stalls
Over 1,000	20 stalls plus 1 stall for every 100 stalls thereof over 1,000

**Table 17.55.120(c) Required Parking by Land Use**

Land Uses	Parking Standard
RESIDENTIAL USES	
Single-Family Dwellings	2 stalls per dwelling unit enclosed in garages

Two-Family Dwellings	2 stalls per dwelling unit with 1 space per unit to be within a fully enclosed garage
Townhouses	2 stalls per dwelling unit (not in tandem configuration) plus 1 guest parking space per 3 dwelling units. 1 space per unit to be within a fully enclosed garage
Condominiums/Apartments	2 stalls per dwelling unit plus 1 guest parking space per 3 dwelling units
PUD or Cluster Home Development	2 stalls per dwelling unit enclosed in garages plus 1 guest parking space per 3 dwelling units
Residential Care Facilities for Elderly Persons	1 stall per 4 beds plus 1 for each employee during regular hours
Residential Facility for Persons with a Disability (Group Home)	1 stall per patient bed
PUBLIC/CIVIC USES	
Churches	1 stall per 20 sq. ft. in main assembly room
Parks and Playgrounds	To be determined by the planning director and planning commission (see city parks and open space master plan)
NONRESIDENTIAL/OTHER USES	
Agriculture/Farm Industry	To be determined by the planning commission
Automotive Service Stations	1 stall per 500 sq. ft. of gross finished floor area plus 2 stalls per service bay
Child Day Care Center/Preschool*	1 stall per staff member plus 1 stall per 10 children
Convenience Store	1 stall per 200 sq. ft. of gross floor area
Grocery Store and Deli	1 stall for each 200 sq. ft. of gross floor area for building greater than 10,000 sq. ft.
Health/Fitness Club	1 stall per 150 sq. ft. of gross floor area
Hotel, Motel, Bed and Breakfast	1 stall per bed
Laundry	1 stall per 250 sq. ft. of gross floor area
Light Manufacturing	1 stall per person employed on highest employee shift
Lumber and Hardware	1 stall for each 200 sq. ft. of gross floor area for building greater than 10,000 sq. ft.
Office and Professional	1 stall per 300 sq. ft. of gross floor area
Other Business	1 stall per 300 sq. ft. of gross floor area
Printing and Publishing	1 stall per person employed on highest employee shift
Retail Establishment	Minimum = 1 stall for each 300 sq. ft. of gross floor area for buildings; Maximum = 1 stall for each 200 sq. ft. of gross floor area for buildings
Restaurants	1 stall per 250 sq. ft. of gross floor area
Restaurants (Fast Food/Drive-Thru)	1 stall per 125 sq. ft. of gross floor area

Research and Development	1 stall per 300 sq. ft. of gross floor area
Self-Storage	To be determined by the planning commission
Shopping Centers	1 stall for each 200 sq. ft. of gross floor area for building greater than 10,000 sq. ft.
Warehouse and Distribution	1 stall per 2,000 sq. ft. for first 20,000 sq. ft. of gross floor area plus 1 stall per 4,000 sq. ft. of gross floor area thereafter

\* Not required of day care/preschool operated from a residence with a home business license.

[Ord. O-04-2015 § 2 (Exh. A); Ord. O-23-2005 § 3 (Exh. 1(1) Tables 11.1 – 11.3)].

**Chapter 17.56**  
**OUTDOOR LIGHTING STANDARDS**

Sections:

[17.56.010 Purpose.](#)

[17.56.020 Conformance with applicable codes.](#)

[17.56.030 Conflict regulations.](#)

[17.56.040 Applicability.](#)

[17.56.050 General outdoor lighting standards.](#)

[17.56.060 Outdoor lighting standards by type.](#)

[17.56.070 Prohibited lighting.](#)

[17.56.080 Special uses.](#)

[17.56.090 Exemptions and nonconforming lights.](#)

[17.56.100 Plan submittal and evidence of compliance.](#)

[17.56.110 Approved materials and methods of construction or installation/operation.](#)

[17.56.120 Violations, legal actions and penalties.](#)

[17.56.130 Tables and information sheets.](#)

[17.56.140 Definitions.](#)

**17.56.010 Purpose.**

It is the purpose and intent of this chapter to balance the goals of providing efficient and practical lighting for residents and business in Eagle Mountain City, maintaining the city's rural character, minimizing light pollution that may interfere with the enjoyment, health, safety, and welfare of Eagle Mountain City's citizens and visitors or with the adjacent military activity, and reducing energy consumption. [Ord. O-12-2014 (Exh. A)].

**17.56.020 Conformance with applicable codes.**

All outdoor lighting and lighting fixtures shall be installed in conformance with the provisions of this chapter and the applicable building codes currently in effect in the city. [Ord. O-12-2014 (Exh. A)].

**17.56.030 Conflict regulations.**

Where any provision of federal, state, county, or city statutes, codes, or laws conflicts with any provision of this chapter, the most restrictive shall govern unless enforcement will result in a violation of the federal, state, county or city statutes, codes, or laws. [Ord. O-12-2014 (Exh. A)].

**17.56.040 Applicability.**

A. New Lighting. All outdoor lighting installed after the effective date of the ordinance codified in this chapter shall conform to the standards established in this chapter.

B. Existing Lighting. All lighting installed prior to the effective date of the ordinance codified in this chapter shall not be subject to the requirements of this chapter, except that any existing lighting that is directly impacted as part of a project that requires an application for an Eagle Mountain City site plan or building permit is required to be brought into conformance with this chapter. All lighting shall be upgraded to conform to this chapter prior to the issuance of certificate of occupancy or final inspection.

C. Public Roadways. This chapter does not apply to lights owned or maintained by the city, state or federal government which are within any road rights-of-way or used for traffic or safety purposes. [Ord. O-12-2014 (Exh. A)].

**17.56.050 General outdoor lighting standards.**

A. Lamp and Shielding. All permanent light fixtures are required to be full cutoff fixtures with the light source fully shielded for all uses and directed downward, including single-family and multifamily residential uses.

B. Low Pressure Sodium Lighting. Due to their high energy efficiency, long life and spectral characteristics, low pressure sodium (LPS) lamps are the preferred illumination source throughout the city. Their use is encouraged for outdoor illumination whenever it would not be detrimental to the use of the property.

C. Light Trespass Standard. All light fixtures, including security lighting, shall be aimed and shielded so that the direct illumination shall be confined to the property boundaries of the source. Particular care is to be taken to assure that the direct illumination does not fall onto or across any public or private street or road. Motion sensing light fixtures shall be fully shielded and properly adjusted, according to the manufacturer's instructions, to turn off when detected motion ceases.

D. Total Outdoor Light Output Standards – Nonresidential and Multifamily Uses. Total outdoor light output shall not exceed 100,000 lumens per net acre for all development except single-family residential uses. This cap is not intended to be achieved in all cases or as a design goal. Instead, design goals should be the lowest levels of lumens necessary to meet the lighting requirements of the site.

E. Total Outdoor Light Output Standards – Single-Family Residential Uses. Outdoor lighting for single-family residential uses is not subject to a lumens per net acre cap, but is subject to the lamp fixture and shielding requirements.

F. Height. Any lighting fixture attached to a structure shall be placed below the eave or parapet, whichever is lower. Different height restrictions may be imposed as a condition of approval by the planning director, development review committee, or planning commission.

G. Commercial Lighting Time Limitations. All nonessential commercial exterior lighting shall only continue in operation until 11:00 p.m. or for as long as the business is open or area is in active use and shall remain off until the business reopens or until daylight the following day. [Ord. O-12-2014 (Exh. A)].

**17.56.060 Outdoor lighting standards by type.**

A. Parking Lot Standards. Parking lot lighting poles shall be sized in such a manner that the top of any fixture does not exceed 17 feet above adjacent grade. Parking area lights are encouraged to be greater in number, lower in height and lower in light level, as opposed to fewer in number, higher in height and higher in light level. Low pressure sodium (LPS) lamps are encouraged. Alternatively, in industrial areas, parking lot lighting poles may be allowed to a height of 30 feet above adjacent grade provided full-cut-off light fixtures with built-in motion sensors for each pole are used. Motion sensors must reduce the light level to 50 percent when no motion is detected for 30 minutes.

B. Luminaire Mounting Height. Freestanding luminaires within a residential zone, except street lights, shall be mounted at a height no greater than 12 feet from ground level to the top of the luminaries.

C. Landscape and Accent Lighting. Subject to the approval of the planning director or designee, ground-mounted lighting may be allowed to accent unique features of a building and/or surrounding landscaping (such as outstanding architectural features, specimen trees with dense year-round foliage or large native shrub masses). Architectural lighting is allowed; provided, that a full cutoff light fixture is used, and the source of illumination is directed downward.

D. Flagpoles. Uplighting for flags is permitted, provided the flag is of a government and the maximum lumen output is 1,300 lumens.

E. Signs. See Chapter [17.80](#) EMMC, Sign Regulations and Sign Permits. [Ord. O-16-2015 § 2 (Exh. A); Ord. O-12-2014 (Exh. A)].

**17.56.070 Prohibited lighting.**

A. Searchlights, laser source lights, strobe or flashing lights, illusion lights or any similar high intensity light shall not be permitted except in emergencies by police and fire personnel or for approved special events.

B. Uplighting. Except as specifically allowed in this chapter and Chapter [17.80](#) EMMC, uplighting is prohibited. [Ord. O-12-2014 (Exh. A)].

**17.56.080 Special uses.**

A. Outdoor Recreational Facilities. Lighting for outdoor recreation facilities that does not comply with this chapter may be approved with the project site plan based on the following:

1. When the proposed lumens per acre exceed the lumens per net acre limits, the installation shall be designed to achieve no greater than the minimum illuminance levels for the activity as recommended by the Illuminating Engineering Society of North America (IESNA).
2. Every such lighting system design shall be certified by a Utah registered engineer as conforming to all applicable restrictions of this code.
3. Such lighting shall not include any light trespass as determined by the planning director or designee.
4. Fully cutoff light fixtures shall be required for fields designed for amateur, recreational or nonprofessional sports activity. For professional level sports facilities where full cutoff fixtures are not utilized, acceptable luminaries shall include those which:
  - a. Are provided with internal or external glare control louvers, or both, and installed so as to minimize uplight and off-site light trespass as determined by the planning director; and
  - b. Are installed and maintained with aiming angles that permit no greater than two percent of the light emitted by each fixture to project above the horizontal.

B. Outdoor Display Lots.

1. All such lighting shall utilize full cutoff fixtures.
2. When the proposed lumens exceed the per acre limits, the installation shall be designed to achieve no greater than the minimum illuminance levels for the activity as recommended by the Illuminating Engineering Society of North America (IESNA).
3. Such lighting shall not include any light trespass as determined by the planning director or designee.
4. Every such lighting system design shall be certified by a Utah registered engineer as conforming to all applicable restrictions of this code.

C. Service Station Canopies. All service station canopies shall comply with the following:

1. Shielding. All luminaries shall be flush with the lower surface of canopies and utilize flat glass or plastic covers.
2. Total Under-Canopy Output. The total light output used for illuminating service station canopies, defined as the sum of under-canopy initial bare-lamp outputs in lumens, shall not exceed 40 lumens per square foot of canopy. All lighting mounted under the canopy, except internally illuminated signs, shall be included in the total. Fifty percent of the total lumen output of all lamps mounted within or under a canopy shall be included in the lumen per acre cap.

D. Other Special Use Lighting. Lighting for special uses that are not specified in this chapter must be approved by planning commission through a conditional use permit or along with a site plan application. [Ord. O-12-2014 (Exh. A)].

**17.56.090 Exemptions and nonconforming lights.**

A. Emergency lighting, used by police, firefighting, or medical personnel, or at their direction, is exempt from all requirements of this code for as long as the emergency exists.

B. Spotlights are permitted for single-family residential, provided they are fully shielded and directed downward.

C. Swimming Pool and Decorative Water Fountain Lighting. Underwater lighting used for the illumination of swimming pools and decorative water fountains is exempt from the lamp type and shielding standards, though they must conform to all other provisions of this code.

D. Seasonal Decorations. Seasonal decorations are exempt from this chapter. [Ord. O-12-2014 (Exh. A)].

**17.56.100 Plan submittal and evidence of compliance.**

A. Plan Submittal. Whenever a person is required to obtain a permit for outdoor lighting or signage, a conditional use permit, subdivision approval or any development plan approved by the city, including all city projects, or a building permit, the applicant shall, as part of the application process, submit sufficient information to enable the planning director or designee to determine whether proposed lighting complies with this code. All applications may be subject to review and action by the planning commission at the discretion of the planning director.

B. Applications. All applications shall include the following:

1. A site plan indicating the location of all lighting fixtures, both proposed and any already existing on the site.
2. A description of each illuminating device, fixture, lamp, support and shield, both proposed and existing. The description shall include, but is not limited to, manufacturer's catalog cuts and illustrations (including sections where required); lamp types, wattages and initial lumen outputs.
3. Such other information that the planning director may determine is necessary to ensure compliance with this code.

C. Plan Approval. If the planning director or designee determines that any proposed lighting does not comply with this code, the permit shall not be issued or the plan approved.

D. Lamp or Fixture Substitution. Should any outdoor light fixture or the type of light source therein be changed after the permit has been issued, a change request must be submitted to the planning director or designee for approval, together with adequate information to assure compliance with this code, which must be received prior to substitution.

E. Certification of Installation. For all projects where the total initial output of the proposed lighting equals or exceeds 100,000 lamp lumens, certification that the lighting, as installed, conforms to the approved plans shall be provided by a certified engineer before the certificate of occupancy is issued. Until this certification is submitted, approval for use of a certificate of occupancy shall not be issued for the project. [Ord. O-12-2014 (Exh. A)].

**17.56.110 Approved materials and methods of construction or installation/operation.**

A. Approval of Alternatives. The provisions of this code are not intended to prevent the use of any design, material, or method of installation or operation not specifically prescribed by this code, provided any such alternate has been approved by the planning director or designee. The planning director may approve any such proposed alternate if it:

1. Provides at least approximate equivalence to that applicable specific requirement of this code, and
2. Complies with the intent of this code. [Ord. O-12-2014 (Exh. A)].

**17.56.120 Violations, legal actions and penalties.**

A. Violations and Legal Actions. If, after investigation, the planning director finds that any provision of this chapter is being violated, the planning director or designee shall give notice by hand delivery or by certified mail, return receipt requested, of such violation to the owner and/or occupant of such premises, demanding that the violation be abated within 30 days of the date of hand delivery or of the date of mailing of the notice. The planning department staff shall be available to assist in working with the violator to correct said violation. If the violation is not abated within the 30-day period, the planning director or designee may institute actions and proceedings, either legal or equitable, to enjoin, restrain or abate any violations of this chapter and to collect penalties for such violations.

B. Penalties. A violation of this chapter, or any provision thereof, shall be punishable by a civil penalty of \$75.00 per day and each day of violation after the expiration of the 30-day period shall constitute a separate offense for the purpose of calculating the civil penalty. [Ord. O-12-2014 (Exh. A)].

**17.56.130 Tables and information sheets.**

The figures and information sheets attached to the ordinance codified in this chapter shall be incorporated into this chapter as guidelines for the public and the city. The city does not endorse or discriminate against any manufacturer or company that may be shown, portrayed or mentioned by the examples. [Ord. O-12-2014 (Exh. A)].

**17.56.140 Definitions.**

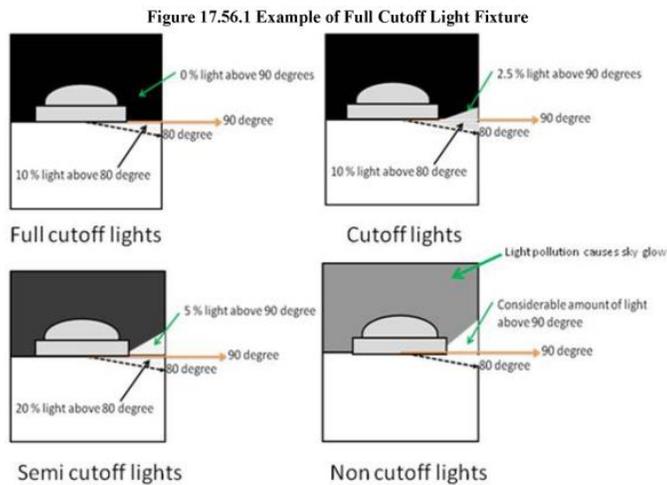
A. "Direct illumination" means illumination resulting from light emitted directly from a lamp, luminary, or reflector and is not light diffused through translucent signs or reflected from other surfaces such as the ground or building faces.

B. "Display lot or area" means outdoor areas where active nighttime sales activity occurs and where accurate color perception of merchandise by customers is required. To qualify as a display lot, one of the following specific uses must occur: automobile sales, boat sales, tractor sales, building supply sales, gardening or nursery sales, and assembly lots. Uses not on this list may be approved as display lot uses by the planning director or designee.

C. "Foot-candle" means one lumen per square foot; unit of illuminance. It is the luminous flux per unit area in the imperial system. One foot-candle equals approximately one-tenth (0.093) lux.

D. "Fully shielded light fixture" means a light fixture that is shielded in such a manner that light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted. The term "full cutoff" is often substituted for the term "fully shielded." The terms are not equivalent. Fully shielded luminaires emit no direct upright, but have no limitation on the intensity in the region between 80 degrees and 90 degrees.

E. "Full cutoff light fixture" means fixtures that are independently certified by the manufacturers, and do not allow light to be emitted above the fixture and the fixture reduces glare by limiting the light output to less than 10 percent at and below 10 degrees below the horizontal.



F. "Glare" means the sensation produced by a bright source within the visual field that is sufficiently brighter than the level to which the eyes are adapted to cause annoyance, discomfort, or loss in visual performance and visibility; blinding light. The magnitude of glare depends on such factors as the size, position, and brightness of the source, and on the brightness level to which the eyes are adapted.

G. "Installed" means a light fixture attached or fixed in place, whether or not connected to a power source, of any outdoor light fixture.

H. "Light pollution" means any adverse effect of manmade light.

I. "Light trespass" means light spill falling over property lines that illuminates adjacent grounds or buildings in an objectionable manner.

J. "Lumen" means a unit used to measure the actual amount of visible light which is produced by a lamp as specified by the manufacturer.

K. "Luminary" means the complete lighting assembly, less the support assembly.

L. "Motion sensing security lighting" means any fixture designed, and properly adjusted, to illuminate an area around a residence or other building by means of switching on a lamp when motion is detected inside the area or perimeter, and switching the lamp off when the detected motion ceases.

M. "Net acreage" means the remaining ground area of a parcel after deleting all portions for proposed and existing public rights-of-way and undeveloped area.

N. "Nit" means the standard unit of brightness for electronic and digital signage. It is a measure of the light being emitted by the sign, in contrast to foot-candles which measure the brightness of the surface area or object that is being lighted.

O. "Nonessential commercial exterior lighting" means any signs, parking lot lighting, display lighting, exterior building lighting, directional lighting or landscape lighting that is primarily for aesthetic or advertising purposes and does not directly contribute to the safety or security of the premises.

P. "Outdoor light fixture" means an outdoor illuminating device, outdoor lighting or reflective surface, lamp or similar device, permanently installed or portable, used for illumination, decoration, or advertisement. Such devices shall include, but are not limited to, lights used for:

1. Buildings and structures;
2. Recreational areas;

3. Parking lot lighting;
4. Landscape lighting;
5. Architectural lighting;
6. Signs (advertising or other);
7. Street lighting;
8. Product display area lighting;
9. Building overhangs and open canopies;
10. Security lighting.

Q. "Outdoor recreation facility" means an area designed for active recreation, whether publicly or privately owned, including, but not limited to, parks, baseball diamonds, soccer and football fields, golf courses, tennis courts, and swimming pools.

R. "Partially shielded light fixture" means a fixture shielded in such a manner that no more than 10 percent of the light emitted directly from the lamp or indirectly from the fixture is projected at an angle above the horizontal, as determined by photometric test or certified by the manufacturer. Luminaries mounted under canopies or other structures such that the surrounding structure effectively shields the light in the same manner are also considered partially shielded for the purposes of this code.

S. "Seasonal decorations" means strings of holiday lights, uplighting or internally lit inflatable or plastic decorations, or other lighting of holiday or seasonal decorations.

T. "Uplighting" means lighting that is directed in such a manner as to shine light rays above the horizontal plane.

U. "Security lighting" means lighting designed to illuminate a property or grounds for the purpose of visual security.

V. "Unshielded fixture" means any fixture that allows light to be emitted above the horizontal directly from the lamp or indirectly from the fixture or a reflector.

W. "Watt" means the unit used to measure the electrical power consumption (not the light output) of a lamp. [Ord. O-12-2014 (Exh. A)].

**Examples of Acceptable / Unacceptable Lighting Fixtures**



[Ord. O-12-2014 (Exh. A)].

**Chapter 17.58**  
**HISTORICAL PRESERVATION ZONE**

Sections:

[17.58.010 Purpose.](#)

[17.58.020 Definitions.](#)

[17.58.030 Identification of potential important historical or archaeological sites.](#)

[17.58.040 Criteria for designating an important historical or archaeological site.](#)

[17.58.050 Review of important historical or archaeological sites.](#)

[17.58.060 Permits.](#)

[17.58.070 Establishment of a historic preservation board.](#)

[17.58.080 Classification as protected records.](#)

**17.58.010 Purpose.**

A. The purpose of this chapter is to designate important historical and archaeological sites in Eagle Mountain City, encourage the preservation of important historical and archaeological site locations, and avoid the unnecessary or inadvertent disturbance of these sites including prehistoric or historic human remains;

B. The establishment of a city register listing designated sites, structures, signs, and districts; and

C. The provision for educational opportunities to increase public appreciation of Eagle Mountain's unique heritage. [Ord. O-15-2015 § 2 (Exh. A)].

**17.58.020 Definitions.**

"Ancient human remains" means all or part of a physical individual that is historic or prehistoric or any object on or attached to the physical individual that is placed on or attached to the physical individual as part of the death rite or ceremony of a culture.

"Important historical or archaeological site" means any geographic area that may include ancient human remains or items or improvements of a cultural or historic significance, including petroglyphs, pictographs, historical buildings or structures, historical artifacts, historic gravesites, historic mines or wells, or historic trails. An important historical or archaeological site can include sites that have been determined eligible for the National and State Registers of Historic Places or would be determined eligible if they were evaluated by the Utah State Historic Preservation Office. [Ord. O-15-2015 § 2 (Exh. A)].

**17.58.030 Identification of potential important historical or archaeological sites.**

Any person may provide the location of a possible important historical or archaeological site to the city. Private land owners are encouraged to provide information regarding a possible important historical or archaeological site on land owned by the private land owner. Once a location of a potential important historical or archaeological site has been identified, the city should contact the land owner and attempt to obtain written permission to access the property to evaluate whether the site should be designated as an important historical or archaeological site. [Ord. O-15-2015 § 2 (Exh. A)].

**17.58.040 Criteria for designating an important historical or archaeological site.**

To be designated as an important historical or archaeological site, the location must include all of the criteria listed in subsections A through C of this section and at least one of the criteria listed in subsections D through H of this section:

REQUIRED:

A. The site is located within the boundaries of Eagle Mountain City.

B. The items that contribute to the important historical or archaeological site are a minimum of 100 years old (either by record or by the determination of experts or state historic preservation officers).

C. The site retains its integrity in that there are no major alterations that have obscured or destroyed the significant archaeological features.

AT LEAST ONE REQUIRED:

D. The site is currently listed in the National Register of Historic Places, or it has been officially determined eligible for listing in the National Register under the provisions of 36 CFR 60.6(s).

E. The site is associated with events that have made a significant contribution to the broad patterns of the prehistory or history of the city, state, or nation.

F. The site is associated with lives of persons significant in the prehistory or history of the city, state, or nation.

G. The site embodies the distinctive characteristics of a rare or unique type, period or method of construction, or that it represents the work of a master, or that it recognizes high artistic values or style, or that it represents a significant and distinguishable entity whose components may lack individual distinction.

H. The site has yielded or may be likely to yield information important in prehistory or history.

Designation of important historical or archaeological sites will be a "check list" item to be reviewed by community development and/or planning department staff as well as the planning commission and design review committee. Staff and committees will consult experts and/or state historic preservation officers as to the possibility of historic or archaeological sites on parcels considered for development. [Ord. O-15-2015 § 2 (Exh. A)].

**17.58.050 Review of important historical or archaeological sites.**

Prior to the approval of any preliminary plat that includes areas that have been designated as important historical or archaeological sites, the planning staff shall evaluate the impact of the development on the important historical or archaeological site, and any options to mitigate the impact of such development. If possible, density or building rights transfer or open space credits will be used as a planning measure to avoid disturbing important historical or archaeological sites. In addition, inclusion of important historical or archaeological sites in open space or other set-aside areas and measures to protect and preserve such areas shall be utilized when density and building rights transfers or open space credits can be used to preserve these sites. [Ord. O-15-2015 § 2 (Exh. A)].

**17.58.060 Permits.**

Prior to issuing a conditional use permit, excavation permit or construction permit for a parcel containing an important historical or archaeological site, the applicant shall provide a detailed plan describing measures that will be taken by the applicant to protect any ancient human remains or items or improvements of a cultural or historic significance, including petroglyphs, pictographs, historical buildings or structures, historical artifacts, historic gravesites, historic mines or wells, or historic trails. [Ord. O-15-2015 § 2 (Exh. A)].

**17.58.070 Establishment of a historic preservation board.**

A. The city council may create a historic preservation board to assist the city with the identification, preservation and education of significant historical or archaeological sites. The board may consist of as many members as the city council feels is reasonable and necessary to achieve the purpose of the board.

B. Members appointed to the historic preservation board (if created) shall have demonstrated interest, competence, or knowledge in historic preservation. [Ord. O-15-2015 § 2 (Exh. A)].

**17.58.080 Classification as protected records.**

In accordance with Utah Code Ann. § 63G-2-305(26) (2015), any records that reveal the location of historic, prehistoric, paleontological, or biological resources that if known would jeopardize the security of those resources or of valuable historic, scientific, educational, or cultural information shall be classified as "protected records." [Ord. O-15-2015 § 2 (Exh. A)].

**Chapter 17.60**  
**LANDSCAPING, BUFFERING, FENCING AND TRANSITIONING**

Sections:

[17.60.010 What this chapter does.](#)

[17.60.020 Purpose.](#)

[17.60.030 Improvements required.](#)

[17.60.040 General landscape provisions.](#)

[17.60.050 Landscape plan.](#)

[17.60.060 Completion of landscape improvements.](#)

[17.60.070 Planting standards.](#)

[17.60.080 Design applications.](#)

[17.60.090 Required landscaping.](#)

[17.60.100 Residential landscape requirements.](#)

[17.60.110 Required buffer widths and improvements.](#)

[17.60.120 General fencing provisions.](#)

[17.60.130 Chain link fencing.](#)

[17.60.140 Clear vision triangle.](#)

[17.60.150 Lot size transitioning.](#)

[17.60.160 Tables.](#)

[17.60.170 Diagrams.](#)

**17.60.010 What this chapter does.**

This chapter promotes the health, safety, and general welfare of the public through the appropriate use of landscaping, buffering and fencing. [Ord. O-05-2008 § 2 (Exh. A § 12.1); Ord. O-23-2005 § 3 (Exh. 1(1) § 12.1)].

**17.60.020 Purpose.**

Properly placed landscaping can lessen the impact of dust, heat, erosion, and wind. Landscaping and fencing are also encouraged when used as buffers and screens against undesirable views. [Ord. O-05-2008 § 2 (Exh. A § 12.2); Ord. O-23-2005 § 3 (Exh. 1(1) § 12.2)].

**17.60.030 Improvements required.**

All landscaping, buffering, and fencing requirements of this chapter shall apply to all newly constructed buildings (with the exception of single-family residences) and any structure that is being expanded or altered. [Ord. O-05-2008 § 2 (Exh. A § 12.3); Ord. O-23-2005 § 3 (Exh. 1(1) § 12.3)].

**17.60.040 General landscape provisions.**

The following landscape provisions shall be adhered to by all land uses unless otherwise noted:

A. Park Strips. Park strips adjacent to residential dwellings shall be landscaped and maintained by the property owner whose property abuts the park strip.

B. Landscape Maintenance. All landscaped areas shall be maintained by watering of landscaping, removal of weeds, the cutting of lawn or any other activities required to maintain healthy and aesthetically pleasing landscaping. Topping of trees as a pruning technique is prohibited.

C. Tree Clearance. Trees which project over any sidewalk shall be pruned clear of all branches between the ground and a height of eight feet for that portion of the foliage located over the sidewalk.

D. Clear Vision Triangles. No landscaping over three feet in height shall be allowed within a clear vision triangle as shown in this chapter except trees with single trunks that are pruned such that all branches and foliage are removed to a height of at least eight feet. [Ord. O-05-2008 § 2 (Exh. A § 12.4); Ord. O-23-2005 § 3 (Exh. 1(1) § 12.4)].

**17.60.050 Landscape plan.**

Applicants required by this title to make landscaping improvements shall submit a landscaping plan prepared by a licensed landscape architect to meet the minimum landscape requirements outlined in this chapter. All single-family dwellings shall be exempt from preparing and submitting a landscape plan. City staff will review the submitted landscaping plan for compliance with this chapter and forward the plan to the planning commission and city council for review and action concurrent with development applications, which require landscaping plans to be submitted. The landscaping plan shall include, at a minimum, the following information:

A. The location and dimension of all existing and proposed structures, property lines, easements, parking lots, power lines, rights-of-way, ground signs, refuse areas, and lighting.

B. The plant names (both botanical and common name), location, quantity, and size of all existing and proposed plants. The proposed plan should indicate the size of the plant material at the time of planting and at maturation. All existing vegetation that is to be removed or remain on the site should be clearly identified.

C. Existing and proposed grading of the site indicating contours at two-foot intervals for grades that are five percent or greater. For areas where grades are less than five percent, contours may be shown at one-foot intervals.

D. Plans showing the irrigation system shall also be included in the landscaping plan submittal.

E. Existing and proposed fences and identification of the fencing materials.

F. A summary of the total percentage of landscaped areas, domestic turf grasses, deciduous and evergreen species, and xeriscaping, along with the estimated cost of all the improvements. [Ord. O-05-2008 § 2 (Exh. A § 12.5); Ord. O-23-2005 § 3 (Exh. 1(1) § 12.5)].

**17.60.060 Completion of landscape improvements.**

All required landscaping improvements shall be completed in accordance with the approved site plan, landscaping planting plan, and irrigation plan and occur prior to the issuance of a certificate of occupancy for the associated structure/building. Exceptions may be permitted and certificates of occupancy issued where weather conditions prohibit the completion of approved and required landscaping improvements. In such cases an extension period of not longer than six months is permitted and a bond for no less than 110 percent of the total estimated value of the landscaping shall be held until the project is in full compliance with this chapter and any approved site or landscaping plans. [Ord. O-05-2008 § 2 (Exh. A § 12.6); Ord. O-23-2005 § 3 (Exh. 1(1) § 12.6)].

**17.60.070 Planting standards.**

The planting standards are the minimum size of landscaping that the city will accept towards meeting the landscaping required in this chapter. The planning commission and city council shall use the planting standards in evaluation of any landscaping plan. The following are planting standards for required landscaping that shall be followed for all new development:

A. Trees. Deciduous trees shall have a minimum trunk size of one and one-half inches in caliper measured eight inches above the soil line. Evergreen trees shall have a minimum size of six feet in height. The applicant may elect to use either deciduous or evergreen trees to meet this requirement.

B. Ornamental Trees. All ornamental trees shall have a minimum trunk size of one and one-half

inches in caliper measured eight inches above the soil line.

C. Shrubs. All shrubs shall be a minimum of one-gallon containerized stock planted that will attain a height of at least two feet.

D. Turf. No landscaping shall be composed of more than 70 percent in turf.

E. Drought-Tolerant Plants. Fifty percent of all tree and shrub species shall be required to be drought-tolerant.

F. Weed Barrier. Planting beds are required to have a weed barrier with mulched wood chips, rocks, or other similar treatment. [Ord. O-05-2008 § 2 (Exh. A § 12.7); Ord. O-23-2005 § 3 (Exh. 1(1) § 12.7)].

**17.60.080 Design applications.**

The planning commission and city council shall use the following design applications in evaluation of any landscaping plan:

A. Selection of Plants. Plants shall be selected for texture, form, color, pattern of growth and adaptability to local conditions.

B. Water Conservation. All planter beds shall be irrigated through the use of drip lines instead of spray heads to minimize water loss through evaporation.

C. Berming. Landscaped berming is required as a headlight screen or buffer surrounding all parking areas and between different land uses; particularly between nonresidential and residential uses or single-family and multifamily uses. [Ord. O-05-2008 § 2 (Exh. A § 12.8); Ord. O-23-2005 § 3 (Exh. 1(1) § 12.8)].

**17.60.090 Required landscaping.**

Portions of property that are not developed with structures, rights-of-way, driveways, and parking areas shall be required to be landscaped in all zones (except in the residential base density and Tier I categories and the agriculture zones). Commercial, industrial, and multifamily dwellings shall adhere to the minimum landscaping standards contained in Table 17.60.160(a), Required Landscape Improvements for Commercial, Industrial or Multifamily. The planning commission shall have authority to waive these standards as circumstances dictate. [Ord. O-05-2008 § 2 (Exh. A § 12.9); Ord. O-23-2005 § 3 (Exh. 1(1) § 12.9)].

**17.60.100 Residential landscape requirements.**

All single-family dwellings shall have the front yards landscaped within one year and back yards within two years of receiving a certificate of occupancy, unless required sooner through the project's CC&Rs or a development agreement. [Ord. O-05-2008 § 2 (Exh. A § 12.10); Ord. O-23-2005 § 3 (Exh. 1(1) § 12.10)].

**17.60.110 Required buffer widths and improvements.**

Table 17.60.160(b), Required Buffer Widths and Improvements, defines the presumptive standards for minimum required buffer widths and improvements for adjacent land uses. Where the combination of land uses is not found in the table, the planning director shall make a recommendation to the planning commission. The planning commission shall then determine an appropriate buffering requirement. The planning commission may also approve alternative buffering requirements that may be more or less restrictive than the standards contained in the table when the planning commission determines that the alternative standard eliminates nuisance concerns. Required buffers may be crossed by driveways, utility lines, sidewalks, and trails. Permitted freestanding signs may be based in required buffers. Outdoor sales, displays, or storage shall not be permitted within a required buffer. The required buffer areas are required to be landscaped with turf grasses, live ground cover, or an approved xeriscaping that meets the following requirements:

A. Trees. Deciduous trees shall have a minimum trunk size of one and one-half inches in caliper measured eight inches above the soil line. Evergreen trees shall have a minimum size of six feet in height. The applicant may elect to use either deciduous or evergreen trees to meet this

requirement. Trees may not be spaced more than 40 feet apart.

B. Walls or Fences. Where required, screening walls or fences shall not be less than six feet in height, unless approved by the city council after recommendation of the planning commission as part of site plan review. Masonry is the suggested type of fence. Such wall, fence and landscaping shall be maintained in good condition with no advertising thereon.

C. Berming. Berms shall be at least three and one-half feet in height and shall not exceed a slope of 2.5:1, except where a retaining wall is used to support one side of the berm.

D. Headlight Screen. A headlight screen shall consist of a berm, fence, wall, or landscaping consisting of at least three and one-half feet in height and capable of blocking headlights. Headlight screening may also be provided by buildings. [Ord. O-05-2008 § 2 (Exh. A § 12.11); Ord. O-23-2005 § 3 (Exh. 1(1) § 12.11)].

**17.60.120 General fencing provisions.**

The following fencing provisions shall be adhered to:

A. Property Lines. Property owners should only install fencing on their property. If the property lines are not clearly marked, the property owner shall have a surveyor determine and mark the property lines.

B. Residential Fence Height. No residential sight-obscuring fence shall be higher than four feet between the front wall of the home and the street. Residential fencing cannot exceed six feet in height.

C. Corner or Double Frontage Lots. Lots with more than one frontage shall adhere to subsection H of this section, Fencing along Streets. Clear vision triangles as shown in this chapter shall be preserved and enforced.

D. Residential Alley Fencing. Fences along alleys or residential service drives may be no higher than six feet and must follow the clear vision triangle regulations (see Diagram 17.60.170(c)).

E. Commercial Fence Height. Fencing in commercial areas shall not exceed six feet in height. See EMMC [17.60.130](#) for chain link fencing regulations.

F. Industrial Fence Height. Fencing in industrial areas shall not exceed eight feet in height. See EMMC [17.60.130](#) for chain link fencing regulations.

G. Miscellaneous Properties/Uses. Fencing height and setbacks for other uses shall be determined by the planning director based on compatibility with the neighborhood and adjacent uses. Security fencing for public facilities, such as power substations, may exceed height and material restrictions, based on compatibility and safety.

H. Fencing along Streets. Any sight-obscuring fence taller than four feet must be set back a minimum of three feet from the sidewalk. This three-foot strip shall contain trees, shrubs, or other ground cover. All landscaping shall be maintained by the property owner. Fencing that is four feet or shorter may be placed on the property line. See EMMC [17.60.130](#) for chain link fencing regulations.

I. Public View. Finished side slats shall be on the street side or public view side of the fence railing.

J. Fire Hydrants and Utility Boxes. Fire hydrants and utility boxes shall not be fenced into a yard. A three-foot clear space shall be maintained around the circumference of all fire hydrants and utility boxes. Some utility boxes are not visible above ground. Blue Stakes should always be contacted and appropriate staking/markings should occur prior to installing a fence.

K. Retaining Walls. Retaining walls that are over four feet in height shall obtain a building permit in accordance with the International Building Code or the International Residential Code.

L. Sport Courts. Fencing for sport courts (tennis, basketball, etc.) may be chain link, and is exempt from the height restrictions of this chapter. Sport court fencing may not be used as exterior

property-line fencing.

M. Public Utility Easement. Fencing may be installed over a public utility easement, but retaining walls shall not.

N. Meters. Fencing shall not obstruct access to gas and electric meters. If meters are in a fenced area, there must be an unlocked entrance to access these meters.

O. Clear Vision Triangles. All clear vision triangles as described in this chapter shall be preserved. Diagram 17.60.170(c), Alleyway Fencing, also gives additional information for maintaining the clear vision triangles with fencing. All property owners shall maintain a clear vision triangle for neighboring driveways as depicted in Diagram 17.60.170(a).

P. Barbed Wire. Barbed wire or wire fences shall be allowed only in conjunction with approved animal uses, unless otherwise approved by the planning commission. Razor fences shall be prohibited.

Q. Additional Restrictions. Many of the covenants, conditions, and restrictions (CC&Rs) recorded with property contain restrictions on fencing. Property owners shall refer to these standards and discuss the proposed fencing with appropriate architectural review committee, as applicable, prior to installation.

R. Refuse Areas. All refuse areas shall be screened by approved solid fencing materials. Chain link fences and fencing with vinyl slats are prohibited. [Ord. O-05-2008 § 2 (Exh. A § 12.12); Ord. O-23-2005 § 3 (Exh. 1(1) § 12.12)].

**17.60.130 Chain link fencing.**

Chain link fencing is permitted when the recorded covenants, conditions, and restrictions of the property do not prohibit its use. Chain link fencing shall comply with the following standards noted below and depicted in Diagram 17.60.170(b), Chain Link Fencing.

A. Detached Residential. Chain link fence height shall not exceed four feet in height and is permissible in rear yards and in side yards only, as long as no part of the fence is closer to the street than the front wall (or in the case of a corner lot, the side wall) of the home, excluding porches.

B. Commercial and Multifamily. Chain link fencing is prohibited in all commercial and multifamily developments.

C. Industrial. Chain link fencing in industrial areas shall not exceed eight feet in height, and shall be permissible no closer than the front wall of the building (or in the case of a corner lot, the side wall of the building). Where chain link fencing is visible from the street or parking, additional landscaping shall be established. All chain link fencing in industrial areas shall be vinyl-coated. The planning commission or city council can require a solid screen fence other than chain link to screen outdoor storage or similar uses.

D. A top rail bar is required on all chain link fencing.

E. Slats are not allowed.

F. Fencing may not obstruct traffic visibility on corner lots.

G. Fences must meet all other standards for fence construction in the development code.

H. Fencing must be constructed with the open cut of fence mesh down to the ground. [Ord. O-05-2008 § 2 (Exh. A § 12.13); Ord. O-23-2005 § 3 (Exh. 1(1) § 12.13)].

**17.60.140 Clear vision triangle.**

Clear lines of sight shall be provided at intersections by delineating triangular areas adjacent to all intersections, within which no parking, building, structure, berming, or landscaping over three feet in height above the street shall be permitted. Single-trunk trees may be planted within such areas, but

only where the tree will be pruned to eliminate all branches and foliage below eight feet. Driveways are prohibited within the clear vision triangle of local streets unless there is no other feasible placement of a driveway on a lot. Clear vision triangles may not be required if an approved chain link or other non-sight-obscuring fence is used. The size of the clear vision triangles shall be as follows:

A. Local Streets. At intersections of local streets, the triangle shall be defined by drawing a line between two points that are 30 feet from the intersection. See Diagram 17.60.170(a), Clear Vision Triangle.

B. Alleys or Driveways and Local Streets. At intersections of alleys or driveways (this includes private driveways) and local streets, the triangle shall be defined by drawing a line between two points that are 15 feet from the intersection along the lot lines (along alleys) or driveways and 30 feet on the street side. See Diagram 17.60.170(c), Alleyway Fencing.

C. Other Streets. Larger clear vision triangles may be required by the city engineer where local streets enter arterial streets, major collector streets, or parkways. [Ord. O-05-2008 § 2 (Exh. A § 12.14); Ord. O-23-2005 § 3 (Exh. 1(1) § 12.14)].

**17.60.150 Lot size transitioning.**

New subdivisions that are being proposed adjacent to existing or approved subdivisions and master development plans, building lots in an agriculture zone, or Camp Williams and BLM properties shall have lots that transition in accordance to the following standards:

A. Existing Subdivisions and Master Development Plans of Lower Density. All new developments that are being proposed adjacent to existing development consisting of lots equal to or greater than one acre in size shall contain a row of lots on the perimeter of the project area equal to or larger than one acre, plus a road, plus a row of one-half-acre lots, plus a row of one-quarter-acre lots before smaller lots may be used.

B. Existing Subdivisions and Master Development Plans of Higher Density. If a new base density or Tier I development is proposed next to an existing development of a higher density, a lot size transition shall be required consisting of three rows of lots that increase in size up to the desired acreage. Where a subdivision plat with an area of base density or Tier I development is planned adjacent to an area of higher density within the same master development plan, no transition shall be required.

C. Agricultural Building Lots. New lots in a residential zone that are being proposed adjacent to existing building lots (lots subdivided for the purpose of building) within an agricultural zone shall be bordered by at least one row of transition lots and a road. The transition lots shall not be smaller than one acre.

D. Camp Williams or BLM. Proposed lots adjacent to Camp Williams, or BLM land, shall be a minimum of one acre in size. The planning commission may recommend and the city council may approve lots smaller than one acre in size when these bodies find that there have been adequate improvements to mitigate concerns with storm water runoff and wild land fires. All development within 1,000 feet of Camp Williams shall have a maximum density of 1.6 dwelling units per acre, and the minimum lot size shall be one-half acre. [Ord. O-05-2008 § 2 (Exh. A § 12.15); Ord. O-23-2005 § 3 (Exh. 1(1) § 12.15)].

**17.60.160 Tables.**

**Table 17.60.160(a) Required Landscape Improvements for Commercial, Industrial or Multifamily**

Landscaped Area*	Deciduous/Evergreen Trees	Percentage of Turf
Less Than 1,000	1	80
1,001 – 3,000	2	80

3,001 – 5,000	5	80
5,001 – 7,000	6	50
7,001 – 9,000	7	50
9,001 – 11,000	8	50
11,001 – 13,000	9	50
13,001 – 15,000+	10	50

\* Areas measured in square feet. Parking lot landscaped islands have different standards and are found in Chapter [17.55](#) EMMC, Off-Street Parking.

**Table 17.60.160(b) Required Buffer Widths and Improvements**

Land Use 1*	Land Use 2*	Required Buffer Width**	Required Improvements***
Permitted use in a zone	Permitted use in a zone	N/A	Ground cover, trees
Permitted use in a zone	Conditional use in a zone	15 feet	Trees, ground cover, wall or fence
Commercial, multifamily, industrial, and institutional	Single-family dwelling	20 feet	Trees, ground cover, wall or fence, berming
Single-family dwelling	Religious and cultural meeting halls	10 feet	Trees, ground cover, walls or fences
Parking areas	Property line	10 feet	Trees, wall or fence, headlight screen
Parking areas	Public streets	10 feet	Trees, berming, headlight screen

\* In such cases where a specific combination of land uses is not found in the table, the planning director shall make a recommendation to the planning commission. The planning commission shall then determine an appropriate buffering requirement.

\*\*Buffer widths are spaces of improved landscaped areas along property lines. Each zoning district establishes setbacks, which are the distance or amount of space between buildings and property lines. The planning commission may also approve alternative buffering requirements that may be more or less restrictive than the standards contained in this table when the planning commission determines that the alternative standard eliminates nuisance concerns.

\*\*\*See EMMC [17.60.110](#) for detailed descriptions and standards for each type of improvement.

[Ord. O-05-2008 § 2 (Exh. A Tables 12.1, 12.2); Ord. O-23-2005 § 3 (Exh. 1(1) Tables 12.1, 12.2)].

**17.60.170 Diagrams.**

**Diagram 17.60.170(a) – Clear Vision Triangle**

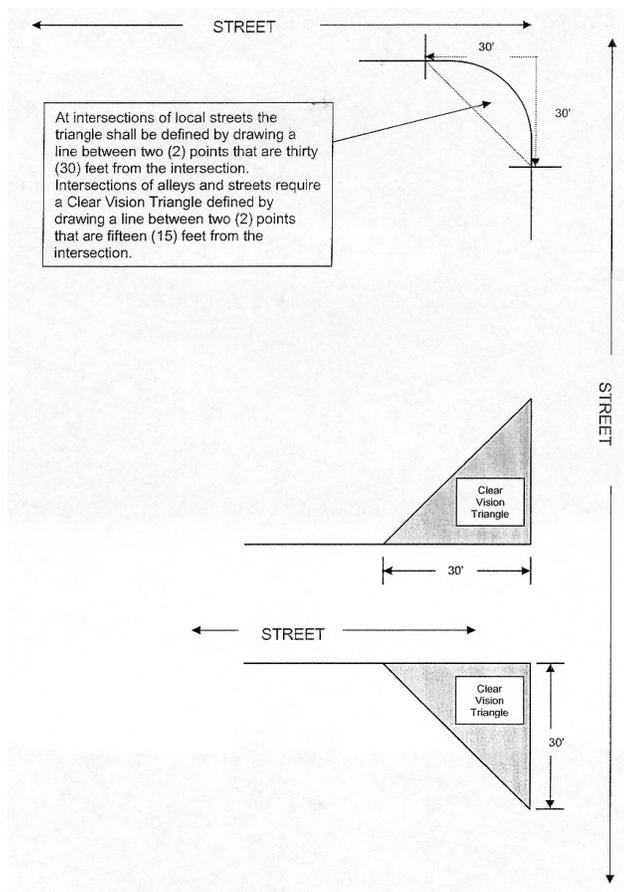
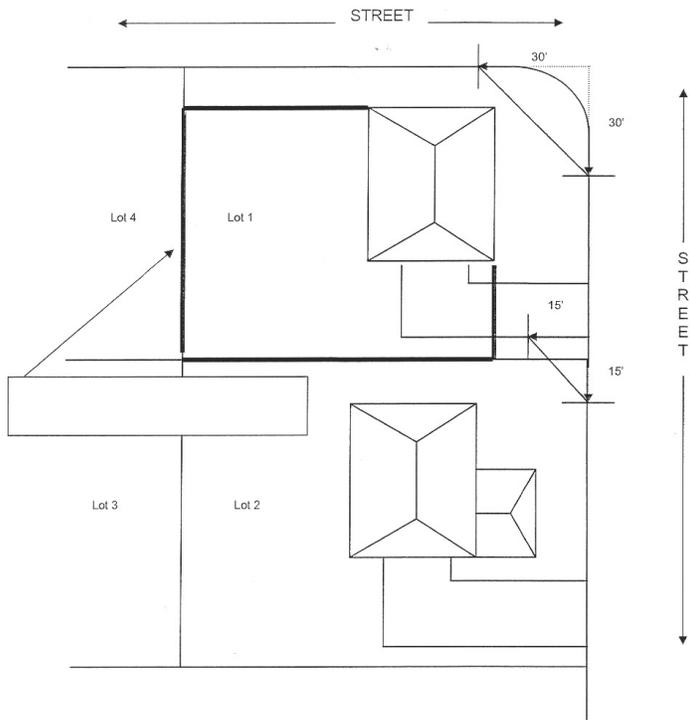
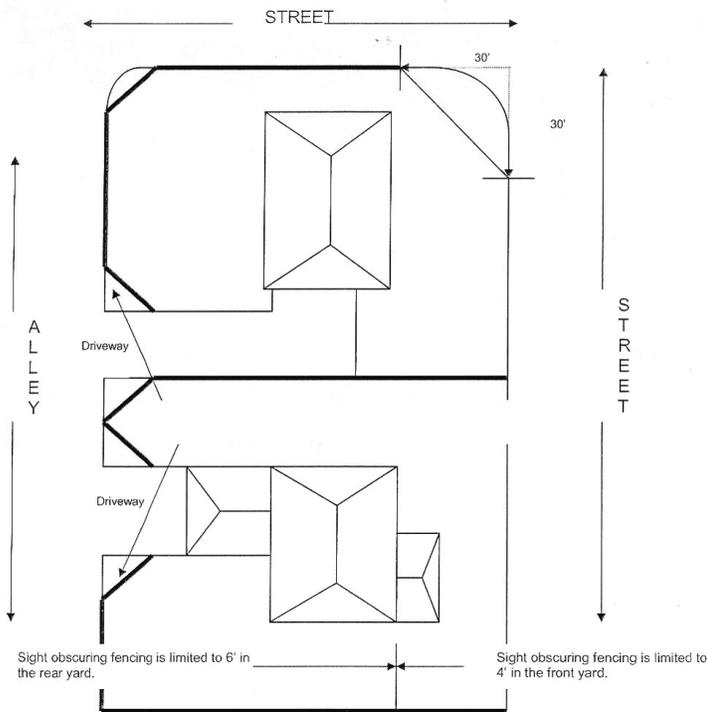


Diagram 17.60.170(b) – Chain Link Fencing



**Diagram 17.60.170(c) – Alleyway Fencing**



[Ord. O-05-2008 § 2 (Exh. A Diagrams 12.1 – 12.3); Ord. O-23-2005 § 3 (Exh. 1(1) Diagrams 12.1 – 12.3)].

**Chapter 17.65**  
**HOME BUSINESSES**

Sections:

[17.65.010 What this chapter does.](#)

[17.65.020 Purpose.](#)

[17.65.030 Business license required.](#)

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[17.65.100 Appeals.](#)

[17.65.110 Renewal of business license.](#)

[17.65.120 Noncompliance.](#)

**17.65.010 What this chapter does.**

This chapter establishes approval criteria and outlines processing procedures for home businesses. In cases of conflict with EMMC Title 5, Business Licenses and Regulations, this chapter shall govern all home businesses. On issues where this chapter is silent, EMMC Title 5, Business Licenses and Regulations, shall govern. [Ord. O-19-2011 § 3 (Exh. 1); Ord. O-05-2010 § 2 (Exh. A); Ord. O-10-2007 § 2 (Exh. A § 13.1); Ord. O-02-2006 § 3 (Exh. 1 § 13.1); Ord. O-23-2005 § 3 (Exh. 1(1) § 13.1)].

**17.65.020 Purpose.**

Home-based enterprises are encouraged as a desirable form of local economic development. Home businesses may be allowed in single-family dwellings only if the proposed use is secondary to the primary residential use of the property and does not adversely impact surrounding residents or affect the residential characteristics of the neighborhood, or significantly increase traffic or the demand on utilities. Residents of multifamily dwellings may have home offices or day cares approved. [Ord. O-19-2011 § 3 (Exh. 1); Ord. O-05-2010 § 2 (Exh. A); Ord. O-10-2007 § 2 (Exh. A § 13.2); Ord. O-02-2006 § 3 (Exh. 1 § 13.2); Ord. O-23-2005 § 3 (Exh. 1(1) § 13.2)].

**17.65.030 Business license required.**

All persons within the limits of Eagle Mountain City who engage in, carry on, or operate a business from a residence shall obtain the appropriate business license from the city, unless exempted through state or federal laws. Personal services rendered at home by an employee for his or her employer under any contract of personal employment do not constitute a home business. Home businesses shall be a permitted use in the residential zone if found to be in compliance with all criteria enumerated in this chapter. The license official, or designee, may approve a home business license with conditions to ensure compatibility between the proposed business and the residential use of the property or adjacent properties. [Ord. O-19-2011 § 3 (Exh. 1); Ord. O-05-2010 § 2 (Exh. A); Ord. O-10-2007 § 2 (Exh. A § 13.3); Ord. O-02-2006 § 3 (Exh. 1 § 13.3); Ord. O-23-2005 § 3 (Exh. 1(1) § 13.3)].

**17.65.040 Application.**

An application for a home business license shall be completed by the applicant on forms approved by the license official. No home business license shall be processed without the application, supporting materials, and the fee required by the current consolidated fee schedule. Incomplete

applications shall not be processed under any circumstance.

A. Supporting Materials. The home business license application shall be submitted with the materials required herein. The license official or designee may determine and require that additional items not listed herein be submitted in order to evaluate the home business application.

1. Professional Licenses and Background Checks. If applicable, the applicant shall submit a photocopy of professional licenses related to the home business. The planning department will inform applicants if a professional license is required. When a background check is required by the application, the applicant shall provide the information on the authorization for a background check form included in the home business application packet. The applicant is responsible to pay the fee required by the current consolidated fee schedule.

2. Fee. The processing fee required by the current consolidated fee schedule approved by the city council shall be paid in full with submittal of an application. [Ord. O-19-2011 § 3 (Exh. 1); Ord. O-05-2010 § 2 (Exh. A); Ord. O-10-2007 § 2 (Exh. A § 13.4); Ord. O-02-2006 § 3 (Exh. 1 § 13.4); Ord. O-23-2005 § 3 (Exh. 1(1) § 13.4)].

**17.65.050 Approval process.**

Home business licenses shall be approved by the license official, or designee. Any petition for a minor exception from the standards listed in EMMC [17.65.060\(A\)](#) through (F) may be approved administratively at the discretion of the license official if the exception does not adversely impact surrounding residents or affect the residential characteristics of the neighborhood, or significantly increase traffic or the demand on utilities. Any other petition for an exception from the standards in this chapter requires approval by the planning commission before the license may be issued or renewed. In addition, any home business currently in operation that constitutes a nuisance may also be required to go before the planning commission for continued use of the license and operation of the business. If the planning commission denies the continued use of the license, the license shall not be renewed. [Ord. O-19-2011 § 3 (Exh. 1); Ord. O-05-2010 § 2 (Exh. A); Ord. O-10-2007 § 2 (Exh. A § 13.5); Ord. O-02-2006 § 3 (Exh. 1 § 13.5); Ord. O-23-2005 § 3 (Exh. 1(1) § 13.5)].

**17.65.060 Generally applicable standards for all home businesses.**

All home businesses shall be in compliance with the following criteria to ensure that the residential characteristics of neighborhoods are preserved and that utilities and infrastructure are not overburdened. Home businesses are to be clearly incidental and secondary to the residential use of the property. All home businesses are allowed as permitted uses, contingent on complying with the following requirements. Licenses may be reviewed periodically as needed and may be revoked if the approval requirements are violated. The approval criteria include:

A. Floor Area. A home business shall not occupy more than one-third of the total floor area of dwellings. Exception may be granted for day cares, preschools, and businesses that offer instruction classes.

B. Employees. Home businesses shall have no more than one on-premises employee who is not a member of the resident family or household.

C. Parking. Home businesses shall provide adequate parking (which may include both on-street and off-street parking) to be determined by the license official, or designee. Vehicles used by the business (other than passenger cars without signage) shall not be parked on the site, unless enclosed parking is utilized to shield the vehicles from view. Home businesses located within residential developments with limited visitor parking (such as townhome or condominium areas) shall not be permitted to generate additional traffic which causes clients or customers to park.

D. Outdoor Storage. Outdoor storage associated with a home business shall be subject to the same performance standards governing other outdoor storage on residential lots.

E. Outdoor Activity. All home business activity, except passive storage, shall be carried out within the home or an accessory building and shall not be observable by the general public or from the

street in front of the residence, unless specifically approved in the home business license for such activities as outdoor play time for preschools or day care centers. Garage doors shall remain closed while business activity is conducted therein.

F. Hours of Operation. Home businesses that receive customers, clients, or students shall operate only between 7:00 a.m. and 9:00 p.m. Approval for such hours may be rescinded by the license official, or designee, if the operation of the business at such hours constitutes a nuisance.

G. Hazardous Materials. No home business shall use hazardous materials or generate hazardous wastes that increase the danger of fire or cause fumes or odors that may constitute a nuisance or pose a danger to neighboring residents. Home businesses are subject to inspection for compliance with the International Fire Code.

H. Noise and Light. All home businesses shall comply with Chapter 8.15 EMMC, Noise. Home businesses are prohibited from generating or projecting light that is objectionable or potentially harmful to other residents.

I. Exterior Appearance. No home business shall alter the exterior of the home to differ from the residential use of colors, materials, construction or lighting. The property from which a home business is conducted must be in full compliance with all other city laws, codes and ordinances.

J. Retail Sales. Home businesses are not to be established solely for the sale of merchandise (except for greenhouses or Internet- and mail-order-based home businesses). Service-related home businesses may conduct incidental retail sales; provided, that the sales do not increase traffic.

K. Traffic Generation. Traffic generation for home businesses shall not exceed 12 clients per hour and 24 per day.

L. Multiple Home Business Licenses. More than one home business license may be issued for a residence; provided, that the home businesses or the accumulative effects of the home businesses do not violate the approval criteria.

M. Building Codes. Fire inspections are required for day care providers, preschools, hair salons and other home businesses that the fire chief determines present elevated potential health and safety concerns. In these cases, the home business shall be conducted in areas of a home where the building department has issued a permit and performed the building inspections. All home businesses shall comply with the standards and requirements of the International Building Code or the International Residential Code and any requirements the chief building official and/or fire chief deem necessary to protect the health, safety, and welfare of the public. [Ord. O-19-2011 § 3 (Exh. 1); Ord. O-05-2010 § 2 (Exh. A); Ord. O-10-2007 § 2 (Exh. A § 13.6); Ord. O-02-2006 § 3 (Exh. 1 § 13.6); Ord. O-23-2005 § 3 (Exh. 1(1) § 13.6)].

#### **17.65.070 Prohibited home businesses.**

The following will not be permitted as a home business by the license official, or designee, or planning commission under any circumstances: automobile-related businesses such as auto repair, body, and painting; retail or wholesale sales that are not incidental to the home business (except for point of sale that is not conducted at the home); engine repair; metal fabrication or assembly shops; sexually oriented businesses; and health care businesses containing medical, hazardous, or biological waste (not including massage therapists, chiropractors, psychiatrists, or orthodontists). [Ord. O-19-2011 § 3 (Exh. 1); Ord. O-05-2010 § 2 (Exh. A); Ord. O-10-2007 § 2 (Exh. A § 13.7); Ord. O-04-2007 § 2 (Exh. A § 13.7); Ord. O-02-2006 § 3 (Exh. 1 § 13.7); Ord. O-23-2005 § 3 (Exh. 1(1) § 13.7)].

#### **17.65.080 Greenhouses.**

The license official may approve a home business license for greenhouses with retail sales of products to the public if the property has sufficient acreage and off-street parking to accommodate the business. [Ord. O-19-2011 § 3 (Exh. 1); Ord. O-05-2010 § 2 (Exh. A); Ord. O-10-2007 § 2 (Exh. A § 13.8); Ord. O-02-2006 § 3 (Exh. 1 § 13.8); Ord. O-23-2005 § 3 (Exh. 1(1) § 13.8)].

**17.65.090 Day cares and preschools.**

The license official, or designee, may approve a home business license for day cares and preschools that are in compliance with the approval criteria of this chapter. Day cares and preschools will be treated as any other home business. Applicants for an in-home day care shall provide evidence of any mandatory state licenses. Any day care or preschool proposed to be established within a residence that does not have typical ground level access (i.e., the upper levels of condominiums, etc.) shall be required to comply with all ingress and egress standards determined by the International Fire Code. [Ord. O-19-2011 § 3 (Exh. 1); Ord. O-05-2010 § 2 (Exh. A); Ord. O-10-2007 § 2 (Exh. A § 13.9); Ord. O-02-2006 § 3 (Exh. 1 § 13.9); Ord. O-23-2005 § 3 (Exh. 1(1) § 13.9)].

**17.65.100 Appeals.**

Aggrieved applicants may appeal the decision of the license official, or designee, to the planning commission within 10 days of the announced decision. In all cases, the appeal board shall conduct a public hearing and review the application of the proposed business. The planning commission may approve, approve with conditions, or deny the application of the proposed home business.

Aggrieved applicants may appeal the decision of the planning commission to the city council within 10 days of the announced decision. In all cases, the appeal board shall conduct a public hearing and review the application of the proposed business. The city council may approve, approve with conditions, or deny the application of the proposed home business.

Aggrieved applicants of the city council's decision may appeal to district court within 30 days of the announced decision. [Ord. O-19-2011 § 3 (Exh. 1); Ord. O-05-2010 § 2 (Exh. A); Ord. O-10-2007 § 2 (Exh. A § 13.10); Ord. O-02-2006 § 3 (Exh. 1 § 13.10)].

**17.65.110 Renewal of business license.**

The license official or designee shall mail a statement to all licensees in the city 30 days prior to the expiration of the license held by the licensee. This statement shall identify steps needed to renew the business license. Failure to send out such notice, or the failure of the licensee to receive it, shall not excuse the licensee from the requirement to obtain a new license or a renewal of a license. [Ord. O-19-2011 § 3 (Exh. 1); Ord. O-05-2010 § 2 (Exh. A); Ord. O-10-2007 § 2 (Exh. A § 13.11); Ord. O-02-2006 § 3 (Exh. 1 § 13.11); Ord. O-23-2005 § 3 (Exh. 1(1) § 13.10)].

**17.65.120 Noncompliance.**

Home businesses that fail to maintain or that violate any approval criteria or conditions of approval that were contingent upon issuing the home business license may have the license revoked by the license official, designee or city council. Notice shall be given to the proprietor of the home business that they have 14 days to correct a violation before the permit is revoked. Persons aggrieved by the revocation of a permit by the license official, or designee, may use the appeal process to have their grievance heard. [Ord. O-19-2011 § 3 (Exh. 1); Ord. O-05-2010 § 2 (Exh. A); Ord. O-10-2007 § 2 (Exh. A § 13.12); Ord. O-02-2006 § 3 (Exh. 1 § 13.12); Ord. O-23-2005 § 3 (Exh. 1(1) § 13.11)].

**Chapter 17.70**  
**ACCESSORY APARTMENTS**

Sections:

[17.70.010 What this chapter does.](#)

[17.70.020 Purpose.](#)

[17.70.030 Accessory apartment approval required.](#)

[17.70.040 Application.](#)

[17.70.050 Approval process.](#)

[17.70.060 Approval criteria.](#)

[17.70.070 Renewal of conditional use permit.](#)

[17.70.080 Noncompliance.](#)

**17.70.010 What this chapter does.**

This chapter establishes approval criteria and outlines processing procedures for accessory apartments. [Ord. O-23-2005 § 3 (Exh. 1(1) § 14.1)].

**17.70.020 Purpose.**

The purpose of this chapter is to allow accessory apartments within single-family detached dwellings in zoning districts specified in this title, to establish the conditions under which accessory apartments are regulated under this chapter, and to set forth criteria and standards to be required of accessory apartments when this chapter is applicable. [Ord. O-23-2005 § 3 (Exh. 1(1) § 14.2)].

**17.70.030 Accessory apartment approval required.**

A conditional use permit for an accessory apartment is required when an owner/resident begins to function as a landlord by renting demised space, as described in this chapter, within the residence to a tenant under the terms of a formal or informal rent or lease arrangement, which includes an obligation to pay rent. The following are not considered accessory apartment uses and do not fall under the regulation of this chapter: occupation by a live-in maid, in-home nurse, nanny or any other person or persons who are provided a place to live as part of their employment with, or services they provide to, the owner/resident of the dwelling; or while a family member is called up for military service, etc.; and any occupation by individuals related by blood or marriage.

All other accessory apartment uses are considered illegal unless a conditional use permit has been approved and issued. Accessory apartment uses that existed prior to the adoption of the ordinance codified in this chapter shall be considered illegal until approved by the planning director or planning commission. [Ord. O-23-2005 § 3 (Exh. 1(1) § 14.3)].

**17.70.040 Application.**

Persons shall make application for an accessory apartment use on forms prepared by the planning department. No accessory apartment use application shall be processed without the submission of the application, all the supporting materials as required by this chapter, and the processing fee. Incomplete applications shall not be processed under any circumstance.

A. Supporting Materials. The accessory apartment application shall be submitted with the materials listed herein. The planning director, designee or planning commission may determine and require that additional items regarding traffic impact or impact on utility usage or other infrastructure not listed herein be submitted in order to evaluate the accessory apartment use application. The number of hard copies and electronic copies, as well as the appropriate format of each, will be determined by the planning director.

1. Notarized Letter. A notarized letter of application (sworn before a notary public) shall be provided by the owners stating that such owners will occupy the said dwelling, except for bona fide temporary absences.

2. Floor Plan. A floor plan of one-quarter inch to the foot showing the floor in which the accessory apartment will be located shall be provided.
3. Parking Plans. A parking plan shall be submitted for accessory apartments that contains the following information: the number of tenants that will be residing in the accessory apartment, and the location and area of off-street parking areas.
4. Fire Extinguishers. Evidence of a number 5 class 2A 10 BC fire extinguisher shall be submitted.
5. Public Notice. If the planning commission reviews the application, a submittal of a public notice will be required. Applicants must submit addressed and stamped envelopes (the city's address will be the return addresses on the envelopes) for property owners within 300 feet of the proposed accessory apartment use, including a minimum of at least 15 adjacent property owners. The planning department will inform applicants if the public notice hearing is required.
6. Fee. The processing fee required by the current consolidated fee schedule approved by the city council shall be paid in full. [Ord. O-23-2005 § 3 (Exh. 1(1) § 14.4)].

**17.70.050 Approval process.**

Accessory apartment use is a conditional use that may be approved by the planning director, designee or the planning commission.

A. Planning Director or Designee Approval. The planning director or designee shall approve an accessory apartment use application if the proposed dwelling and its occupants are in complete compliance with all the approval criteria standards identified in this chapter.

As part of the planning director's or designee's review, inspections may be required by the planning, building, and/or fire departments. The planning director or designee may approve, approve with conditions, or, if not in compliance, deny the application. Accessory apartment use applications that deviate from the approval criteria will be forwarded to the planning commission for review.

Upon the planning director's or designee's approval, the city recorder shall record the approval for an accessory apartment use with the Utah County recorder's office, including any special conditions of approval to guarantee compliance with the approval.

B. Planning Commission Approval. The planning commission has the authority to permit accessory apartments that are not in full compliance with approval criteria identified in this chapter or that may cause a need for special conditions that, in staff's judgment, should be reviewed and approved by the commission. The planning commission is required to hold a public hearing for which a notice of the meeting is to be mailed directly to property owners within 300 feet of the property (including a minimum of at least 15 adjacent property owners) of the proposed accessory apartments no less than 10 days prior to the hearing. A copy of the public notice of the hearing shall also be posted in three public places (including the city offices) within the city at least 10 days prior to the hearing. After conducting a public hearing and reviewing the application, the planning commission may approve, approve with conditions, or deny the application of the proposed accessory apartment use. Upon the planning commission's approval, the city recorder shall record the approval for an accessory apartment use with the Utah County recorder's office, including any special conditions of approval to guarantee compliance with the approval. [Ord. O-23-2005 § 3 (Exh. 1(1) § 14.5)].

**17.70.060 Approval criteria.**

Proposed accessory apartment uses must be in compliance with the following criteria to ensure that health and safety considerations are addressed and that the residential characteristics of neighborhoods are preserved. Accessory apartments are to be clearly incidental and secondary to the residential use of the property. The approval criteria include:

A. Owner Occupation. The owner(s) of the residence shall live in the dwelling in which the apartment was created, except for bona fide temporary absences.

B. Floor Area. In no case shall an accessory apartment comprise more than 30 percent of the building's total floor area (50 percent if located in the basement), or be greater than 800 finished square feet, whichever is greater, unless the residence was constructed or the apartment area was approved prior to the enactment of this title, or if in the opinion of the planning commission, a greater or lesser amount of floor area is warranted by the circumstances of the particular building. An accessory apartment is a complete, separate housing unit containing kitchen and bath facilities that is within an original, stand-alone, single-family dwelling unit.

C. Fire, Building, and Health Codes. The design and size of the accessory apartment shall conform to all applicable standards in the fire, building, and health codes. All necessary building permits shall indicate the area to be designated for accessory apartment use. If the applicant is unable to comply with the terms of the International Building Code (or the International Residential Code) and the International Fire Code as adopted by Eagle Mountain City, the request for the conditional use permit shall be denied.

D. Exterior Appearance. The accessory apartment shall be incorporated into the residence so that, to the degree reasonably feasible, the appearance of the building remains that of a single-family residence, including landscaping. Installation of separate utility meters for accessory apartment uses is prohibited. Separate addresses and mailboxes shall be placed on all accessory apartments regulated by this chapter as required for public safety purposes. All entrances to accessory apartments shall be located on the side or in the rear of the building.

E. Parking. Off-street parking for one vehicle, in addition to parking for two vehicles otherwise required for a residence in this title, shall be available for use by the tenants of the accessory apartment. All parking shall be on a hard surface (concrete, asphalt, brick, etc.). On-street parking is reserved for guests only. Occupants of residences with accessory apartments who habitually park on the street constitute cause for revocation of accessory apartment conditional use permits.

F. One Accessory Apartment. Only one accessory apartment shall be created within a single-family dwelling, and said area shall clearly be a subordinate part of the dwelling.

G. Detached Structures. Accessory apartments shall only be permitted in a detached structure away from the principal building on the lot in the base density or Tier I categories of the residential zone, or in the agriculture or airpark zones.

H. Occupancy. The occupants of the accessory apartment shall be related to each other by blood, marriage, or adoption; or consist of no more than two unrelated individuals living as a single housekeeping unit. The occupants of the accessory apartment shall not sublease a portion of the accessory apartment to other individuals.

I. More Stringent Conditions. Any other appropriate or more stringent conditions deemed necessary for accessory apartments in protecting public health, safety, welfare, and the single-family character of the neighborhood shall be established by the planning commission. More stringent conditions or prohibitions contained in recorded covenants, conditions and restrictions on land remain valid notwithstanding this chapter. [Ord. O-23-2005 § 3 (Exh. 1(1) § 14.6)].

**17.70.070 Renewal of conditional use permit.**

Accessory apartment uses are allowed as conditional uses; thus, they may be reviewed periodically as needed and may be revoked if the conditions of approval are not maintained. Conditional use permits for accessory apartments shall remain valid so long as the accessory apartment is in compliance with the city's ordinances and conditions of approval.

Upon sale of the home or change of primary occupant, the conditional use permit approval for an accessory apartment shall expire; that is, the approval is not transferable. [Ord. O-23-2005 § 3 (Exh. 1(1) § 14.7)].

**17.70.080 Noncompliance.**

Owners of the single-family dwelling where the accessory apartment use has been approved shall

be responsible for their property's compliance with the city's ordinances and conditions of approval. Single-family owners who fail to maintain or violate the city's ordinances regulating accessory apartment use or conditions upon which approval was contingent may have the conditional use permit revoked by the planning director, designee or planning commission. Notice of violation shall be given to the owner of the residence containing the accessory apartment use providing 14 days to correct a violation before the permit is revoked. Persons aggrieved by the planning director's, designee's or planning commission's revocation of their permit may use the appeal process to have their grievances heard. [Ord. O-23-2005 § 3 (Exh. 1(1) § 14.8)].

**Chapter 17.72**  
**COMMERCIAL AND MULTIFAMILY DESIGN STANDARDS**

Sections:

[17.72.010 What this chapter does.](#)

[17.72.020 Purpose.](#)

[17.72.030 Site design.](#)

[17.72.040 Architectural standards.](#)

**17.72.010 What this chapter does.**

This chapter provides standards and guidelines for the site and building design of commercial and multifamily developments. Although these standards are not required for industrial parks, warehouses, or large corporate office or campus developments, they are highly encouraged. [Ord. O-11-2008 § 3 (Exh. B § 24.1)].

**17.72.020 Purpose.**

The purpose of this chapter is to provide standards and guidelines to enhance the visual quality of development, to help create developments that encourage pedestrian activity, to promote buildings of lasting architecture and aesthetic appeal, to increase functionality and safety of parking areas for pedestrians and vehicles, to minimize the visual expanse of pavement through good site design, and to ensure that a sense of place is created and maintained while the city experiences growth and development. This chapter shall be applied to all commercial and multifamily projects within the city and shall be reviewed during the site plan application process. [Ord. O-11-2008 § 3 (Exh. B § 24.2)].

**17.72.030 Site design.**

The arrangement of different elements of a project on the site is vital to creating an environment that is focused on the street and the pedestrian, rather than the vehicle and parking areas. A site can be designed to be visually appealing from the street and still be functional and safe for vehicular circulation and pedestrian access. Minor variations to these standards may be considered by the planning commission and city council if a property contains one of the following constraints: wetlands, steep hillsides, major drainage washes, unusual property shape, existing easements, or a similar constraint/difficulty that can be directly tied to a design standard and adequately justified by the applicant.

A. Building Location. Buildings should be located at or near the minimum front setback line, with pedestrian access leading to the primary entrance and landscaping placed between the building and the street. Parking should be located to the side or the rear of commercial buildings, not between the street and the building. If parking is situated between the building and the street, significant increases in landscaping, berming, and architectural features are required to break up and screen the expanse of pavement.

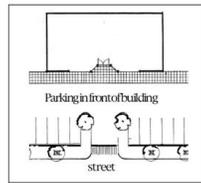
1. Commercial Building Orientation. The primary entrance to a commercial building should be oriented toward the street and the sidewalk. Orienting the primary entrance to a parking area without addressing the street-facing facade with entrances, display windows, awnings, increased architectural elements, increased landscaping, and/or other pedestrian-oriented features is prohibited.
2. Multifamily Building Orientation. Multifamily developments often have buildings facing onto internal courtyards and open space. The buildings adjacent to streets, however, shall front those streets and provide a primary entrance toward the street. If the side of a building faces a street, an entrance should be provided on that facade. Blank walls and/or rear facades should not be placed adjacent to streets. Orienting the primary entrances to a courtyard or open space without addressing the street-facing facade with entrances, windows, awnings, increased architectural elements, increased landscaping, and/or other pedestrian-oriented features is prohibited.



B. Commercial Parking Location. Locate surface parking to the side or the rear of buildings. Parking should not be located between any commercial building and the street. This is especially important on corners. Large 30,000+ square-foot buildings shall follow the same standard, or be designed with pad site buildings along the street edge to screen the expanse of pavement.

**Inappropriate – Parking and pavement between pad site buildings and street; buildings do very little to screen parking**

**Appropriate – Pad site buildings are placed at street edge and shield a majority of the parking area**



**Discouraged – Parking between building and street**

**Appropriate – Parking to the side of the building and behind the front facade of building**

C. Multifamily Parking/Garages. Garages and parking areas should be placed to the rear of buildings, accessed by a service drive. If garages are placed on the front facade, they shall be staggered and set back so as to minimize their appearance from the street. Garages shall never dominate the street-facing facade of a building.



**Appropriate – Multifamily facades not dominated by garages**





**Garages accessed by private service drive**

D. Open/Plaza Space. It is important to treat the unbuilt portion of a site as a designed, functioning space. The different elements of a site shall be arranged in a way that maximizes useable open/plaza space. This is especially important in multifamily projects. Buildings should be clustered and open space should be combined in larger, more useable areas. Creativity with open space design is also encouraged.



**Buildings are clustered to maximize useable open space**



**Plaza and open space within retail developments enhances the pedestrian and shopping experience**

[Ord. O-11-2008 § 3 (Exh. B § 24.3)].

**17.72.040 Architectural standards.**

The architectural elements of a building can either enhance the building's visual appeal or detract from the quality of the neighborhood. In order to prevent the construction of bland, out-of-scale buildings that are oriented to vehicular traffic and discourage pedestrian activity, the following minimum architectural standards shall be applied to commercial and multifamily development. Minor variations to these standards may be considered by the planning commission and city council with very specific justification provided by the applicant of how the proposal is more appropriate for the neighborhood and of higher quality than the standard.

A. Architectural Style/Theme. Commercial buildings should be similar in style as significant adjacent buildings. All facades of commercial and multifamily structures shall be designed with consistent architectural style, detail, and trim features as the primary facade. Separate structures on the site shall be designed similar to the primary structure, including colors, materials, and

design elements.

B. Main Entrance. The main entrance of a structure should orient to major sidewalks, pedestrian ways, plazas, courtyards, or other public spaces. It shall also be clearly identifiable, and consist of a sheltering element such as a porch, stoop, awning, arcade, or portico.



**Clearly identifiable covered entry**



**Multifamily unit entry defined with covered porch**



**Inappropriate: Entryway not clearly defined; no sheltering element**

C. Roof Design. The primary roof form of a structure should help reduce the perceived scale of the building. All commercial buildings shall contain either sloping roofs with overhanging eaves, or a decorative parapet and multiple roof planes and heights. Decorative cornices and roof projections such as cupolas or towers are also encouraged. Multifamily buildings shall contain sloping roofs, overhanging eaves, and multiple roof planes and heights.



**Decorative parapets and multiple roof planes/projections**

D. Building Articulation. Vertical and horizontal articulation and relief reduces the perceived scale of buildings. Buildings shall include facade modulation (stepping portions of the facade), horizontal and vertical divisions (textures or materials), window patterns, offsets, recesses, projections, and other techniques to help identify individual residential units in a multifamily structure, and to avoid large, featureless and/or panelized surfaces on commercial buildings. Large uninterrupted expanses of a building wall are prohibited.



**Appropriate Articulation**



**Inappropriate Articulation**



**Inappropriate building articulation**

E. Architectural Detailing. Pedestrian-scaled architectural features/details shall be incorporated into commercial and multifamily buildings to orient the building to pedestrian activity and to increase the overall visual appeal of the structure.

1. Commercial buildings shall incorporate a majority of the following architectural details: reveals, canopies, awnings, popouts, columns, decorative trim and moldings, architectural lighting, ornamental cornices, decorative masonry pattern, decorative doors and windows, exposed timbers, and trellis structures. All sides of a building shall include the chosen details.



**Area between building entrances is treated with awning and windows to create a pedestrian-friendly environment**



**Appropriate use of awnings, building materials, and windows addressing the street and sidewalk**



**Trellis structure, decorative parapet, building articulation, awnings**



**Tower feature, overhanging eaves, decorative windows, mix of building materials, trellis structures, etc.**

2. Multifamily buildings shall incorporate a majority of the following architectural detailing: decorative shutters, bay windows, popouts, trellis or arbor structures, porches, decorative gables, dormer windows, exposed timbers, balconies, columns, turrets, decorative trim and moldings, detailed grilles and railings, architectural lighting, decorative masonry pattern, window grids, and decorative doors and windows. All sides of a building shall include the chosen details, where applicable.



**Porches, window grids, material mix, building articulation**



**Porch, balcony, columns, building articulation, window grids, decorative garage doors, decorative roof treatments, multiple roof planes, variation in building color and materials**

F. Building Materials. Buildings should incorporate materials used throughout the city and be similar in character and architectural theme as significant neighboring structures.

1. Multifamily structures shall utilize at least two exterior materials, including stucco, vinyl or fiber/cement siding, decorative rock/stone, brick, or other material deemed appropriate by the planning director. Each material shall be used on a minimum of 30 percent of the building, and used on all sides of the building. Other materials may be included as accents.

2. All commercial buildings shall avoid large panelized products or featureless surfaces. Commercial buildings shall utilize an appropriate mixture of building materials on all sides, including brick, rock, fiber/cement siding, wood, glass, stucco, and colored architectural CMU (concrete masonry unit). Stucco may not be used on more than 50 percent of a building. Metal, plain CMU, or other materials deemed appropriate by the planning commission and city council may be used as accents only.



**Varied materials: brick, stone, decorative CMU, and even tile and metal – identifiable franchise elements**





**Architectural detailing and mixture of materials on all sides – especially all street-facing sides**

G. Building Color. Buildings should not be restricted to using desert landscape colors, such as beige, tan, grays, browns, etc. A wide palette of colors is recommended, excluding any neon, ultra-bright, or reflective colors. A building's color palette should be similar to that of significant neighboring structures. Franchise colors and elements may be incorporated, but shall not overpower the architectural form/theme of the building and/or development.



**Inappropriate: bright colors and creative architecture overpower the building form and clash with architecture and theming of neighboring buildings and community**

H. Multifamily Garage Doors. Garage doors shall not be the most prominent or visible feature on a building. They shall be accessed from the side or rear, or set back from the front facade. If garages are visible from the street, white doors are discouraged. Decorative doors are encouraged.



I. Lighting. All lighting shall be designed to be shielded and directed downward to prevent light glare from adversely affecting neighboring uses/properties. The light bulb or light source of building lighting shall not be visible from beyond the property. Building lighting and parking lot lighting should be decorative in design to add to the architectural style and character of the building and area. Lighting shall be reviewed based on aesthetics, glare, and adequate light for safety. A lighting plan and lighting design details are required with a site plan application.



J. Mailbox Structures. Cluster mailboxes are generally required by the U.S. Postal Service for multifamily developments. These mailboxes, however, should not detract from the project, as they generally do when designed as a metal structure. Cluster mailboxes should emulate the buildings in materials and color.



**Inappropriate**



**Appropriate**

K. Mechanical Equipment. All mechanical equipment shall be screened so as not to be visible from any public or private streets. Screens shall be aesthetically incorporated into the design of the building and shall conform to the color and materials of the primary building. Screening includes walls, landscaping, parapet walls, or a combination. All electrical service equipment should be painted to match the wall color or screened to blend with the surrounding terrain.



**Screening for mechanical equipment matches building in material and color**



L. Storage, Loading Areas, and Trash Enclosures. Storage and loading areas and trash enclosures shall be located out of view from public streets, and shall be screened and designed with the architectural style of the building, including materials, colors, details, etc. Chain link fences and fencing with vinyl slats are prohibited as screening. The consolidation of trash areas between businesses is encouraged.



**Screening wall – same materials as building**

[Ord. O-25-2008 § 2 (Exh. A §§ 24.4.9 – 24.4.12); Ord. O-11-2008 § 3 (Exh. B § 24.4)].

**Chapter 17.75**  
**STANDARDS FOR SPECIAL USES**

Sections:

[17.75.010 What this chapter does.](#)

[17.75.020 Purpose.](#)

[17.75.030 Automobile service station and car wash operations.](#)

[17.75.040 Temporary subdivision sales offices.](#)

[17.75.050 Nonresidential adult group care facility or child group day care/preschool center.](#)

[17.75.060 Residential facility for persons with a disability.](#)

[17.75.070 Residential rehabilitation and treatment facility.](#)

[17.75.080 Residential juvenile group homes.](#)

[17.75.090 Storage of commercial vehicles.](#)

[17.75.100 Temporary commercial uses.](#)

[17.75.110 Unbuildable lands.](#)

**17.75.010 What this chapter does.**

This chapter identifies various supplemental land use provisions applicable to all zoning districts. [Ord. O-12-2009 § 2 (Exh. A); Ord. O-04-2009 § 2 (Exh. A); Ord. O-10-2007 § 2 (Exh. A § 15.1); Ord. O-23-2005 § 3 (Exh. 1(1) § 15.1)].

**17.75.020 Purpose.**

The purpose of this chapter is to provide supplemental land use provisions that apply to special uses in all zoning districts which are designed to protect and preserve the general health, safety and welfare of the public. [Ord. O-12-2009 § 2 (Exh. A); Ord. O-04-2009 § 2 (Exh. A); Ord. O-10-2007 § 2 (Exh. A § 15.2); Ord. O-23-2005 § 3 (Exh. 1(1) § 15.2)].

**17.75.030 Automobile service station and car wash operations.**

As conditional uses, automobile service stations and/or car wash operations may be permitted only where:

- A. Nuisance. They will not be a nuisance to residences and other surrounding uses.
- B. Traffic Congestion. They will not cause traffic hazards or undue traffic congestion.
- C. Lot Size. An automobile gas/service station or a freestanding car wash site area will have a minimum of a 15,000-square-foot parcel. The lot frontage, if located on an arterial or collector street, will not be less than 125 feet.
- D. Automobile Service Station or Car Wash Setbacks. Automobile gas/service stations or car wash operations with gasoline pumps will have buildings of the type of construction as defined in the International Building Code, and are to be located at a distance of not less than 25 feet from property or building setback lines.
- E. Canopy Setbacks. Gasoline pumps and pump islands for car wash operations or service stations shall have a canopy and the setback (measured from the edge of the canopy) shall be not less than 25 feet from any property lines or shall be in conformity with the building setback lines of the zoning district, whichever is greater.
- F. Driveway Design. Driveway design and spacing for automobile gas/service stations or car wash operations shall be reviewed by the city engineer, whose recommendation will be forwarded to the planning commission.

G. Distance to Other Uses. The minimum closest distance from the automobile gas/service station or car wash with gas pumps site to an existing school, park, playground, museum or place of public assembly will be not less than 500 feet.

H. Outdoor Storage or Rentals. No outdoor storage of rental trucks or trailers, stacks of tires or other merchandise will be conducted by the automobile service station or car wash operation except when such equipment or merchandise is screened by an approved fence not less than six feet in height. [Ord. O-12-2009 § 2 (Exh. A); Ord. O-04-2009 § 2 (Exh. A); Ord. O-10-2007 § 2 (Exh. A § 15.3); Ord. O-23-2005 § 3 (Exh. 1(1) § 15.3)].

**17.75.040 Temporary subdivision sales offices.**

A. Temporary Sales Trailers. One temporary sales trailer is allowed for subdivisions ranging between five and 50 acres. Subdivisions in excess of 50 acres may have two temporary sales trailers. A permit for a subdivision sales office may be issued by the building department at any time after recording of the subdivision and shall become void one year following the date on which the permit was issued. The temporary office shall then be removed unless, 30 days prior to the expiration of one year following the date on which the permit was issued, a request for an extension of time is made to and granted by the planning commission. In no case will the extension be granted for a period of more than one year.

B. Model Homes. A subdivision may have multiple model homes which contain sales offices. The temporary sales office must be removed from a model home when the subdivision is more than 80 percent developed or has been occupied as a temporary sales office for three years, whichever occurs first. Time extensions may be considered by the planning director on a case-by-case basis, depending on the impact on existing dwellings in the development, the suitability of the office in a residential area, and traffic flow generated by the temporary sales office. A temporary sales office or model home may not be used as a general real estate office, a construction management office, or an off-site sales office. [Ord. O-09-2013 § 2 (Exh. A); Ord. O-12-2009 § 2 (Exh. A); Ord. O-04-2009 § 2 (Exh. A); Ord. O-10-2007 § 2 (Exh. A § 15.4); Ord. O-23-2005 § 3 (Exh. 1(1) § 15.4)].

**17.75.050 Nonresidential adult group care facility or child group day care/preschool center.**

Development or operation of a group day care or preschool center must be approved by the planning commission, and must be found to conform to the following requirements:

A. Nuisance/Threat. It shall not create a nuisance or pose a threat of danger to persons or property on existing or proposed land uses within the vicinity.

B. State Recommendation. It shall receive the approval of the Utah State Department of Social Services.

C. Parking. It shall provide required parking spaces on the site and an adequate pickup and delivery area.

D. Frontage. The site shall have frontage on a street with an existing or proposed right-of-way of 60 feet or greater. [Ord. O-12-2009 § 2 (Exh. A); Ord. O-04-2009 § 2 (Exh. A); Ord. O-10-2007 § 2 (Exh. A § 15.5); Ord. O-23-2005 § 3 (Exh. 1(1) § 15.5)].

**17.75.060 Residential facility for persons with a disability.**

A residential facility for persons with a disability is a conditional use in any zoning district where residential dwellings are allowed. "Disability" is defined in Section 57-21-2, Utah Code Annotated 1953.

A. Application. A conditional use application for this use must include the following information:

1. All application requirements listed in Chapter [17.95](#) EMMC, Conditional Uses, except the following items: survey; grading, drainage, and erosion plan; lighting plan; traffic impact study; signage plan.
2. The maximum number of residents being proposed.

3. A thorough description of the conditions/diagnoses that are requiring these individuals to stay at a group home.
4. The number of trained professionals/supervisors that will be on site at a time.
5. Any special precautions planned to keep visitors and neighbors safe and nuisance-free.
6. A floor plan showing the exact places of residence, restroom facilities, location of office staff, as well as any security measures taken.
7. Sufficient information to show compliance with all requirements of this section.

B. Approval Process. The approval process for a conditional use permit shall follow the process found in Chapter [17.95](#) EMMC, Conditional Uses. Upon being approved by the planning commission, the operator of the facility shall secure a business license from the city.

C. A conditional use permit shall be approved by the planning commission based only on compliance with the following requirements (and those of a subsequent section, if applicable):

1. The group home shall be occupied by no more than eight residents who meet the following criteria as individuals who are disabled or handicapped: having a physical or mental impairment that substantially limits one or more of a person's major life activities. "Persons with a disability" does not include persons diagnosed with kleptomania, pyromania, transvestism, pedophilia, exhibitionism or voyeurism, or any history of sexual or physical assault, not resulting from physical impairments or other disorders.
2. Occupancy by any paid, professional staff member shall only be allowed if such occupancy is primarily for the purpose of serving the residents and not primarily a benefit of employment to the staff member.
3. The applicant must verify compliance with all applicable requirements, regulations, and standards of the Utah State Department of Human Services and the owner/operator shall obtain all licenses required by the state to operate such a home.
4. The group home shall conform to all state and local building, safety, health, and zoning requirements applicable to similar structures.
5. Separation. No residential group home or facility may be located within a one-mile radius of another existing group home of any type, measured in a straight line from property line to property line.
6. Nuisance/Threat. It shall not create a nuisance or pose a threat of danger to persons or property on existing or proposed land uses within the vicinity.
7. Parking. A parking plan and improvement schedule shall be submitted, including a minimum of one parking stall for each resident of the group home in order to properly provide for staff and visitor parking, landscaping to screen the parking areas, and a schedule for completion of the additional parking and landscaping. A pickup and delivery area shall be provided if appropriate. Parking areas shall not be allowed to change the residential character of the property.
8. The only outdoor signage permitted is a nameplate and address sign no larger than two square feet, and property control signs (no parking, no trespassing, etc.).
9. The group home shall not be made available to or occupied by any individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in physical damage to the property of others. An individualized written assessment of each person who is proposed to become a resident of the group home shall be performed to determine if such person would constitute a direct threat prior to allowing occupancy of the group home by such person. The assessment shall be performed and certified by an independent medical doctor (MD), licensed clinical social worker (LCSW),

licensed professional counselor (LPC), licensed psychologist, licensed psychiatrist, licensed substance abuse counselor (LSAC) or nurse practitioner (APRN) that is licensed and approved by the Utah Department of Professional Licensing (or other equivalent licensing board of another state) and certified in mental health counseling. The licensee shall not admit any person who has a history of sexual or physical violence or who may be a threat to themselves or someone else. The licensee shall provide documentation to the Utah Department of Human Services, Office of Licensing, that an individualized assessment has been performed for each resident, and no person will or does reside in the facility whose tenancy would likely constitute a direct threat to the health or safety of other individuals or whose tenancy would result in physical damage to the property of others.

10. The residents must be properly supervised and monitored on a 24-hour basis.

11. The group home shall be used as a group home without structural or landscaping alterations that would change the structure's residential character. Landscaping shall be established and well-maintained in a manner consistent with the standard of maintenance for yards and landscaping of other homes in the immediate neighborhood.

12. No person sentenced for a felony crime of possession with intent to distribute a controlled substance, distribution of a controlled substance, a crime involving the use of a weapon, firearm or violence, burglary, unlawful entry, or sexual crimes shall be an occupant or staff member in the group home.

13. No professional counseling, therapy or other treatment shall be provided in the group home for any person other than a resident or invited guest of the resident of the group home.

14. The licensee shall maintain and provide sufficient documentation and other evidence reasonably required by the Utah Department of Human Services, Office of Licensing, and will be available for inspection upon request to establish compliance with the requirements of these conditions for use of the premises as a group home. Appropriate authorities and licensing entities shall have the right to inspect appropriate documentation upon request to verify compliance.

15. The licensee shall at a minimum provide the following information and shall notify the city whenever any of the following information changes:

- a. The name, address, and telephone number of the licensee or applicant;
- b. The name, address, and telephone number of each person who has an interest in the ownership or operation of the group home whether personally or through a partnership, corporation, trust or other entity;
- c. Any changes to the group home's policies and procedures manual (including house rules).

16. The licensee (or designee) shall maintain compliance with the requirements of all conditions under their licensure (including conditional use permit conditions). In addition, upon receipt of notice of a possible violation, the licensee (or designee) shall immediately investigate whether a violation has occurred and take appropriate enforcement action. The licensee must comply with and assist the Utah Department of Human Services, Office of Licensing, and/or the city in investigating complaints or licensing violations.

17. The city may deny the issuance of a license to operate the group living home to a person (including any entity) if the city reasonably finds that issuance of a license or permit to such person would likely create a threat to the health or safety of other individuals or would likely result in physical damage to the property of others. The city may also deny the issuance of a permit if the applicant or any person described in compliance with subsection (C)(16) of this section has a history or has been found guilty of operating a similar facility in violation of state or local law.

18. The permit and license issued pursuant to the conditions set forth herein shall be nontransferable and shall terminate if the structure is devoted to a use other than a group home or the structure or use fails to comply with all conditions, building, safety, health and zoning requirements of the Eagle Mountain City Code applicable to similar structures.

19. Failure of the licensee to comply with or to enforce any of the conditions herein shall result in a review of noncompliance by the Utah Department of Human Services, Office of Licensing, which may result in fines, probation, and revocation of licensure. If the Utah Department of Human Services, Office of Licensing, revokes the license for this location, this conditional use permit automatically expires. Conditions violated that are not enforced by the Utah Department of Human Services, Office of Licensing, may lead to violation notices and fines by the city, and eventual revocation of the business license and conditional use permit. A first violation shall result in a violation notice. A second violation occurring within any 18-month period shall result in a fine of \$500.00 to the licensee. A third violation occurring within any 18-month period shall result in a fine of \$2,000 to the licensee. The fines set for violation as provided herein shall be paid within 10 days of receipt of the notice of the imposition of the fine. A fourth violation occurring within any 18-month period shall result in the revocation of the license to operate the group home and no license shall be reissued to the licensee, the principals of the licensee if the licensee is an entity, or any alter ego of the licensee for a period of at least two years following such revocation. Eagle Mountain City shall have the right to deny a permit to any individual or entity (or their principals or alter ego) that has had more than one revocation of a permit to operate a group home.

D. As provided for by the Fair Housing Act, an applicant may request a reasonable accommodation to a requirement if it is necessary to afford persons with disabilities an equal opportunity to use and enjoy housing. This is done as part of the conditional use application. Requests for modifications of requirements are unreasonable if the request imposes an undue burden or expense on the city or the use fundamentally alters the zoning scheme. [Ord. O-04-2015 § 2 (Exh. A); Ord. O-12-2009 § 2 (Exh. A)].

**17.75.070 Residential rehabilitation and treatment facility.**

In addition to the requirements of EMMC [17.75.060](#), a residential rehabilitation and treatment group home must be found to conform to the following additional requirements:

A. All staff members shall be over the age of 18. The group home shall be occupied only by individuals over the age of 18 who meet the following criteria as individuals who are disabled or handicapped: having a physical or mental impairment that substantially limits one or more of a person's major life activities. Admission criteria may also include but are not limited to the following:

1. Individuals who have been diagnosed with an addiction to alcohol or a controlled substance (as defined in Section 58-37-2, Utah Code Annotated 1953, as amended) who are not currently using controlled substances and are medically stable;
2. Individuals who are unable to abstain from the use of alcohol or a controlled substance without the structured supportive setting offered by a group home; and
3. Individuals who have completely and voluntarily abstained from the use of alcohol and all controlled substances and are medically clear for treatment.

B. The licensee shall not allow any person to become a resident of the group home until the licensee has verified compliance with the requirements of subsection A of this section. For purposes of verifying compliance with subsections (A)(1) and (2) of this section, the licensee shall obtain written certification, from a medical doctor (MD), licensed clinical social worker (LCSW), licensed professional counselor (LPC), licensed psychologist, licensed psychiatrist, licensed substance abuse counselor (LSAC) or nurse practitioner (APRN) certified in mental health and substance abuse counseling, that the proposed resident meets the criteria of those subsections. For purposes of verifying compliance with subsection (A)(3) of this section, the licensee shall keep

current statistics, census records, clinical records and documentation of medical stability. Statistic and census records that are not protected by confidentiality may be viewed by licensing entities upon request.

C. All residents in the home must completely abstain from using alcohol and controlled substances during the period that they are residents in the group home. Any resident of the group home who uses alcohol or a controlled substance, whether on or off the premises, shall be immediately expelled from the home and shall not be readmitted without meeting the screening criteria in subsection A of this section. However, nothing contained herein shall be construed to prohibit a resident from taking a prescription drug for which a resident has a valid and current prescription.

D. No, alcohol, unprescribed controlled substances or drug paraphernalia shall be allowed on the premises of the group home. Firearms may be carried only by private security or uniformed peace officers that hold legal permits to carry. No resident of the group home shall initiate any contact of any kind with residents of the neighborhood except:

1. In the case of notice or prevention of an emergency which may cause personal injury, death or substantial property damage.
2. Residents who are cleared by staff to attend local worship services.

E. In order to verify ongoing abstinence from drugs and alcohol, each resident shall submit to at least three random urinalysis tests per month that test for the presence of alcohol and controlled substances. Any resident testing positive for alcohol or nonprescribed drugs, or who refuses to submit to a test, shall be immediately expelled from the group home. The licensee shall maintain records of urinalysis test results. Such records are available to the Utah Department of Human Services, Office of Licensing, for inspection upon request. At least one substance abuse or alcohol testing method must occur daily, including one of the following: urinalysis, blood, hair follicle, breathalyzer, visual. The licensee tracks statistics on race, gender, relapse, and many other verifiable conditions that may be made available upon request. [Ord. O-12-2009 § 2 (Exh. A); Ord. O-04-2009 § 2 (Exh. A); Ord. O-10-2007 § 2 (Exh. A § 15.6); Ord. O-23-2005 § 3 (Exh. 1(1) § 15.6). Formerly 17.75.060].

#### **17.75.080 Residential juvenile group homes.**

A juvenile group home is a 24-hour group living environment for adolescents under the age of 18, unrelated to an owner or operator, that helps individuals who have emotional, psychological, developmental, or behavioral dysfunctions or impairments to acquire and strengthen the social and behavioral skills necessary to live independently in the community. In addition to the requirements of EMMC [17.75.060](#), a residential juvenile group home must be found to conform to the following additional requirements:

- A. The applicant must verify compliance with all applicable requirements, regulations, and standards of the Department of Human Services of the state of Utah governing the licensing and operation of juvenile group homes.
- B. The facility shall be occupied only by individuals under the age of 18 and paid, professional staff members.
- C. A juvenile group home shall not include any persons referred by the Utah State Department of Corrections, any adult or juvenile court, or the juvenile justice system.
- D. No individual who has an impairment due to addiction of any controlled substance or alcohol and currently uses such controlled substance or alcohol may be a resident.
- E. A juvenile group home shall not provide outpatient treatment. [Ord. O-12-2009 § 2 (Exh. A)].

#### **17.75.090 Storage of commercial vehicles.**

No motor vehicle, trailer or related equipment associated with a commercial or industrial use shall be parked, stored or maintained on any lot or parcel of land in a residential zone, nor shall any contracting and/or earth moving equipment be parked, stored or maintained on any lot or parcel of

land in a residential zone. This shall not be construed to restrict the overnight parking of vehicles and equipment used in the daily activities of the property owner's occupation. [Ord. O-12-2009 § 2 (Exh. A); Ord. O-04-2009 § 2 (Exh. A); Ord. O-10-2007 § 2 (Exh. A § 15.7); Ord. O-23-2005 § 3 (Exh. 1(1) § 15.7). Formerly 17.75.070].

**17.75.100 Temporary commercial uses.**

Special commercial events such as fireworks and Christmas tree sales, carnivals or temporary sales events may be approved by the planning director when located in commercial-type zoning districts and in accordance with city ordinances. The planning director shall be required to find that the proposed use will not constitute a nuisance to be in conflict with other land uses near the subject property. In approving a temporary commercial use, the planning commission may review the length of time requested for the use to be conducted, the proposed hours of operation, anticipated parking needs, traffic circulation or impacts on surrounding streets and neighborhoods, or any other regulation or condition necessary for the preservation of the public health, safety and welfare. [Ord. O-12-2009 § 2 (Exh. A); Ord. O-04-2009 § 2 (Exh. A); Ord. O-10-2007 § 2 (Exh. A § 15.8); Ord. O-23-2005 § 3 (Exh. 1(1) § 15.8). Formerly 17.75.080].

**17.75.110 Unbuildable lands.**

In considering the layout of any development in the city, the developer shall conform to the following restrictions with respect to unbuildable lands. No construction may occur in areas that have slopes in excess of 25 percent, land restricted by power lines, high volume floodplains, alluvial discharge areas, floodplains and floodways, and wetlands. Land in excess of 15 percent is ineligible for inclusion in improved open space requirements unless the planning commission recommends and the city council approves specific improvements on land in excess of 15 percent which these bodies have determined to be an approved entity. In this case, only the acreage of unbuildable land in excess of 15 percent which is improved will be considered towards the improved open space requirements. [Ord. O-12-2009 § 2 (Exh. A); Ord. O-04-2009 § 2 (Exh. A); Ord. O-10-2007 § 2 (Exh. A § 15.9); Ord. O-23-2005 § 3 (Exh. 1(1) § 15.9). Formerly 17.75.090].

**Chapter 17.76**  
**SMALL WIND AND SOLAR ENERGY CONVERSION SYSTEMS**

Sections:

[17.76.010 What this chapter does.](#)

[17.76.020 Purpose.](#)

[17.76.030 Findings.](#)

[17.76.040 Definitions.](#)

[17.76.050 Small wind energy facility \(windmill\).](#)

[17.76.060 Roof-mounted wind energy system.](#)

[17.76.070 Solar energy devices \(panels or collectors\).](#)

**17.76.010 What this chapter does.**

This chapter identifies regulations for small wind and solar energy conversion systems in the city. [Ord. O-11-2010 § 2 (Exh. A)].



**17.76.020 Purpose.**

The purpose of this chapter is to provide regulations for the safe and effective construction and operation of small wind and solar energy conversion systems in Eagle Mountain City, subject to reasonable restrictions, which are designed to protect and preserve the general health, safety and welfare of the public. [Ord. O-11-2010 § 2 (Exh. A)].

**17.76.030 Findings.**

Eagle Mountain City finds the following:

- A. That wind and solar energy are abundant, renewable, and nonpolluting energy resources;
- B. The conversion of wind and solar energy to electricity will reduce individual dependence on nonrenewable energy resources and decrease the air and water pollution that results from the use of conventional energy sources;
- C. That wind energy systems and solar energy devices may eventually enhance the reliability and power quality of the power grid, reduce peak power demands, and help diversify energy supply;
- D. The existence of small wind energy systems and solar energy devices in the city provides a positive image for the city, promoting the use of clean renewable energy sources;
- E. The unnecessary proliferation of wind energy facilities and solar energy devices throughout the city creates a potentially negative visual impact (visual pollution) on the community, especially in neighborhoods with smaller lots;
- F. The visual effects of wind energy facilities and solar energy devices can be mitigated by fair standards regulating their siting, construction, maintenance, and use. [Ord. O-11-2010 § 2 (Exh. A)].

**17.76.040 Definitions.**

“Small wind energy system” means a wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of not more

than 100 kilowatts (kW) and which is intended to primarily reduce on-site consumption of utility power.

“Solar energy device” means an accessory structure that is roof-mounted or wall-mounted, the primary purpose of which is to provide for the collection, inversion, storage, and distribution of solar energy for electricity generation, space heating, space cooling, or water heating of buildings located on the same property.

“Total extended height” means the height above grade to a blade tip at its highest point of travel.

“Tower height” means the height above grade of the fixed portion of the tower, excluding the wind turbine. [Ord. O-11-2010 § 2 (Exh. A)].

**17.76.050 Small wind energy facility (windmill).**

A. Allowed Areas. A standalone small wind energy facility may be installed in any zoning district, subject to the requirements in this section. Small wind energy systems requesting minor modifications to the performance standards of this section may be reviewed by conditional use permit.



B. Use and Design Standards. All small wind energy systems shall comply with the following standards.

1. Setbacks. The base of the tower shall be set back a distance no less than 50 percent of the total extended height from a property line, and 110 percent of the total extended height from all overhead utility lines, dwellings, accessory structures with living space (accessory dwelling units), and public roads. All small wind energy systems shall be located completely within the rear yard; they shall not be located in any front or side yard.
2. Height. The total extended height of the system shall adhere to the following standards:
  - a. Forty-five feet or less on parcels of one-half acre to five acres.
  - b. Sixty-five feet or less on parcels of five or more acres.
3. Sound. Sound produced by the turbine under normal operating conditions, as measured at the property line, shall not exceed the definition of nuisance noise (65 decibels). Sound levels, however, may be exceeded during short-term events out of human control, such as utility outages and/or severe wind storms.
4. Clearance. Ground clearance of rotor blades shall be a minimum of 25 feet.
5. Access. Towers shall be constructed to provide one of the following means of access control, or other appropriate method of access:
  - a. Tower-climbing apparatus located no closer than 12 feet from the ground.
  - b. A locked anti-climb device installed on the tower.
  - c. A locked, protective fence at least six feet in height that encloses the tower.
6. Guy Wires. Anchor points for any guy wires for a tower shall be located within the property that the system is located on and not on or across any aboveground electric transmission or distribution lines, and may not be located in the front yard. The point of attachment for the guy

wires shall be enclosed by a fence six feet high or sheathed in bright orange or yellow covering from three to eight feet above the ground.

7. Shut-Off Mechanism. The facility shall be designed with an automatic shut-off mechanism, so that in the event of a power outage, the facility will not back-feed into the power grid.

8. Code Compliance. All small wind energy systems shall be designed and constructed to be in compliance with pertinent provisions of the International Building Code, National Electric Code, and any other applicable codes.

9. Over-Speed Control. All small wind energy systems shall be equipped with manual and automatic over-speed controls. The conformance of rotor and over-speed control design and fabrication with good engineering practices shall be certified by the manufacturer.

10. Lighting. Exterior lighting on any structure associated with the facility shall not be allowed except that which is specifically required by the Federal Aviation Administration.

11. All signs, other than the manufacturer's or installer's identification, appropriate warning signs, or owner identification, on a wind generator, tower, building, or other structure associated with a small wind energy system visible from any public road shall be prohibited. At least one sign shall be posted on the tower at a height of five feet warning of electrical shock or high voltage and harm from revolving machinery.

12. All on-site electrical wires associated with the facility shall be installed underground.

13. Color. The facility's tower and blades shall be painted or treated a nonreflective, unobtrusive color that blends the facility and its components into the surrounding landscape and incorporate nonreflective surfaces to minimize any visual disruption. In general, the factory default gray color is appropriate.

14. Subdivision Covenants, Conditions, and Restrictions (CC&Rs). Some CC&Rs may contain restrictions on small wind energy facilities. The more restrictive of the city code and the subdivision CC&Rs shall apply.

C. Maintenance. All small wind energy facilities shall be maintained in good condition and in accordance with all requirements of this section.

D. Inspections Required. All small wind energy systems require a building permit. No facility shall be connected to the power grid until Eagle Mountain City power department has inspected and approved the system.

E. Net Metering. The owner of the facility must sign a net metering agreement with Eagle Mountain City power department prior to connecting to the power grid.

F. Building Permit Application. The applicant shall submit a building permit application to the city building department. As part of the submittal and in addition to the application requirements, the applicant shall be required to submit the following items:

1. Evidence that the proposed tower height does not exceed the height recommended by the manufacturer or distributor of the system.
2. Standard drawings of the wind turbine structure and stamped engineered drawings of the tower, base, footings, and/or foundation as provided by the manufacturer. Wet stamps shall not be required.
3. A line drawing of the electrical components, as supplied by the manufacturer, in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code.
4. A site plan (drawn to scale) showing the location of the small wind energy facility in relation to other structures or above-ground power lines on the site and on adjacent neighboring

properties.

G. Approval. Approval shall be given based upon compliance with the standards of this section and requirements of the city building department, the International Building Code, the National Electrical Code, and approval by the planning director (or designee) and energy department director (or designee). [Ord. O-11-2010 § 2 (Exh. A)].

**17.76.060 Roof-mounted wind energy system.**

A. Allowed Areas. Roof-mounted wind energy facilities are permitted as an accessory use in all zoning districts, subject to the standards in this section. Minor modifications to the performance standards of this section may be reviewed by conditional use permit.



B. Use and Design Standards. All roof-mounted wind energy facilities shall comply with the following standards:

1. Height. Wind energy systems may not project more than five feet above the roofline of the building. Higher-projecting systems must be reviewed as a conditional use permit.
2. Design. The system shall be integrated into the design of the building as much as possible, and not viewed as an obvious afterthought.
3. Sound. Sound produced by the windmill under normal operating conditions, as measured at the property line, shall not exceed the definition of nuisance noise (65 decibels). Sound levels, however, may be exceeded during short-term events out of human control, such as utility outages and/or severe wind storms.
4. The windmill shall be painted or treated a nonreflective, unobtrusive color that blends the facility and its components into the surrounding landscape and rooftop and incorporate nonreflective surfaces to minimize any visual disruption. In general, the factory default gray color is appropriate.
5. Shut-Off Mechanism. The system shall be designed with an automatic shut-off mechanism, so that in the event of a power outage, the facility will not back-feed into the power grid.
6. Code Compliance. All wind energy systems shall be designed and constructed to be in compliance with pertinent provisions of the International Building Code, National Electric Code, and any other applicable codes.
7. Over-Speed Control. All wind energy systems shall be equipped with manual and automatic over-speed controls. The conformance of rotor and over-speed control design and fabrication with good engineering practices shall be certified by the manufacturer.
8. Subdivision Covenants, Conditions, and Restrictions (CC&Rs). Some CC&Rs may contain restrictions on rooftop wind energy facilities. The more restrictive of the city code and the subdivision CC&Rs shall apply.

C. Maintenance. All wind energy facilities shall be maintained in good condition and in accordance with all requirements of this section.

D. Inspections Required. All wind energy systems require a building permit. No facility shall be connected to the power grid until the Eagle Mountain City power department or other utility providing electric service has inspected and approved the system.

E. Net Metering. The owner of the system must sign a net metering agreement with Eagle Mountain

City prior to connecting to the power grid.

F. Building Permit Application. The applicant shall submit a building permit application to the city building department. As part of the submittal and in addition to the application requirements, the applicant shall be required to submit the following items:

1. Elevations/renderings of the building showing the wind energy system.
2. A line drawing of the electrical components, as supplied by the manufacturer, in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code.

G. Approval. Approval shall be given based upon compliance with the standards of this section and requirements of the city building department, the International Building Code, the National Electrical Code, planning director (or designee) and energy department director (or designee). [Ord. O-11-2010 § 2 (Exh. A)].

**17.76.070 Solar energy devices (panels or collectors).**

A. Allowed Areas. Solar energy devices may be installed upon the roof of the primary structure or an accessory structure within any zone upon compliance with this section.



B. Design Standards. All solar energy devices shall comply with the following standards.

1. Collectors shall not extend beyond the lower or upper roofline, or beyond a parapet wall on a flat roof.
2. Collectors on a flat commercial or industrial roof shall be screened so as not to be visible from any public street. Screens shall be aesthetically incorporated into the design of the building and shall conform to the color and materials of the primary building.
3. Collectors on sloped rooftops shall maintain the same angle as the roof, mounted parallel to and flush with the roof slope, and shall not be propped up on one side.
4. Measures shall be taken to minimize sunlight reflection into neighboring windows and rights-of-way. Collectors may be required to be removed if proven to be a safety hazard.
5. The ends of the panel arrays shall be covered and mounting brackets shall blend with the roof.
6. The piping shall blend with the surface to which it is attached.
7. The color of collector frames shall be as compatible as possible with the roof color.
8. Subdivision Covenants, Conditions, and Restrictions (CC&Rs). Some CC&Rs may contain restrictions on solar energy devices. The more restrictive of the city code and the subdivision CC&Rs shall apply.

C. Maintenance. All solar energy devices shall be maintained in good condition and in accordance with all requirements of this section.

D. Building Permit Application. The applicant shall submit a building permit application to the city building department. Additional application requirements apply as per the building department.

E. Inspections Required. All solar energy devices require a building permit and proper inspections by the city building department. No device may be connected to the power grid until the Eagle Mountain City power department or other utility company providing electric service has inspected and approved the system.

F. Net Metering. The owner of the device must sign a net metering agreement with Eagle Mountain City prior to connecting to the power grid. Failure to do so may result in a fine and/or permit revocation.

G. Approval. Approval shall be given by the building department based upon compliance with the standards of this section and requirements of the city building department, the International Building Code, the National Electrical Code, and approval by the planning director (or designee) and energy department director (or designee). [Ord. O-11-2010 § 2 (Exh. A)].

**Chapter 17.80**  
**SIGN REGULATIONS AND SIGN PERMITS**

Sections:

[17.80.010 What this chapter does.](#)

[17.80.020 Purpose.](#)

[17.80.030 Sign permit required.](#)

[17.80.040 Application.](#)

[17.80.050 Approval process.](#)

[17.80.060 General provisions.](#)

[17.80.070 Permitted signs.](#)

[17.80.080 Off-premises ladder signs.](#)

[17.80.090 Temporary \(right-of-way\) special event signage.](#)

[17.80.100 Yard sale temporary signage.](#)

[17.80.110 Community entrance signs.](#)

[17.80.120 Exempt signs.](#)

[17.80.130 Prohibited signs.](#)

[17.80.140 Nonconforming signs.](#)

[17.80.150 Sign enforcement.](#)

[17.80.160 Definitions.](#)

[17.80.170 Schematics.](#)

**17.80.010 What this chapter does.**

This chapter regulates the design and placement of commercial and governmental identification/communication devices and structures that are built specifically to identify, inform and direct patrons to a particular merchant, store, establishment, development or service. These regulations apply to both on-premises and off-premises signs, but do not apply to handheld placards and other similar devices traditionally used for public protest and the exercise of free speech. This chapter does not regulate the content of free speech. [Ord. O-06-2010 § 2 (Exh. A); Ord. O-12-2009 § 2 (Exh. A); Ord. O-26-2008 § 2 (Exh. A § 16.1); Ord. O-18-2008 § 2 (Exh. A § 16.1); Ord. O-17-2006 § 2 (Exh. 1 § 16.1); Ord. O-23-2005 § 3 (Exh. 1(1) § 16.1)].

**17.80.020 Purpose.**

The purpose of this chapter is to regulate signs and to authorize the use of signs that are: compatible with their surroundings; legible under the circumstances in which they are seen; conducive to promoting traffic safety and the enjoyment of public travel by preventing visual distraction; protecting pedestrians; preserving and enhancing property values and establishing and enhancing high-quality office and commercial developments.

This chapter is also established to promote both short-term and long-term civic beauty and order by establishing standards and regulations for sign design, location, type, size, compatibility and aesthetics. It is intended that this chapter will assist the city in achieving its objective of having both functional and attractive streetscapes. [Ord. O-06-2010 § 2 (Exh. A); Ord. O-12-2009 § 2 (Exh. A); Ord. O-26-2008 § 2 (Exh. A § 16.2); Ord. O-18-2008 § 2 (Exh. A § 16.2); Ord. O-17-2006 § 2 (Exh. 1 § 16.2); Ord. O-23-2005 § 3 (Exh. 1(1) § 16.2)].

**17.80.030 Sign permit required.**

Every person or entity that proposes to or who installs, erects or constructs new permanent signs, or makes alterations, adjustments, reconstruction or other changes to existing signs, shall first obtain a permit, unless otherwise exempted by this chapter. [Ord. O-06-2010 § 2 (Exh. A); Ord. O-12-2009 § 2 (Exh. A); Ord. O-26-2008 § 2 (Exh. A § 16.3); Ord. O-18-2008 § 2 (Exh. A § 16.3); Ord. O-17-2006 § 2 (Exh. 1 § 16.3); Ord. O-23-2005 § 3 (Exh. 1(1) § 16.3)].

#### **17.80.040 Application.**

Only property owners, sign lessors or their duly authorized agents shall make application for a sign permit on forms prepared by the planning department. No sign permit application shall be processed without the submission of the application and all supporting materials as required by this chapter, including the processing fee. Incomplete applications shall not be processed under any circumstance.

A. Supporting Materials. The sign permit application shall be submitted with the materials listed in this section. The planning director may determine and require that additional items not listed herein be submitted in order to evaluate the proposed sign permit application. The number of hard copies and electronic copies, as well as the appropriate format of each, will be determined by the planning director.

1. Site Plans. A site plan drawn to scale, showing the proposed location of the sign, parking areas, landscaped areas and buildings. If the proposed sign will be located within 100 feet of a property line, the parking areas, landscaped areas and buildings shall be shown for the property within 100 feet of the proposed sign.
2. Colored Graphics. Colored graphics showing the proposed sign copy, type of sign, and dimensions.
3. Fee. The processing fee required by the current consolidated fee schedule approved by the city council. [Ord. O-06-2010 § 2 (Exh. A); Ord. O-12-2009 § 2 (Exh. A); Ord. O-26-2008 § 2 (Exh. A § 16.4); Ord. O-18-2008 § 2 (Exh. A § 16.4); Ord. O-17-2006 § 2 (Exh. 1 § 16.4); Ord. O-23-2005 § 3 (Exh. 1(1) § 16.4)].

#### **17.80.050 Approval process.**

Sign permits for permitted signs may be approved by either the planning director or designee.

A. Planning Director or Designee Approval. The planning director or designee shall have the authority to review and approve sign permits that are in compliance with EMMC [17.80.060](#) and [17.80.070](#). In carrying out this responsibility, the planning director may also require signage applications to be reviewed by the planning commission in cases where signage is proposed that requires interpretation of these provisions or is otherwise unusual. This is not to be interpreted to mean that signage that violates this chapter or specific provisions may be reviewed, interpreted and/or approved by the planning commission. As part of the planning director's or designee's review, inspections may be required by the planning and building departments. The planning director or designee may approve, approve with conditions, or deny the application based upon findings of fact. [Ord. O-06-2010 § 2 (Exh. A); Ord. O-12-2009 § 2 (Exh. A); Ord. O-26-2008 § 2 (Exh. A § 16.5); Ord. O-18-2008 § 2 (Exh. A § 16.5); Ord. O-17-2006 § 2 (Exh. 1 § 16.5); Ord. O-23-2005 § 3 (Exh. 1(1) § 16.5)].

#### **17.80.060 General provisions.**

The following general provisions and requirements shall apply to all signs and outdoor advertising structures that may be erected or maintained within Eagle Mountain City. The planning director shall approve signs that are in compliance with the regulations and standards contained herein. Signs shall be maintained in accordance with these provisions and standards.

A. Signs Installed in Compliance with Codes. Signs shall be installed according to requirements contained in the International Building and Electrical Codes, as applicable.

B. Traffic Hazards. No sign shall be erected where it may create a traffic safety hazard by: obscuring traffic control signs or signals; confusing drivers by appearing to be a traffic control sign

or signal; or obstructing vision at intersections or driveways by being placed within a clear vision triangle. Signs shall not be fastened to traffic control devices, street signs, or utility poles.

C. Signs in Right-of-Way. Unless authorized by specific written agreement with the city, no sign shall be placed in or extend over any public right-of-way except traffic control signs, signs described in this chapter, city events or notices (Pony Express Days, recreation leagues, etc.), and public notices placed by public agencies.

D. Sign Illumination. All temporary signs must be nonilluminated. Allowed permanent signs may be nonilluminated, or illuminated by a constant, indirect source of illumination focused on the sign's copy or be internally illuminated, halo illuminated, or externally indirectly illuminated, unless otherwise specified. All illuminated signs shall comply with the time limitations of EMMC [17.56.050\(G\)](#). No animated, flashing, blinking, or moving signs shall be permitted, except that animated public service message signs displaying the time of day, temperature, and/or announcements of community events may be permitted by the planning commission. No sign illumination is permitted within the residential zone of the city unless approved by the planning director, or approved as part of a conditional use permit or master development plan. Electrical signs and spotlights or other fixtures used for the indirect illumination of signs shall be installed only in compliance with the city's adopted International Electrical Code, International Building Code and Chapter [17.56](#) EMMC, Outdoor Lighting Standards.

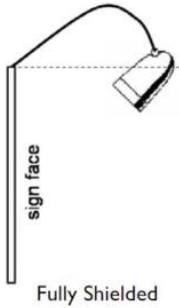
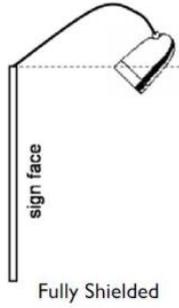
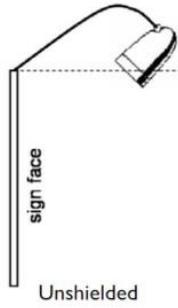
1. Type of Sign Illumination. The type of sign illumination as otherwise set forth in this chapter:

- a. Halo-Type Illumination. The light source is concealed behind an opaque face and the rays of illumination are projected outwards toward the edge of the sign, forming a "halo" effect around the exterior of the sign.
- b. Internal Illumination. The light source is concealed entirely within a sign which makes sign graphics visible by transmitting light through a translucent or semitranslucent material.
- c. External, Indirect Illumination. The light source is exposed and directed toward the sign face but is shielded or concealed from view with proper shields or glass lenses to avoid glare. Examples of external illumination include gooseneck light fixtures and ground-mounted light fixtures.

2. Externally Illuminated Sign Standards.

- a. External illumination for signs shall comply with all provisions of this chapter, and is included within the total outdoor light output limits of EMMC [17.56.050\(D\)](#), and shall comply with applicable lamp source and shielding restrictions.
- b. Except as provided in subsection C of this section, externally illuminated signs shall be illuminated only with steady, stationary, fully shielded light sources directed solely onto the sign without causing glare.
- c. A light fixture mounted above the sign face may be installed with its bottom opening tilted toward the sign face, provided:
  - i. The bottom opening of the light fixture is flat (i.e., it could be covered by a flat board allowing no light to escape); and
  - ii. The uppermost portion of the fixture's opening is located no higher than the top of the sign face (Figure 17.80.060-1). Light fixtures aimed and installed in this fashion shall be considered fully shielded for purposes of calculating the total outdoor light output limits of EMMC [17.56.050\(D\)](#).

Figure 17.80.060-1 External Light Fixture Shielding

Permitted and Prohibited External Sign Lighting Configurations		
Allowed	Allowed	Not Allowed
 <p>sign face</p> <p>Fully Shielded</p>	 <p>sign face</p> <p>Fully Shielded</p>	 <p>sign face</p> <p>Unshielded</p>

3. Internally Illuminated Sign Standards. Internally illuminated signs shall either be constructed with an opaque background and translucent text and symbols, or with a colored (not white, off-white, light gray, or cream) background and generally lighter text and symbols (Figure 17.80.060-2). Lamps used for internal illumination of internally illuminated signs shall not be counted toward the total outdoor light output limits of EMMC [17.56.050\(D\)](#).

Figure 17.80.060-2 Internal Lighting Standards

Light Background	Colored Background	Opaque Background
Not Allowed	Allowed	Allowed
RESTAURANT CAFE	GAS STATION	HOTEL

a. Other internally illuminated panels or decorations not considered to be signage according to this chapter (such as illuminated canopy margins, building faces, or architectural outlining) shall be subject to the standards applicable for such lighting, including but not limited to the lamp source, shielding standards, and total outdoor light output limits established in EMMC [17.56.050\(D\)](#).

4. Neon Sign Standards. Neon sign lighting shall be included within the total outdoor light output limits of EMMC [17.56.050\(D\)](#).

5. Single-Color LED Sign Standards. Single-color LED signs shall come equipped with dimming technology that automatically adjusts the display’s brightness based on ambient light conditions and comply with maximum nighttime brightness.

a. Single-color LED signs shall not exceed a maximum illumination of 200 nits during nighttime hours (between dawn and dusk) and a maximum illumination of 5,000 nits during daylight hours.

6. Time Limitations. All signs shall be turned off by 11:00 p.m. or when the business closes, whichever is later. Signs subject to time limitations are required to have functioning and properly adjusted automatic shut-off timers.

E. Compatibility. The design of signs, including materials and form, shall be compatible with the building or use to which they are an accessory.

F. Maintenance of Signs. Signs and their supporting structures shall be maintained so as not to create a health or safety hazard, or constitute a nuisance. Signs and their supporting structures shall also be maintained in good repair and operation and shall be repaired, repainted, relettered or otherwise maintained in good visual condition so as to not be an aesthetic detriment to the immediate and surrounding areas.

G. Abandoned Signs. Any sign that is not structurally sound or no longer serves to inform or attract the public, including illegible signs and signs advertising or identifying abandoned uses, shall be considered abandoned and shall be removed as required by this chapter. [Ord. O-12-2014 (Exh. A); Ord. O-06-2010 § 2 (Exh. A); Ord. O-12-2009 § 2 (Exh. A); Ord. O-26-2008 § 2 (Exh. A § 16.6); Ord. O-18-2008 § 2 (Exh. A § 16.6); Ord. O-17-2006 § 2 (Exh. 1 § 16.6); Ord. O-23-2005 § 3 (Exh. 1(1) § 16.6)].

**17.80.070 Permitted signs.**

The following permanent signs shall be permitted in accordance with regulations and standards for this section. Any sign not expressly allowed by this chapter is prohibited. The planning director shall approve signs that are in compliance with requirements of EMMC [17.80.060](#), General provisions, and the regulations and standards contained herein.

A. Monument Signs in Agricultural and Residential Zones. Monument signs are allowed in all zones. Monument signs in the agricultural and residential zones may only be used in conjunction with a residential development, agricultural business, church, school or an institutional or recreational facility that has received approval from the city. These monument signs shall conform to the following standards:

1. Height. The maximum height shall be eight feet.
2. Sign Copy. The maximum sign copy shall be 64 square feet.
3. Setback. The setback shall be five feet from any property line.
4. Orientation. Monument signs shall be located perpendicular to the adjacent public street or public view if double-sided or, if single-sided, shall be parallel to the adjacent public street or public view.
5. Landscaping. All areas surrounding monument signs shall be landscaped with irrigated landscaping.
6. Compatibility. Monument signs shall be designed with colors and architecture that are compatible with the buildings that they identify. Supports shall have architectural coverings and design that complement the overall design scheme.
7. Illumination. Monument signs may be internally or externally lit and shall only illuminate the sign face or copy.

B. Combined Monument Signs in the Commercial, Industrial, and Airpark Zones. Developments that have multiple pads and are located in a commercial, industrial, or airpark zone may be required to construct one combined monument sign structure per street frontage. The requirement to construct the monument sign structures may be a condition of approval for a site plan or conditional use. The developer shall ensure that the sign structure allows for as many building pads to be included as is reasonably possible. It is not a guaranteed right that all businesses will have sign space on the combined monument sign. The sign copy will be approved by the planning director or designee through the sign permit application process. All combined monument signs shall be designed and built in substantial conformance to the sign depicted in Figure 17.80.070(A) and must comply with the standards enumerated in subsections (A)(4) through (A)(7) of this section and the standards contained in this subsection. Minor variations to the sign design may be considered by the planning director. More significant variations require approval by the planning commission and city council; height and size requirements may not be exceeded.

**Figure 17.80.070(A)**



1. Height. The maximum height of a combined monument sign shall be 10 feet.
2. Sign Copy. The maximum sign copy of a combined monument sign shall be 100 square feet.
3. Materials. Each sign shall contain stone, rock, or brick at the base (at least two feet high) and vertically along at least one side (at least two feet wide). The sign copy may not exceed the height of the rock column, and may not extend beyond the rock base.
4. Design. Additional design elements may be considered by the planning director in order to give uniqueness to a development.
5. Setback. There is no required setback for combined monument signs. These signs must follow the clear vision triangle standards, and may not cause a traffic/visibility concern. The specific sign location must be approved by the planning director or designee.

C. Individual Monument Signs in the Commercial, Industrial, and Airpark Zones. Developments that have multiple pads and are located in a commercial, industrial, or airpark zone shall be allowed to construct one individual monument sign for each freestanding building. In an effort to maintain aesthetic consistency, all individual monument signs within a project/development shall be substantially similar in design and materials. All monument signs must comply with the standards enumerated in subsections (A)(4) through (A)(7) and (C)(1) through (C)(6) of this section. Minor variations to the sign designs within a development may be considered by the planning director. More significant variations require approval by the planning commission and city council. If multiple businesses share a common structure, then a combined monument sign containing signage for each business is required. No individual monument sign is allowed for businesses that share a structure.

**Figure 17.80.070(B)**



**Preferred example of an individual monument sign**

1. Height. The maximum height shall be five feet. Additional design elements, such as those depicted in Figure 17.80.070(B), may be no higher than six and one-half feet.
2. Sign Copy. The maximum sign copy of any monument sign shall be 32 square feet.
3. Materials. Each sign shall, at a minimum, contain stone, rock, or brick at the base (at least two feet high). The recommended monument sign design is depicted in Figure 17.80.070(B). The materials and design shall be consistent for each sign in the development/project.
4. Design. Each development should contain an element of uniqueness, but the signage throughout a development must be consistent.
5. Setback. There is no required setback for individual monument signs. These signs must follow the clear vision triangle standards, and may not cause a traffic/visibility concern. The specific sign location must be approved by the planning director or designee.
6. Proximity to Other Such Signs. Signs must be separated by at least 100 feet as measured

diagonally across the property from center to center of both signs and shall be no closer than 100 feet to any other monument sign located on the same frontage.

D. Wall, Canopy, or Awning Signs. Wall, canopy, or awning signs are allowed in commercial, airpark, and industrial zones, as well as in approved mixed-use projects for commercial, industrial and airport uses. Wall signs shall not take up more than 10 percent of any wall area on which the sign is located. Canopy or awning signs shall not be included in the calculation of the wall sign area, although the sign copy for canopy signs shall not exceed 50 percent of the canopy area.

1. Illumination. Wall signs may be internally or externally lit and shall only illuminate the sign face or copy. Canopy and awning signs may be externally lit and shall only illuminate the sign face or copy.

E. Changeable Copy Signs. Changeable copy signs on a marquee, reader board, or other replaceable copy area are allowed in commercial, airpark, and industrial zones, as well as in approved mixed-use projects for commercial, industrial and airport uses. The changeable wording area shall not exceed 50 percent of the total sign face. Animated signs, with the exception of city-controlled public announcement signs, are not permitted in the city. All lettering, background, and other aspects of changeable copy signs shall be maintained and repaired consistently to ensure that no discoloring or bleaching occurs. Gas station advertising signage is exempt from the 50 percent size restriction and is reviewed as a standalone commercial monument sign. [Ord. O-06-2010 § 2 (Exh. A); Ord. O-12-2009 § 2 (Exh. A); Ord. O-26-2008 § 2 (Exh. A § 16.7); Ord. O-18-2008 § 2 (Exh. A § 16.7); Ord. O-17-2006 § 2 (Exh. 1 § 16.7); Ord. O-23-2005 § 3 (Exh. 1(1) § 16.7)].

#### **17.80.080 Off-premises ladder signs.**

Directional off-premises double-faced ladder signs located in the shoulder of the city's right-of-way (ROW) along city streets are only permitted through an exclusive concessions agreement with the city. No other off-premises signs are permitted in the right-of-way, unless specifically allowed in this chapter. These ladder signs are intended to direct traffic to a business with an active city business license, subdivision or development project, model home, neighborhood, city facility or park, or not-for-profit entity. Ladder signs and sign inserts/slats shall comply with the following requirements:

A. Allowed Signs. Ladder signs are intended to direct people to, and/or advertise for, a licensed business, model home, new subdivision, city facility or park, not-for-profit entity, neighborhood, or community event.

B. Sign Inserts. The sign slats or inserts should be consistent in background color and design and may contain advertising along with directional information. The logo at the top of each sign shall be the approved Eagle Mountain City logo. Slats do not require separate approval.

C. Sign Ownership. The city shall maintain ownership of all signs, and may contract out the maintenance and management of the signs. The city may place directional signs leading to city facilities in any appropriate right-of-way location.

D. Maintenance. Sign structures and slats shall be maintained in good repair and shall be repainted, repaired, or otherwise maintained in good visual condition.

E. Location. Ladder sign locations are designated in an exclusive concessions agreement. In all cases, the placement of signs shall not create a traffic hazard.

F. Maximum Number. Excluding any directional ladder signs to city facilities, the maximum number of ladder signs that will be permitted in the rights-of-way is 30. [Ord. O-02-2012 § 2 (Exh. A); Ord. O-06-2010 § 2 (Exh. A); Ord. O-12-2009 § 2 (Exh. A); Ord. O-26-2008 § 2 (Exh. A § 16.8); Ord. O-18-2008 § 2 (Exh. A § 16.8); Ord. O-17-2006 § 2 (Exh. 1 § 16.8); Ord. O-23-2005 § 3 (Exh. 1(1) § 16.8)].

#### **17.80.090 Temporary (right-of-way) special event signage.**

For temporary signage to be placed in city-owned right-of-way advertising special events occurring within the city, the following standards shall be followed:

- A. Sign Copy. The maximum sign copy shall be 32 square feet.
- B. Location. A map must be submitted for approval showing the intended locations of the signs. No off-premises signs are allowed on private property. Temporary right-of-way signs may not be located in the park strip (between the street and the sidewalk), but may be located between the sidewalk and a property line or fence. Signs may not be placed on utility poles, light poles, fences, or trees.
- C. Duration. The maximum number of continuous days in which the signs can be displayed shall be 10 consecutive days. An extension may be possible with the original application.
- D. Takedown. The applicant is solely responsible to remove the signs by the appropriate date.
- E. Definition of Special Events. Special events include business grand openings, fundraiser events, private concerts, parade of homes, and other events as determined by the planning director. This does not include small, private events like yard sales, garage sales, moving sales or lost pet signs, nor does it include business sales.
- F. Approval Process. Any public right-of-way signage must be approved by the planning department, and the city-approved sticker must be displayed on the sign (front or back). Any sign in the public right-of-way that does not display the approved sticker may be immediately removed. A maximum of two large signs (12 to 32 square feet) or four small signs (less than 12 square feet) may be approved per applicant. [Ord. O-06-2010 § 2 (Exh. A); Ord. O-12-2009 § 2 (Exh. A); Ord. O-26-2008 § 2 (Exh. A § 16.9); Ord. O-18-2008 § 2 (Exh. A § 16.9)].

**17.80.100 Yard sale temporary signage.**

Small private events such as yard sales, garage sales, and moving sales must comply with the following signage standards:

- A. Sign Copy. Signs may be no larger than four square feet in size.
- B. Location. Signs must be located on private property, unless the sale is registered with the city prior to the date of sale for temporary right-of-way signage. On major streets (arterial and major collectors) signs may not be located in the park strip (between the street and the sidewalk/trail), but may be located between the sidewalk and a property line or fence. Signs may not be placed on utility poles, light poles, fences, or trees. On local roads, signs are allowed in the park strip.
- C. Duration. Temporary signs in the right-of-way that serve as directional signs to the event may be posted on the day of the sale only, and must be removed by the end of the day. It is the owner's responsibility to remove all signage during the appropriate time period. No sale or signage will be permitted for more than two consecutive days.
- D. Approval Process. The yard/garage sale must be registered with the city for any signage to be allowed in the public right-of-way. Any sign in the public right-of-way that is not registered with the city may be immediately removed. [Ord. O-06-2010 § 2 (Exh. A)].

**17.80.110 Community entrance signs.**

Community entrance signs located in the median or shoulder of the city's right-of-way (ROW) along streets classified as arterials or collectors shall only be allowed under specific agreement with the city. Community entrance signs shall be constructed, installed, and maintained at the expense of the original applicant in accordance with the specifications outlined in the submitted application and as determined by the city council. The exact location of each sign and the sign copy shall be subject to review and approval by the Eagle Mountain planning commission and city council.

- A. Approval Process. Community entrance signage shall not be construed as an absolute right upon submission of an application and does not require the approval body to take action based upon findings of fact. At their discretion, the planning commission may recommend and the city council

may approve community entrance signs along streets classified as arterials and collector roads. The placement of the signs shall not create a traffic hazard. Since these signs are within the city's right-of-way, the applicant must enter into an agreement to lease the city's property. The city council shall approve the agreement, which will detail the terms and conditions of the property lease as well as the design of the signage. The lease fee shall be equal to the fee established in the city's current consolidated fee schedule for off-premises ladder signs. [Ord. O-06-2010 § 2 (Exh. A); Ord. O-12-2009 § 2 (Exh. A); Ord. O-26-2008 § 2 (Exh. A § 16.9); Ord. O-18-2008 § 2 (Exh. A § 16.9); Ord. O-17-2006 § 2 (Exh. 1 § 16.9). Formerly 17.80.100].

**17.80.120 Exempt signs.**

All signs exempt from the permit process shall comply with the general provisions of this chapter except traffic signs approved by the city engineer. No sign permits shall be required for the following signs:

A. On-Premises Project Sign. One on-premises project sign may be erected for projects that have received either site plan approval or final subdivision approval. This sign may contain information about the approved business or project, and shall not exceed eight feet in height and 32 square feet of sign copy per side if double-faced. This sign shall be allowed until the development is complete or within one year of posting, whichever occurs first.

B. On-Premises Real Estate Sign. One on-premises real estate sign for lots less than one acre in size. The real estate sign shall not exceed eight feet in height and nine square feet of sign copy per side if double-faced. For lots that are larger than one acre in size, the property will be allowed to display a sign that shall not exceed 10 feet in height and 16 square feet of sign copy per side if double-faced. Real estate signs shall be allowed until the transaction with the property is complete.

C. Political Signs. Political signs placed on private property that do not exceed eight feet in height and 32 square feet per side if double-faced; provided, that such signs do not violate any other provisions of this chapter including provisions pertaining to the placement of signs in the public right-of-way.

D. Temporary Use Signs. Signs for temporary uses that have obtained a business license, if required, from the city may be installed as follows: one sign on a temporary basis located on premises that shall not exceed eight feet in height and 32 square feet of sign copy per side if double-faced. Temporary use signs will be allowed as long as the temporary use has a business license from the city.

E. Property Signs. Property signs no larger than nine square feet of sign copy per side if double-faced. These signs shall be permitted indefinitely as long as the sign is in compliance with the general provisions of this chapter.

F. Nameplate Signs. One nameplate sign identifying owners and addresses and no larger than two square feet of sign copy per side if double-faced.

G. Traffic Signs. Traffic signs as required by law which are approved by the city engineer and erected by or on behalf of a public agency. Traffic signs deemed necessary by the city engineer may not be required to comply with provisions of this chapter.

H. Civic Signs. Civic signs on private property which announce holidays or public interest events sponsored by nonprofit organizations; public service signs or signs related to community service projects not to exceed eight feet in height and 32 square feet of sign copy per side if double-faced.

I. Window Signs. Window signs including posters, messages, or displays painted or mounted on the interior side of a window may be used to advertise special promotions.

J. Public Notice. The display of official notices used by any court, public body or official, or the posting of notices by any public officer in the performance of a duty, or by any person giving legal notice at the direction of a governmental entity.

K. Special Event Signs. On-premises special event signage such as flags, banners or other signs

for the purpose of advertising business openings or other special events; provided, that such signage does not exceed 32 square feet in size and is posted for a period not to exceed 60 days.

L. Model Homes. One on-premises sign for model homes; provided, that the on-premises sign does not exceed 32 square feet in size. A maximum of six flags not to exceed 15 square feet each posted on flag poles not to exceed 20 feet measured from the grade level to the top of the pole. The flags' colors shall be consistent with the on-premises sign. American flags shall not exceed 40 square feet in size. Two A-frame or temporary directional signs of no more than four square feet per builder per subdivision are allowed in the right-of-way adjacent to the model home and in the park strip of the nearest major street corner. These signs shall be directional only, not containing other advertising. These signs are only allowed during model home hours, and must be removed each evening at closing.

M. Real Estate Open House Signs. One A-frame or temporary directional sign of no more than four square feet for real estate open houses for individual home sales is allowed in the park strip of the nearest street corner, one day per week, to be put up no more than one hour prior to the open house and must be removed within one hour after the open house.

N. Temporary Informational Signs. Small informational signs such as lost pet signs, neighborhood or religious activity signs, youth sales signs (such as lemonade stands), and other signs for noncommercial purposes (i.e., not promoting a business of any kind, except youth sales) are allowed in the right-of-way. These signs may not be located in the park strip (between the street and the sidewalk) on major streets, but may be located between the sidewalk and a property line or fence. These signs may not be placed on utility poles, light poles, fences, or trees. The code enforcement officer has the authority to remove signs without notice if they have not been removed in a timely manner or if they present a safety hazard.

O. On-Premises Home Business Signs. Home businesses with a valid business license from Eagle Mountain City may place one nonilluminated wall sign no larger than four square feet in size on the front of the principal dwelling no higher than the first story. [Ord. O-02-2012 § 2 (Exh. A); Ord. O-06-2010 § 2 (Exh. A); Ord. O-12-2009 § 2 (Exh. A); Ord. O-26-2008 § 2 (Exh. A § 16.10); Ord. O-18-2008 § 2 (Exh. A § 16.10); Ord. O-17-2006 § 2 (Exh. 1 § 16.10); Ord. O-23-2005 § 3 (Exh. 1(1) § 16.9). Formerly 17.80.110].

#### **17.80.130 Prohibited signs.**

The following signs as defined in EMMC [17.80.160](#) shall be prohibited: snipe/bootleg signs, vehicular signs, pole signs, inflated signs, and billboards. In addition, any signs that emit sound, smoke or steam are prohibited. [Ord. O-02-2012 § 2 (Exh. A); Ord. O-06-2010 § 2 (Exh. A); Ord. O-12-2009 § 2 (Exh. A); Ord. O-26-2008 § 2 (Exh. A § 16.11); Ord. O-18-2008 § 2 (Exh. A § 16.11); Ord. O-17-2006 § 2 (Exh. 1 § 16.11); Ord. O-23-2005 § 3 (Exh. 1(1) § 16.10). Formerly 17.80.120].

#### **17.80.140 Nonconforming signs.**

A nonconforming sign may be maintained and repaired, even if such a repair may not bring the sign into compliance with this chapter. If a nonconforming sign is damaged or allowed to deteriorate in an amount in excess of 50 percent of its replacement cost, the sign shall not be repaired unless such a repair shall result in the sign coming into compliance with the provisions of this chapter. [Ord. O-06-2010 § 2 (Exh. A); Ord. O-12-2009 § 2 (Exh. A); Ord. O-26-2008 § 2 (Exh. A § 16.12); Ord. O-18-2008 § 2 (Exh. A § 16.12); Ord. O-17-2006 § 2 (Exh. 1 § 16.12); Ord. O-23-2005 § 3 (Exh. 1(1) § 16.11). Formerly 17.80.130].

#### **17.80.150 Sign enforcement.**

The planning director, or designee, shall perform the following duties and use the following procedures when enforcing sign regulations:

A. Compliance. Determine and ascertain that all signs, construction, reconstruction, or alterations of existing signs are completed in compliance with this chapter.

B. Site Inspections. Conduct site inspections to determine compliance with this chapter.

C. Instigate Proceedings. Instigate appropriate action or proceedings in any case where a sign is illegally erected, constructed, altered, repaired or maintained in violation of any city ordinance, including the provisions of this chapter.

D. Notices of Violation. Issue verbal or written notice of violation to owners or persons having control, charge or benefit of any sign that is found to be unsafe or in violation of city ordinances or this chapter, including all general provisions (EMMC 17.80.060).

E. Unsafe or Dangerous Signs. Abate and remove signs that are unsafe or dangerous.

F. Removal of Illegal Signs. Assist applicants to bring into compliance signs that are illegal under the provisions of this chapter or that are installed without a permit. The planning director or designee shall have the authority to abate and remove such signs if they are not brought into compliance within seven calendar days after written notice has been given to the owner or party in interest advertised on the sign. The person responsible for such sign shall be liable for the cost of removal and the city is authorized to effect the collection of said cost.

G. Removal of Temporary Signs. Abate and remove temporary signs posted upon private property if they are not made conforming within 72 hours after being noticed. Verbal or written notice is sufficient warning for these signs. The person responsible for such an illegal sign shall be liable for the cost of its removal and the city is authorized to effect the collection of said cost.

H. Removal of Signs on Public Property. Remove or require the immediate removal of any sign posted on public property. Such signs, though removed, shall not be destroyed for at least seven calendar days from the date of removal. In no case shall a failure to remove such signs constitute approval by the city of the illegal placement of the sign.

I. Removal of Abandoned Signs. Remove or require the removal of all signs that are nonmaintained, abandoned, or that identify a discontinued or abandoned use within 45 calendar days after giving written notice to the person having control of or receiving benefit from the sign. The person responsible for such a sign shall be liable for the cost of its removal and the city is authorized to effect the collection of said cost.

J. Continual Sign Erection without Permits. Persons who continue to erect signs without the proper permits may have the unauthorized signs removed without notice. All signs removed by the city will be impounded. Owners of impounded signs shall pay a fee before the signs are released. [Ord. O-06-2010 § 2 (Exh. A); Ord. O-12-2009 § 2 (Exh. A); Ord. O-26-2008 § 2 (Exh. A § 16.13); Ord. O-18-2008 § 2 (Exh. A § 16.13); Ord. O-17-2006 § 2 (Exh. 1 § 16.13); Ord. O-23-2005 § 3 (Exh. 1(1) § 16.12). Formerly 17.80.140].

#### **17.80.160 Definitions.**

The following terms related to this chapter are hereby defined below:

“A-frame sign” means any sign or structure (usually freestanding, temporary and/or movable) composed of two sign faces mounted or attached back-to-back in such a manner as to form a triangular vertical cross-section through the sign faces.

“Abandoned sign” means a sign which is located on a property or place of business which has been vacated or which remains unused for a period of time exceeding 90 days.

“Advertising sign” means a sign which directs attention to a use, product, commodity or service.

“Alteration” in this chapter means changing or rearranging any structural part, sign face, enclosure, lighting, coloring, copy (except on reader signs that have changeable copy), graphics, components or location of any sign.

“Animated signs” means signs which incorporate moving or rotating parts or other special lighting effects with flashing or intermittent lights (excluding time and temperature signs or electronic message centers).

“Banner” means a building sign made of fabric, plastic, or a similar lightweight material and hung from a building or pole.

“Billboard” means an advertising sign not necessarily related to the premises on which it is located and intended for use of changeable copy by posting or repainting.

“Building sign” means any sign attached to or a part of a building. Several types of signs defined in this chapter may also be defined as building signs if they are attached to or are a part of a building.

“Canopy sign” means a building sign that is part of a fabric, plastic, or similar shelter supported by a noncombustible rigid framework attached to a building, and sheltering the building’s entrance or windows. Synonymous with “awning” for the purposes of this chapter.

“Changeable copy sign” means a variable message sign composed of individual letters panel-mounted in or on a track system.

“Clear vision areas” means corner areas at intersecting streets and/or driveways in which unobstructed vision of motor vehicle operators is maintained (see Chapter [17.60](#) EMMC for the specific requirements and an illustration of required clear vision areas).

“Community entrance sign” means a sign used to welcome people to the city or a monument at the entrance to specific neighborhoods indicating the name of the project, subdivision or neighborhood. Any community entrance sign not required to be installed as part of a master development plan or final plat shall be processed through the planning department with the appropriate application and fee.

“Community event sign” means a temporary sign displayed by the city, or one of its committees, subcommittees, councils, boards or other public agency to promote community events.

Cornerstone. A cornerstone is carved or cast into a building, or a metal plaque permanently attached to a building. It carries no commercial message, but may include the building’s name, the date of its completion, and the names of owners, architects, contractors, etc.

Directional Signs. Directional signs are defined in two general categories as follows:

1. Any sign used to display the address of a commercial or industrial building or use, or to identify points of access, the direction of travel, and similar functions in off-street parking and loading areas. Such signs display no advertising or promotional copy, but may bear a logo or be in a distinctive design associated with the use to which they are accessory. Such name or logo shall not exceed more than 50 percent of sign area.
2. A sign erected by an official government agency to denote the name of any thoroughfare; to point out the route to any city, educational institution, public building, historic place or hospital; to direct and regulate traffic; and to denote any railroad crossing, bridge or other transportation facility for the convenience and safety of the general public.

“Double-faced sign” means a sign with two faces, back-to-back.

“Flag” means fabric, plastic, or similar lightweight material hung from a pole that may bear a logo, which is displayed with the intent to advertise or attract attention to a commercial enterprise.

“Freestanding sign” means any sign that has its own supporting structure, rather than being attached to and supported by a building.

“Frontage” means the distance or length of the side of any parcel that is adjacent to any public or private street, but does not include alleys, watercourses or limited access roadways.

“Illuminated sign” means any sign designed to emit artificial light or designed to reflect light from one or more sources of artificial light.

“Inflatable sign” means any advertising device which is supported by heated or forced air or lighter-

than-air gases.

“Monument sign” means a freestanding sign whose sign face extends to the ground or to a base or pedestal.

“Movable, freestanding sign” means any sign not affixed to or erected into the ground.

“Nonconforming sign” means a sign or sign structure which lawfully existed prior to the adoption of the ordinance codified in this chapter but which does not conform to all or a part of the requirements of this chapter.

“Off-premises sign” means any sign which advertises a use, establishment, product or service that is sold, produced, manufactured or furnished at a place other than on the property on which said sign is located.

“On-premises sign” means a sign that advertises or directs attention to a use or establishment located on premises or a product or service available on premises.

“Pole sign” means a freestanding identification or business sign, which is supported by a pole(s), mounted permanently in the ground and the base of the sign copy is greater than nine feet in height.

“Political sign” means a temporary sign advertising a candidate for public office, a political party or a measure or issue scheduled for an election.

“Property sign” means on-premises signs that state the rights that the owner of that property wishes to enforce such as no dumping, no trespassing or no parking.

“Real estate sign” means a temporary sign indicating that the lot on which the sign is located, or any building or structure located thereon, is for sale, rent, or lease.

“Replacement,” for the purposes of this chapter, does not include the temporary removal of an existing sign for repair or refurbishment.

“Residential sign” means a freestanding or building sign that displays the address and the name of the occupants of a residence.

“Sign” means any and all advertising message, announcement, declaration, warning, statement, demonstration, illustration, insignia, words, space, figures or objects erected or maintained in view of any observer for the purpose of designating, identifying, promoting, advertising, directing or warning for the benefit of any person, product, company, entity or service; whether placed on the ground, rocks, trees, stumps, or other natural objects, or on a building, wall, roof, frame, support, fence, or other manmade structure. “Sign” also includes the accessory sign structures, supports, lighting systems and other attachments or components. The word “sign” does not include the flag, pennant or insignia of any nation, state, city or other political unit or any official notice issued by any court, public body or officer, or directional, warning or information sign or structure required or authorized by law.

“Sign area” means the entire area within a single continuous perimeter composed of squares, rectangles or other geometric figures which enclose the extreme limits of all sign elements affixed to the wall, including but not limited to cabinet structures, written copy, logos, symbols, decorative embellishments, border or roof treatments and illustrations.

“Sign copy” means the area on a sign in which letters, logos, and symbols are or can be printed upon.

“Sign face” means the part of a sign that is or may be used for advertising purposes.

“Snipe/bootleg sign” means a small sign of any material including but not limited to paper, cardboard, wood or metal when such sign is tacked, nailed, posted, pasted, glued or otherwise attached to trees, poles, fences or other objects, and the advertising matter appearing thereon is not applicable to the premises upon which said sign is located.

“Special events sign” means a sign which calls attention to a business promotion or grand opening.

“Suspended signs” are attached to the ceiling of an arcade or the framework of a canopy and hang over a sidewalk.

“Temporary sign” means any permitted type of sign, but displayed for 60 days or less, except in the case of construction and real estate signs, which are temporary, but may be displayed until construction is complete or the property advertised has been rented or sold or otherwise allowed by this chapter.

“Traffic control sign” means standard regulatory signs installed by public agencies, including stop and yield signs, speed limit signs, etc., and permitted wherever warranted. When installed on private premises, such signs are directional.

“Vehicular sign” means a sign affixed to a vehicle or trailer for the purpose of advertising. Such sign shall only be applicable or regulated by this chapter when said vehicle or trailer is parked on a parcel other than the owner’s property for the primary purpose of conveying a business message.

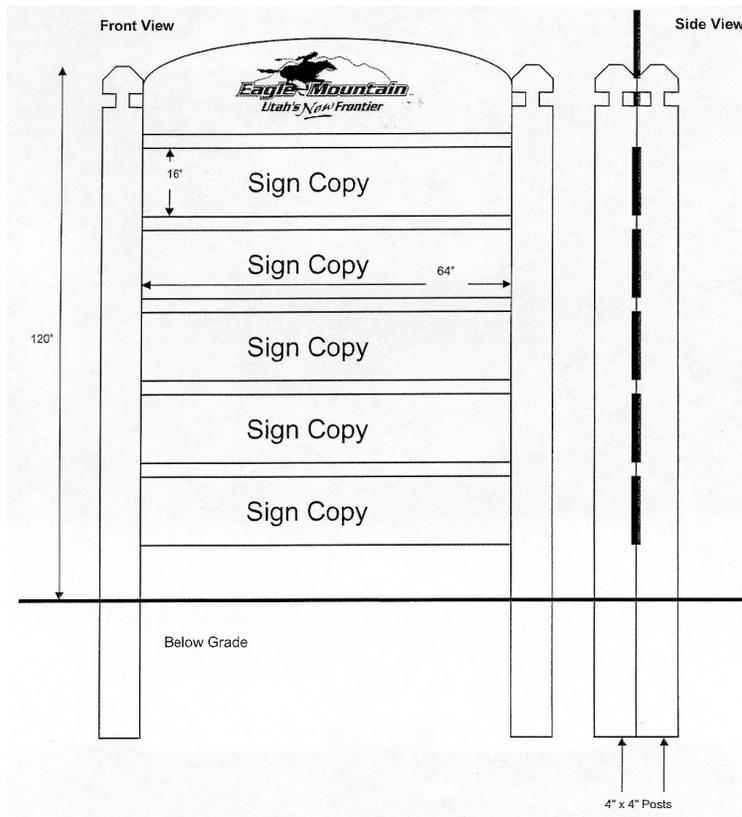
“Wall face,” for the purpose of this chapter, means the visible outer surface area of a main exterior wall of a building. The area of the wall face shall be the total area of such surface including the area of doors and windows that are included in the main exterior wall.

“Wall sign” means a building sign painted directly on the wall of a building or attached to the wall of a building, and parallel with the wall to which it is attached. Wall signs extend no more than one foot from the building to which they are attached and do not extend above the roofline of the building to which they are attached.

“Window sign” means signs, including posters, messages, or displays painted or mounted on the interior side of a window for special promotional or other temporary displays. [Ord. O-06-2010 § 2 (Exh. A); Ord. O-12-2009 § 2 (Exh. A); Ord. O-26-2008 § 2 (Exh. A § 16.14); Ord. O-18-2008 § 2 (Exh. A § 16.14); Ord. O-17-2006 § 2 (Exh. 1 § 16.14); Ord. O-23-2005 § 3 (Exh. 1(1) § 16.13). Formerly 17.80.150].

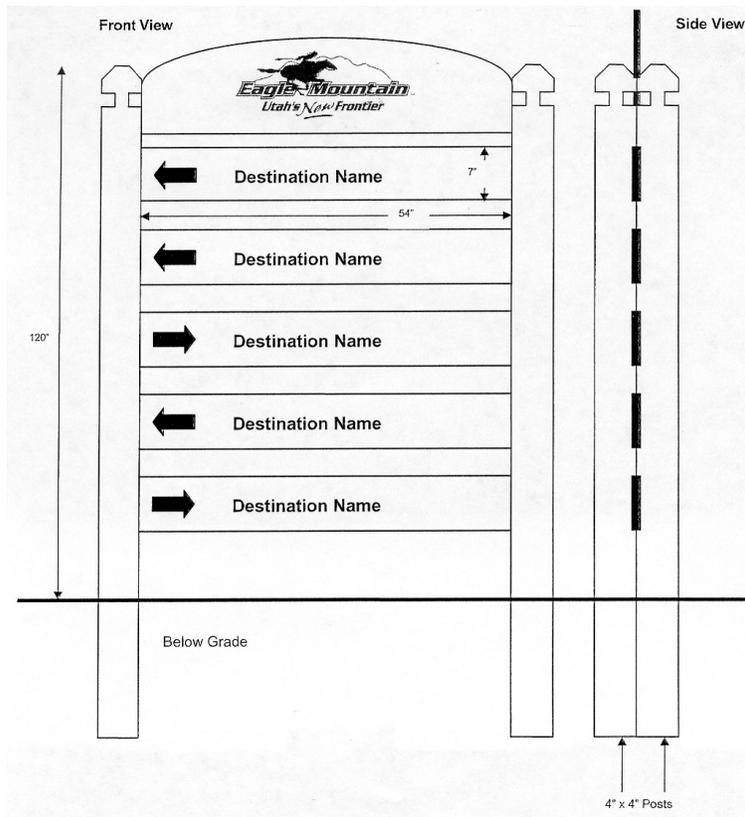
#### **17.80.170 Schematics.**

##### **Schematic 17.80.170(a) – Model Home Signage**



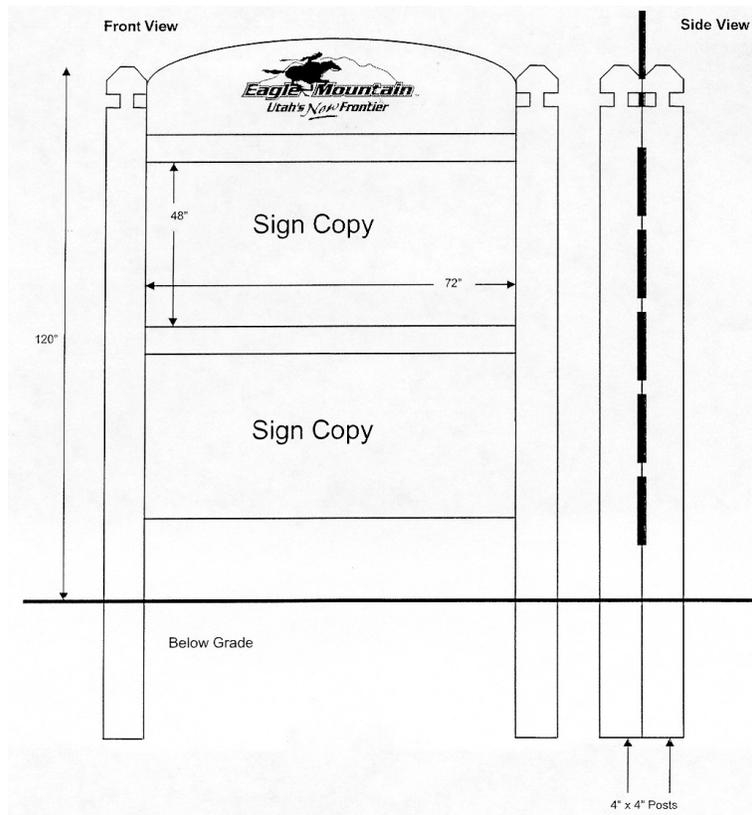
Signs shall be painted Monterrey Grey.

**Schematic 17.80.170(b) – Directional Median Signage**



Signs shall be painted Monterrey Grey.

**Schematic 17.80.170(c) – Directional/Advertising Business Signage**



Signs shall be painted Monterrey Grey.

[Ord. O-06-2010 § 2 (Exh. A); Ord. O-12-2009 § 2 (Exh. A); Ord. O-23-2005 § 3 (Exh. 1(1) Schematics 15.1 – 15.3). Formerly 17.80.160.]

**Chapter 17.85  
ANIMAL REGULATIONS**

Sections:

[17.85.010 What this chapter does.](#)

[17.85.020 Purpose.](#)

[17.85.030 Existing animal uses.](#)

[17.85.040 General animal regulations for all zones.](#)

[17.85.050 General animal regulations for the agriculture zone.](#)

[17.85.060 General animal regulations for the commercial zone.](#)

[17.85.070 General animal regulations for the industrial zone.](#)

[17.85.080 General animal regulations for the airpark zone.](#)

[17.85.090 General animal regulations for the residential zone – Permitted use.](#)

[17.85.100 Conditional use.](#)

[17.85.110 Kennels and hobby breeders.](#)

[17.85.120 Wild animals.](#)

[17.85.130 Definitions.](#)

[17.85.140 Residential zone livestock requirements.](#)

**17.85.010 What this chapter does.**

This chapter establishes the land use regulations for animal uses and possession within the limits of Eagle Mountain City. [Ord. O-23-2005 § 3 (Exh. 1(1) § 17.1)].

**17.85.020 Purpose.**

The purpose of this chapter is to ensure that animals may be kept within the city in a manner that does not jeopardize the health or safety of its residents or cause a nuisance. [Ord. O-23-2005 § 3 (Exh. 1(1) § 17.2)].

**17.85.030 Existing animal uses.**

The keeping of any animal which existed lawfully prior to the effective date of the ordinance codified in this title which is not allowed under this title may be continued as a nonconforming use, except that if the nonconforming use is discontinued for one year or more it shall then be deemed abandoned and any future keeping of animals shall be in conformity with this title. [Ord. O-23-2005 § 3 (Exh. 1(1) § 17.3)].

**17.85.040 General animal regulations for all zones.**

All areas to be used by animals shall be adequately fenced so as to prevent their escape. No more than six birds or other flying animals shall be kept on any lot within 1,000 feet of an airport. Available fenced animal areas shall be located in rear or side yards and may include barns, corrals, pens, or other facilities directly related to the care, shelter or feeding of the animals, but shall not include the home or other accessory buildings. [Ord. O-23-2005 § 3 (Exh. 1(1) § 17.4)].

**17.85.050 General animal regulations for the agriculture zone.**

Livestock may be kept in the agriculture zone on lots greater than five acres in size, but shall be maintained in conditions that are healthy and do not pose a nuisance due to smell, noise, or unsightly trash or dilapidated buildings. [Ord. O-23-2005 § 3 (Exh. 1(1) § 17.5)].

**17.85.060 General animal regulations for the commercial zone.**

It shall be unlawful to possess livestock or other animals in the commercial zone, except in approved pet stores, boarding or grooming kennels, or as otherwise provided in this chapter. [Ord.

O-23-2005 § 3 (Exh. 1(1) § 17.6)].

**17.85.070 General animal regulations for the industrial zone.**

It shall be unlawful to possess livestock or other animals in the industrial zone, except as otherwise provided in this chapter. [Ord. O-23-2005 § 3 (Exh. 1(1) § 17.7)].

**17.85.080 General animal regulations for the airpark zone.**

It shall be unlawful to possess livestock or other animals in the airpark zone, except in approved pet stores or as otherwise provided in this chapter. [Ord. O-23-2005 § 3 (Exh. 1(1) § 17.8)].

**17.85.090 General animal regulations for the residential zone – Permitted use.**

Table 17.85.140, Residential Zone Livestock Requirements, identifies the minimum lot size, area requirements, number and type of livestock that may be kept as a permitted use within the residential zone. [Ord. O-23-2005 § 3 (Exh. 1(1) § 17.9)].

**17.85.100 Conditional use.**

The planning commission may consider exceptions to Table 17.85.140, Residential Zone Livestock Requirements, through a conditional use permit process.

A. The planning commission shall review conditional use permits in accordance with the standards contained in Chapter [17.95](#) EMMC, Conditional Uses.

B. The planning commission shall conduct a public hearing in accordance with Chapter [17.95](#) EMMC, Conditional Uses.

C. If an approved plan is violated or causes situations that become a nuisance to adjoining property owners, the conditional use shall be subject to revocation by the code enforcement or animal control officer. [Ord. O-23-2005 § 3 (Exh. 1(1) § 17.10)].

**17.85.110 Kennels and hobby breeders.**

A city-issued license shall be required for all kennels and hobby breeder kennels. Kennels and hobby breeder kennels are both conditional uses, which shall be approved by the planning commission. Kennels shall only be approved in the agriculture zone on lots greater than 40 acres in size and in approved industrial zones. Hobby breeder kennels may be approved as a conditional use in the residential, agriculture, and airpark zones. [Ord. O-23-2005 § 3 (Exh. 1(1) § 17.11)].

**17.85.120 Wild animals.**

It is unlawful for any person to sell, offer for sale, barter, give away, keep, own, harbor, or purchase any wild animal, except for government agencies or otherwise as provided for by state or federal regulations. The keeping of any wild animal which existed prior to the effective date of the ordinance codified in this title may be continued, except that if it is discontinued for six months or more it shall then be deemed abandoned and any future keeping of wild animals shall be in conformity with this title. [Ord. O-23-2005 § 3 (Exh. 1(1) § 17.12)].

**17.85.130 Definitions.**

For the purposes of this title, each of the following words and phrases shall have the following meaning:

“Animal” means birds, reptiles, and mammals other than the genus *Homo sapiens*. An animal’s offspring shall be considered a separate unit upon completion of weaning.

“Hobby breeder kennel” means a dog or cat breeder that has been given conditional use approval to keep a limited number of animals, as approved in a conditional use permit, in a residential area, subject to all provisions of Chapter 6.05 EMMC and this title.

“Kennel” means any lot, building, structure, enclosure or premises whereupon or wherein five or more dogs over four months of age are kept or maintained for any purpose, including boarding, breeding, buying, grooming, letting for hire, training for fee, or selling.

“Livestock” means all animals of the equine, bovine, or swine class, including goats, sheep, mules,

horses, hogs, cattle, and other grazing animals, and all ratites, including, but not limited to, ostriches, emus, and rheas.

“Wild animals” means any animals of a species that in their natural life are wild, including hybrids and animals which, as a result of their natural or wild condition, cannot be vaccinated effectively for rabies. These animals, however domesticated, shall include but not be limited to:

1. Alligators and crocodiles;
2. Bears (Ursidae). All bears, including grizzly bears, brown bears, black bears, etc.;
3. Cat Family (Felidae). All except the commonly accepted domesticated cats, and including cheetah, cougar, leopard, lion, lynx, panther, mountain lion, tiger, wildcat, etc.;
4. Dog Family (Canidae). All except domesticated dogs, and including wolf, part wolf, fox, part fox, coyote, part coyote, dingo, etc.;
5. Porcupine (Erethizontidae);
6. Primate (Non-human). All subhuman primates;
7. Raccoon (Procyonidae). All raccoons, including eastern raccoon, desert raccoon, ringtailed cat, etc.;
8. Skunks;
9. Venomous fish and piranha;
10. Venomous snakes and lizards;
11. Weasels (Mustelidae). All including weasels, martens, wolverines, badgers, otters, ermine, mink, mongoose, etc.

A complete list of other definitions related to animal control may be found in Chapter 6.05 EMMC. [Ord. O-23-2005 § 3 (Exh. 1(1) § 17.13)].

**17.85.140 Residential zone livestock requirements.**

**Table 17.85.140 – Residential Zone Livestock Requirements\***

Animal	Max. Number Allowed on Lots			Available Fenced Area per Animal	Setback from Residence or Other Periodically Inhabited Building <sup>1</sup>	Minimum Lot Size
	1/2 to 1 Acre	1 to 3 Acres	More than 3 Acres			
Horse/Mule	0	4	12	22,000 s.f. per 1 – 4 animals	50	1 Acre
Buffalo	0	2	6	22,000 s.f. per 1 – 4 animals	150	1 Acre
Cattle	2	4	12	2,500 s.f.	50	1/2 Acre
Donkey	2	4	12	2,500 s.f.	50	1/2 Acre
Llama	2	4	12	2,500 s.f.	50	1/2 Acre
Emu/Ostrich	4	8	16	500 s.f.	50	1/2 Acre
Sheep/Goat	4	8	16	500 s.f.	50	1/2 Acre
Pig (all kinds)	2	4	8	500 s.f.	150	1/2 Acre

<sup>1</sup> The setback requirement is measured from the closest point of the available fenced animal area

to a residence or building on an adjacent lot.

\* Exceptions to these standards must be presented by the property owner through an alternative animal management plan to be heard by the planning commission. Approval of the plan by the commission shall be considered a conditional use and shall be subject to all required conditions. If an approved plan is violated or causes situations that become a nuisance to adjoining property owners, the conditional use shall be subject to revocation by the code enforcement or animal control officer.

[Ord. O-23-2005 § 3 (Exh. 1(1) Table 17.1)].

**Chapter 17.90**  
**REZONING OF PROPERTY**

Sections:

[17.90.010 What this chapter does.](#)

[17.90.020 Purpose of rezoning of property.](#)

[17.90.030 Property eligibility for rezoning.](#)

[17.90.040 Application.](#)

[17.90.050 Approval process.](#)

[17.90.060 Criteria for approval.](#)

**17.90.010 What this chapter does.**

This chapter establishes the application requirements and approval process for rezoning of property. [Ord. O-23-2005 § 3 (Exh. 1(1) § 18.1)].

**17.90.020 Purpose of rezoning of property.**

The use of property shall comply with the permitted or conditional uses allowed in the zoning districts of this title. Property owners may apply to rezone their property in accordance with the process outlined in this chapter when a master development plan is not required. [Ord. O-23-2005 § 3 (Exh. 1(1) § 18.2)].

**17.90.030 Property eligibility for rezoning.**

The zoning designations of property in Eagle Mountain City may be changed through the master development plan or rezoning of property processes. The master development plan process approves a range of land uses and densities within a specified area by obtaining zoning approval, evaluates off-site utilities, and identifies funding mechanisms to provide for all off-site utilities and other public infrastructures. The zoning designations may be changed for property through the rezoning of property process that meets the following criteria:

- A. Parcel Size. Any parcel that is less than 160 acres in size. Property that is proposed for development and contiguous to other parcels that are all held in common ownership shall be considered the same property for the purpose of this requirement. Property shall not be divided in order to circumvent the size requirements with respect to the submittal of master development plans.
- B. Incorporated Property. Property that is included in the incorporated boundaries of the city or is part of a pending annexation petition.
- C. Significant Issues. In certain cases, the planning director or city engineer may recommend and the planning commission or public works board may require that property be subject to the master development plan process when significant issues related to land use planning or utilities exist, regardless of the parcel size. [Ord. O-23-2005 § 3 (Exh. 1(1) § 18.3)].

**17.90.040 Application.**

Only property owners or their duly authorized agent shall make application for a rezoning of property on forms prepared by the planning director. No rezoning of property shall be processed without the submission of the application, all the supporting materials required by this chapter, and the processing fee. Incomplete applications shall not be processed under any circumstance.

A. Supporting Materials. The rezoning of property application shall be submitted with the materials listed in this section. The planning director and planning commission may determine and require that additional items not listed herein be submitted in order to evaluate the proposed rezoning application. If the applicant believes that some of the required supporting materials are not applicable, then they may submit a written statement to identify and clarify why they believe these materials are not needed for review of the project. Upon review of this statement, the planning director may approve the waiving of certain materials that are not found to be applicable to the

project. The following materials must be submitted with a complete application, unless otherwise waived as allowed herein. The number of hard copies and electronic copies, as well as the appropriate format of each, will be determined by the planning director.

1. Legal Description. A legal description of the property.
2. Vicinity Map. A vicinity map showing the approximate location of the subject parcel with relation to the other major areas of the city.
3. Existing Conditions. A map showing the existing physical characteristics of the site including waterways, geological information, fault lines, general soil data, and contour data at two-foot intervals.
4. Land Use Map. A map together with a general description of the proposed development indicating the general development pattern, land uses, densities, intensities, open spaces, parks and recreation, trails and any other important elements of the project.
5. Zoning Districts. A compatibility statement in an acceptable format that demonstrates compliance with the zoning district that exists on the subject property or the zoning district that is being proposed for the subject property.
6. Public Notice. Addressed and stamped envelopes (the city's address will be the return addresses on the envelopes) of property owners located within 600 feet of the proposed preliminary plat area (including a minimum of at least 25 adjacent property owners).
7. Fee. The processing fee required by the current consolidated fee schedule approved by the city council. [Ord. O-23-2005 § 3 (Exh. 1(1) § 18.4)].

**17.90.050 Approval process.**

The rezoning of property shall not be construed as an absolute right upon submission of an application and does not require the approval body to take action based upon findings of facts. The planning commission and city council shall review and take action on proposed rezoning applications in accordance with the following procedure:

A. Planning Commission Public Hearing. Upon receipt of a complete application, the planning director shall schedule the application for a public hearing before the planning commission. The planning director shall cause all property owners within 600 feet of the boundaries of the proposed application area (including a minimum of at least 25 adjacent property owners and affected entities if there be any) to be notified by first class mail of the time and place of the public hearing at least 10 days prior to the planning commission meeting. The city recorder shall cause that this hearing is advertised in accordance with the requirements of any applicable state statutes. A copy of the public notice of the hearing shall also be posted in three public places (including the city offices) within the city at least 10 days prior to the hearing.

B. City Council Public Hearing. The city council, after receiving a recommendation from the planning commission, shall also conduct a public hearing. The notice requirements for this hearing are identical to the planning commission hearing. The city recorder shall cause that this hearing is advertised in accordance with the requirements of any applicable state statutes.

C. Additional Development Processes. Approval of a rezoning of property does not constitute approval to proceed with development. A developer will still be required to obtain development approvals, as provided by this title and EMMC Title 16. Approval to grade property, excavate, install utilities, subdivide or otherwise improve property must still obtain appropriate permits and approval of infrastructure design as required by state statutes and the city's ordinances. [Ord. O-23-2005 § 3 (Exh. 1(1) § 18.5)].

**17.90.060 Criteria for approval.**

There is no minimum parcel size or diversity of ownership required for rezoning of property.

Rezoning of property shall be evaluated using the following criteria, and shall be approved only if

the requirements below are met:

A. Compliance with Future Land Use Plan. The requested zones are consistent with the land uses shown on the general plan's future land use plan and transportation corridor map.

B. Compatibility Determination. The planning commission and city council determine that the proposed uses and densities be reasonably compatible with adjacent land uses. The answer to this question shall be based on the assumption that the proposed uses and densities will comply with this title, including the performance standards designed to help ensure land compatibility.

C. Buffering of Incompatible Uses. The planning commission and city council determine that the pattern of proposed uses and densities buffer potentially incompatible uses from others. [Ord. O-23-2005 § 3 (Exh. 1(1) § 18.6)].

**Chapter 17.95**  
**CONDITIONAL USES**

Sections:

[17.95.010 What this chapter does.](#)

[17.95.020 Purpose.](#)

[17.95.030 Conditional use permit required.](#)

[17.95.040 Application.](#)

[17.95.050 Approval process.](#)

[17.95.060 Determination.](#)

[17.95.070 General standards and considerations governing conditional uses.](#)

[17.95.080 Optional conditions.](#)

[17.95.090 Inspection.](#)

[17.95.100 Noncompliance.](#)

[17.95.110 Expiration of permits.](#)

[17.95.120 Existing conditional uses.](#)

**17.95.010 What this chapter does.**

This chapter establishes the application requirements and approval process for conditional use permits. [Ord. O-02-2006 § 3 (Exh. 1 § 19.1); Ord. O-23-2005 § 3 (Exh. 1(1) § 19.1)].

**17.95.020 Purpose.**

The purpose of this chapter is to ensure that land uses designated as conditional in the zoning districts of this title are properly integrated with permitted land uses within the same zone. This chapter also establishes the provisions to prevent nuisances from arising between existing and proposed land uses. [Ord. O-02-2006 § 3 (Exh. 1 § 19.2); Ord. O-23-2005 § 3 (Exh. 1(1) § 19.2)].

**17.95.030 Conditional use permit required.**

A conditional use permit shall be required for all land uses allowed as conditional uses in the zoning district regulations of this title. The conditional use permit must be granted before a building permit, a certificate of occupancy, and/or the operation of the proposed land use commences. [Ord. O-02-2006 § 3 (Exh. 1 § 19.3); Ord. O-23-2005 § 3 (Exh. 1(1) § 19.3)].

**17.95.040 Application.**

Only property owners or their duly authorized agents shall make application for a conditional use permit on forms prepared by the planning department. No conditional use application may be processed without the submission of the application, all the supporting materials as required by this chapter and the processing fee. Incomplete applications shall not be processed under any circumstance. When a site plan is required by this title, the site plan application may be processed concurrently with a conditional use application.

A. Supporting Materials. The conditional use application shall be submitted with the materials listed in this section. The planning director and planning commission may determine and require that additional items not listed herein be submitted in order to evaluate the proposed conditional use application. If a development has been previously reviewed (site plan or subdivision approval), or the applicant believes that some of the required supporting materials are not applicable, then the applicant may submit a written statement to identify and clarify why they believe these materials are not needed for review of the project. Upon review of this statement, the planning director or designee may waive the requirements for certain materials relating to improvements that have been reviewed and approved in a previous application process or are not found to be applicable to the project. The following materials must be submitted with a complete application, unless otherwise

waived as allowed herein. The number of hard copies and electronic copies, as well as the appropriate format of each, will be determined by the planning director.

1. Ownership Affidavit. A document detailing all covenants, grants of easement or other deed restrictions applicable to the site and an ownership affidavit shall be submitted.
2. Vicinity Map. A vicinity map (which can be included on the site plan) showing the general location of the subject parcel.
3. Context Plan. A context plan including the existing features within 200 feet of the proposed site plan property line. Existing features include, but are not limited to, natural drainages, topography, buildings, ingress and egress points, landscaping areas, pedestrian paths, names of surrounding property owners and their respective locations.
4. Survey. The survey prepared and stamped by a Utah registered land surveyor listing the metes and bounds legal description and the gross acreage within the subject parcel.
5. Site Plan. A site plan is required and must be prepared and stamped by licensed and/or certified professionals.
6. Landscaping Plan. A landscaping plan, prepared and stamped by a licensed landscape architect, indicating the location, spacing, types and sizes of landscaping elements, sprinkler system plans, existing trees, and showing compliance with the city's off-street parking requirements, the city's design guidelines and policies, and the requirements of the appropriate zoning district.
7. Grading, Drainage, and Erosion Plan. A grading, drainage, and erosion plan shall be submitted. The report shall contain the drainage basin map and a plan view of the overall storm water system. The grading, drainage, and erosion plan shall address the following issues: description of features and hydrological conditions; drainage basin and subbasin; drainage facility design criteria; infrastructure design criteria; grading plan; and erosion control. Specifically, the report shall contain at a minimum the following information:
  - a. The existing roadways, drainage ways, vegetation and hydrological conditions of a 10-year, 24-hour event and a 100-year, 24-hour event.
  - b. The major basin descriptions referencing all major drainage reports such as FEMA, major drainage planning reports, or flood insurance maps and the basin characteristics and planned land uses.
  - c. The subbasin description showing the historical drainage pattern and off-site drainage patterns both upstream and downstream of the property.
  - d. A general discussion of how the proposed system conforms to existing drainage patterns and off-site upstream drainage will be collected to protect development.
  - e. The water quality evaluation showing the water quality shall not be degraded from existing storm water quality, including how solids are collected and not allowed to be discharged into downstream waters and how oils and greases are separated from storm water.
8. Lighting Plan. A lighting plan, which indicates the illumination of all interior areas and immediately adjoining streets, showing the location and direction of lighting at the property lines, and type of lighting proposed.
9. Elevations. Elevations of all buildings, fences and other structures viewed from all sides indicating heights of structures, the average finished grade of the site at the foundation area of all structures, percentage of building materials proposed, and color of all materials. A letter of approval from the applicable architectural review committee must also be submitted.
10. Traffic Impact Study. A traffic impact study (completed by a professional that is competent

in the field of traffic engineering) may be required if it is estimated by the city engineer that the project could generate trips for any given time period in excess of 25 percent of the existing volume of traffic on adjacent street systems or at their professional discretion. Said study shall include, but not be limited to, the following: an analysis of the average daily trips generated by the proposed project; an analysis of the distribution of trips on city street systems; a description of the type of traffic generated.

11. Signage Plan. A signage plan shall be submitted as required by Title 1 Section 15.7.2 and in accordance with the submittal requirements contained in EMMC [17.80.040\(A\)](#).

12. Public Notice. Addressed and stamped envelopes (the city's address will be the return addresses on the envelopes) of property owners located within 600 feet of the proposed conditional use (including a minimum of at least 25 adjacent property owners).

13. Fee. The processing fee required by the current consolidated fee schedule approved by the city council. [Ord. O-02-2006 § 3 (Exh. 1 § 19.4); Ord. O-23-2005 § 3 (Exh. 1(1) § 19.4)].

#### **17.95.050 Approval process.**

The approval process for a conditional use permit shall be as follows:

A. Planning Commission Public Hearing. Upon receipt of a completed application and subsequent review by the planning director or designee, the application shall be placed on the next available planning commission agenda for a public hearing no more than 28 days after a complete application has been submitted. The planning director shall cause all property owners within 600 feet of the boundaries of the proposed application area (including a minimum of at least 25 adjacent property owners and affected entities if there be any) to be notified by first class mail of the time and place of the public hearing at least 10 days prior to the planning commission meeting. A copy of the public notice of the hearing shall also be posted in three public places (including the city offices) within the city at least 10 days prior to the hearing.

B. Planning Commission Review. The planning commission will review each application and may approve, approve with conditions, or deny the application based upon findings of facts. The planning commission may also defer action if an applicant fails to appear at the commission meeting or there is insufficient application information provided.

C. City Council Review. The action of the planning commission shall be final unless a member of the city council requests that the conditional use application be reviewed by the city council within 15 days of the planning commission's action. If a conditional use application is placed upon a city council meeting for action, the city council shall be the land use authority. [Amended during 2008 codification; Ord. O-02-2006 § 3 (Exh. 1 § 19.5); Ord. O-23-2005 § 3 (Exh. 1(1) § 19.5)].

#### **17.95.060 Determination.**

The planning commission may approve any conditional use permit located within any zone in which the particular conditional use is allowed by the use regulations of this title. In approving any conditional use, the planning commission may impose such requirements and conditions necessary for the protection of adjacent properties and the public interest. The planning commission shall approve a conditional use permit upon determining the following finding of facts:

A. Desired Use. That the proposed use of the particular location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the community and the neighborhood;

B. Health, Safety, and Welfare. That such use will not, under the circumstances, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity and will not institute a nuisance to property owners;

C. Compliance with Title. That the proposed use will comply with regulations and conditions specified in this title for such use;

D. General Plan. That the proposed use does not conflict with the intent of the Eagle Mountain City general plan. [Ord. O-02-2006 § 3 (Exh. 1 § 19.6); Ord. O-23-2005 § 3 (Exh. 1(1) § 19.6)].

**17.95.070 General standards and considerations governing conditional uses.**

In reviewing an application for a conditional use permit, the staff and planning commission shall review, but not limit their review to, the following considerations and standards:

A. The site of the structure or use, and in particular:

1. Adequacy of Site. The adequacy of the site to accommodate the proposed use or building and all related activities.
2. Screening. The location and possible screening of all outdoor activities.
3. Adjoining Uses. The relation of the proposed building or use to any adjoining building with particular attention to protection of light, air, peace and quiet.
4. Displays and Signage. The location and character of any display of goods and services and the size, nature, and lighting of any signs.

B. Traffic circulation and parking, and in particular:

1. Street. The type of street serving the proposed use in relation to the amount of traffic expected to be generated.
2. Access. The adequacy, convenience, and safety of provisions for vehicular access and parking, including the location of driveway entrances and exits.
3. Truck Traffic. The amount, timing, and nature of associated truck traffic.

C. The impact of the proposed building or use on surrounding uses, and in particular:

1. Impact of Patrons. The number of customers or users and the suitability of the resulting activity level to the surrounding uses and especially to any neighboring uses of public importance such as schools, libraries, playgrounds, religious or cultural meeting halls, and hospitals.
2. Hours of operation.
3. Off-Site Effects. Adequacy of provisions for the control of any off-site effects such as noise, dust, odors, light, or glare, etc.
4. Special Hazards. Adequacy of provisions for protection of the public against any special hazards arising from the intended use.
5. Public Convenience. The degree to which the location of the particular use in the particular location can be considered a matter of public convenience and necessity. [Ord. O-02-2006 § 3 (Exh. 1 § 19.7); Ord. O-23-2005 § 3 (Exh. 1(1) § 19.7)].

**17.95.080 Optional conditions.**

Applicants for conditional use permits shall meet all applicable requirements of this title. In addition, the planning commission may establish conditions and requirements as part of the approval that address concerns regarding safety for persons and property, health and sanitation, nuisances, master plan proposals, and neighborhood needs. Specifically, the planning commission may require:

A. Conditions Relating to Safety of Persons and Property.

1. Flooding. Building elevations and grading plans which will prevent or minimize flood water damage, where property may be subject to flooding.
2. Attractive Nuisances. The relocation, covering, or fencing of irrigation ditches, drainage

channels, and other potential attractive nuisances existing on or adjacent to the property.

3. Increased Setbacks. Increased setback distances from lot lines where the planning commission determines it to be necessary to ensure the public safety and to prevent nuisances to adjacent properties.
4. Geological Hazards. Appropriate engineering, design, construction, and location of structures, buildings, and facilities, and limitations and/or restrictions on the use and/or location of uses due to slope or other special site conditions, including but not limited to geologically hazardous areas, floodplains, fault zones, and landslide areas.
5. Lighting. Limitations and control of the number, location, color, size, height, lighting, and landscaping of outdoor advertising signs and structures so far as they may present traffic hazards or interfere with full use of environment of adjacent properties.
6. Truck Docks. Plans for the location, arrangement, and dimensions of truck loading and unloading facilities.
7. Construction of Improvements. Construction of curbs, gutters, drainage culverts, sidewalks, streets, fire hydrants, and street lighting.

B. Conditions Relating to Health and Sanitation.

1. Culinary Water. A guarantee of sufficient culinary water to serve the intended land use and a water delivery system meeting standards adopted by the city council.
2. Wastewater. A wastewater disposal system and a solid waste disposal system meeting standards adopted by the city council.
3. Sizing of Utilities. Construction of water mains, sewer mains, and drainage facilities serving the proposed use, in sizes necessary to protect existing utility users in the vicinity and to provide for an orderly development of land.

C. Conditions Relating to Environmental Issues.

1. Pollution. Processes for the control, elimination, or prevention of land, water, or air pollution; the prevention of soil erosion; and control of objectionable odors and noise.
2. Dust and Erosion. The planting of ground cover or other surfacing to prevent dust and erosion.
3. Restoration of Land. Restoration of the land and planting of the same as directed by the planning commission when the conditional use involves cutting and/or filling the land, and where such land would be adversely affected if not restructured.

D. Conditions Relating to Compliance with the Intent of the General Plan and Characteristics of the Vicinity or Neighborhood.

1. Removal of Incompatible Materials. The removal of structures, debris, or plant materials incompatible with the intended characteristics of the zone outlined in this title.
2. Screening. The screening of yards or other areas as protection from obnoxious land uses and activities.
3. Landscaping. Landscaping to ensure compatibility with the intended characteristics of the zone as outlined in this title.
4. Fences and Screening. Limitations or controls on the location, heights, and materials of walls, fences, hedges, and screen plantings to ensure a buffer between adjacent development, or to conceal storage areas or utility installations.
5. Relocation of Proposed or Existing Structures. The relocation of proposed or existing

structures as necessary to provide for future streets on the master street plan of Eagle Mountain, adequate sight distance for general safety, ground water control, or similar problems.

6. Population Density. Population density of land use limitations where land capability and/or vicinity relationships make it appropriate to do so to protect health, safety, and welfare. [Ord. O-02-2006 § 3 (Exh. 1 § 19.8); Ord. O-23-2005 § 3 (Exh. 1(1) § 19.8)].

**17.95.090 Inspection.**

Following issuance of a conditional use permit by the planning commission or city council, the city staff shall ensure that development is completed in compliance with the conditional use permit and building permit. The planning commission may request that conditional use applications be placed upon their agenda for review to ensure compliance with the conditions or requirements of approval as necessary. Failure to comply with the conditions or requirements of approval may result in the conditional use permit being revoked. [Ord. O-02-2006 § 3 (Exh. 1 § 19.9); Ord. O-23-2005 § 3 (Exh. 1(1) § 19.9)].

**17.95.100 Noncompliance.**

Owners of property where a conditional use application has been approved shall be responsible for their property's compliance with the city's ordinances and conditions of approval. Property owners that fail to maintain or violate the city's ordinances regulating conditional uses or conditions of approval that were contingent upon issuing the permit may have the conditional use permit revoked by the planning commission. Notice shall be given to the property owner that they have 14 days to correct a violation before the permit is revoked. [Ord. O-02-2006 § 3 (Exh. 1 § 19.10); Ord. O-23-2005 § 3 (Exh. 1(1) § 19.10)].

**17.95.110 Expiration of permits.**

Conditional use permits that comply with the conditions and requirements of approval shall continue to be valid. Changes in the land use regulations shall not cause the approved conditional use permit to be revoked. In these cases the approved conditional use permit shall be classified as a nonconforming conditional use permit and shall be allowed to continue unless it is abandoned for a period of 12 months or more in accordance with Chapter [17.05](#) EMMC, General Provisions.

A change in tenancy, ownership or management of a conditional use shall not affect the status of a conditional use (with the exception of accessory apartments and home businesses), which remains otherwise unchanged, nor shall such a change be interpreted to permit a departure from the conditions of approval and the approved plans. [Ord. O-02-2006 § 3 (Exh. 1 § 19.11); Ord. O-23-2005 § 3 (Exh. 1(1) § 19.11)].

**17.95.120 Existing conditional uses.**

In the case of a use existing prior to its present classification by this title as a conditional use, any change in use or in lot area shall be made only in conformance with the requirements of this chapter. [Ord. O-02-2006 § 3 (Exh. 1 § 19.12); Ord. O-23-2005 § 3 (Exh. 1(1) § 19.12)].

**Chapter 17.100**  
**SITE PLAN REVIEW**

Sections:

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[17.100.110 Issuance of a certificate of occupancy.](#)

[17.100.120 Temporary site plans.](#)

**17.100.010 What this chapter does.**

This chapter identifies the application requirements and approval process for site plans. [Ord. O-16-2010 § 3 (Exh. B); Ord. O-18-2008 § 2 (Exh. A § 20.1); Ord. O-11-2008 § 2 (Exh. A § 20.1); Ord. O-23-2005 § 3 (Exh. 1(1) § 20.1)].

**17.100.020 Purpose.**

The site plan procedure establishes a process to evaluate proposed projects, ensuring that development will occur in a safe, functional manner and will not create nuisances for adjacent landowners. [Ord. O-16-2010 § 3 (Exh. B); Ord. O-18-2008 § 2 (Exh. A § 20.2); Ord. O-11-2008 § 2 (Exh. A § 20.2); Ord. O-23-2005 § 3 (Exh. 1(1) § 20.2)].

**17.100.030 Site plan approval required.**

Site plan approval shall be required for all developments which contain an industrial, commercial, institutional, or multifamily dwelling, or for other uses for which a site plan is required elsewhere in this title. [Ord. O-16-2010 § 3 (Exh. B); Ord. O-18-2008 § 2 (Exh. A § 20.3); Ord. O-11-2008 § 2 (Exh. A § 20.3); Ord. O-23-2005 § 3 (Exh. 1(1) § 20.3)].

**17.100.040 Master site plans.**

When development proposals are larger than five acres in size, proposed to be developed in phases or sold in separate parcels, a master site plan and final master plat approval by the city council are required prior to approving the individual sites within the project. The master site plan application shall address the following issues for the entire site: land use, open space and landscaped areas, architectural guidelines, buildable square footage, parking requirements, access and circulation requirements, storm drainage and all preliminary calculations for infrastructure improvements and traffic impact mitigation related to a traffic impact study, if required. The proposal and accompanying documents shall be reviewed using the same procedure as any site plan application, except that the development agreement shall include provisions that address phasing and timing of improvements. Commercial master site plan master plats may be resubdivided upon the application of the property owner after approval of the planning commission and city council.

A. Waiving Previously Reviewed Materials. All new construction in master site plans shall be required to go through a site plan review. To the extent that site plan requirements such as storm drainage, traffic circulation, parking, lighting, or other provisions have been met through the master

site plan process, such information may not be required.

B. Planning Commission Final Approval of Phases. The city council may elect to delegate to the planning commission the final approval responsibilities for each site plan phase. This shall be stated in the development agreement for the master site plan. However, if one or more of the following conditions exists, final site plan approval must be obtained from the city council, upon recommendation from the planning commission:

1. The site plan deviates from the approved master site plan.
2. Previous phases have created unforeseen impacts requiring the reevaluation of site standards for subsequent phases with respect to such impacts.

C. Industrial Master Site Plans – Special Conditions. The planning director may waive certain requirements of the master site plan that may not be necessary for an industrial proposal larger than five acres in size. The following requirements cannot be waived: land use, open space and landscaped areas, architectural guidelines, access and circulation requirements, and traffic impact study, if required.

D. Industrial Master Site Plans Serving as Preliminary Plat. The preliminary plat process described in Chapter [16.20](#) EMMC may not be required if an industrial master site plan, while going through the initial approval process, complies with the following criteria:

1. A preliminary arrangement of larger blocks of land – later to be subdivided during the final plat process – is included.
2. All required utilities, storm drainage, landscaping, access and circulation requirements, and other aspects of the eventually built-out project are addressed sufficiently with the master site plan.
3. The city is not responsible if, over time, the industrial project is unable to service a possible user due to undersized utilities, roadways, or other infrastructure. If upgrades to such facilities are necessary, they will be borne solely by the applicant. [Ord. O-16-2010 § 3 (Exh. B); Ord. O-18-2008 § 2 (Exh. A § 20.4); Ord. O-11-2008 § 2 (Exh. A § 20.4); Ord. O-23-2005 § 3 (Exh. 1(1) § 20.4)].

**17.100.050 Site plan development standards.**

The following are standards required for all site plans in any zoning district:

A. Use of Property. The entire parcel area shall be built upon, landscaped or paved in accordance with the zoning district's open space requirements and other generally applicable development standards.

B. Screening Requirements. Any commercial lot which abuts a residential or agricultural use shall be effectively screened by a combination of a wall, fencing, and landscaping of acceptable design. Required walls or fences shall not be less than six feet in height, unless a wall or fence of a different height is approved by the city council. Such wall, fence and landscaping shall be maintained in good condition with no advertising thereon. All developments shall have the minimum number of trees as required by Chapter [17.60](#) EMMC, Landscaping, Buffering, Fencing and Transitioning, to provide for shade and visual relief.

C. Access Requirements.

1. Access onto a Public Street. Access onto public rights-of-way shall not be closer than 100 feet from an intersection or another driveway on the same side of the street. When a parcel has less than 200 feet of frontage on a public right-of-way, then all necessary efforts shall be made to work collaboratively with adjacent property owners to share a common ingress and egress straddling the common property line.
2. Access Dimensions. For each commercial lot, access shall be provided and shall meet the

following requirements: each roadway shall not be more than 40 feet in width, measured at right angles to the centerline of the driveway except as increased by permissible curb return radii. The entire flare of any return radii shall fall within the right-of-way.

3. Interconnection. All parking and other vehicular use areas shall be interconnected with adjacent properties in order to allow maximum off-street vehicular circulation.

4. Acceleration and Deceleration Lanes. Acceleration and deceleration lanes shall be required on arterials and collectors when deemed necessary by the city engineer.

D. Off-Street Truck Loading Space. Every building or structure built, remodeled or occupied after the effective date of the ordinance codified in this chapter for manufacturing, commercial trade, or other uses similarly involving the receipt or distribution by vehicles or materials or merchandise shall have provided and maintained on the building's lot adequate space for standing, loading, and unloading of the vehicles in order to avoid undue interference with public use of streets or alleys.

E. Utilities. All utility lines shall be underground in designated easements. No pipe, conduit, cable, line for water, gas, sewage, drainage, steam, electrical or any other energy or service shall be installed or maintained upon any lot (outside of any building) above the surface of the ground except for hoses, movable pipes used for irrigation or other purpose during construction. Transformers shall be grouped with other utility meters where possible and screened with vegetation or other appropriate method. Each contractor and owner/developer shall be responsible to know the whereabouts of all underground utilities. Protection of such utilities shall also be the responsibility of the developer.

F. Grading and Drainage. Drainage from any lot must follow current city requirements for on-site retention and a maximum allowable discharge at the calculated historical rate for the site. Drainage shall not be allowed to flow upon adjoining lots unless the owner of the lot upon which the water flows has granted an easement for such purpose. The planning commission must approve a site plan with grading, drainage, and clearing plans before any such activities may begin. Lot grading shall be kept to a minimum. Where possible, roads and development shall be designed for preservation of a natural grade.

G. Dedication of Water Shares. The applicant shall comply with Chapter 13.25 EMMC and shall dedicate to the city the amount of water rights specified in that chapter or purchase sufficient water from the city prior to the issuance of any building permit. [Ord. O-13-2012 § 2 (Exh. A); Ord. O-16-2010 § 3 (Exh. B); Ord. O-18-2008 § 2 (Exh. A § 20.5); Ord. O-11-2008 § 2 (Exh. A § 20.5); Ord. O-23-2005 § 3 (Exh. 1(1) § 20.5)].

#### **17.100.060 Architectural requirements.**

A. Mechanical Equipment. All mechanical equipment shall be located or screened and/or other measures taken so as not to be visible from any public or private streets. Screens shall be aesthetically incorporated into the design of the building whether located on the ground or roof. Rooftops of buildings shall be free of any mechanical equipment unless completely screened from all horizontal points of view. Screening materials shall conform to the color scheme of the primary building. Measures taken to shield mechanical equipment from view, other than screening, must be approved by the city council after recommendation from the planning commission.

B. Windows. Windows are encouraged as accents and trim.

C. Building Lighting. Plans for exterior building lighting shall be approved as part of the site plan approval. Building lighting shall be fully shielded and directed downward so that the light source is not visible from beyond the property where the structure is located. Lighting shall be in conformance with Chapter [17.56](#) EMMC.

D. Trash Enclosures, Storage Areas, and External Structures. Landscaping, fencing, berms or other devices integral to overall site and building design shall screen trash enclosures, storage areas, and other external structures. Trash and storage areas shall be comparable to the proposed or existing building and with surrounding structures. These areas shall be well maintained and

oriented away from public view. The consolidation of trash areas between business and the use of modern disposal and recycling techniques are encouraged. Chain link fences and fencing with vinyl slats are prohibited.

E. Exterior Materials. Buildings shall be finished with high-quality materials. Building elevations shall be submitted that indicate all colors, styles, materials and other proposed building treatments.

F. Landscape Guidelines. All site plans shall conform to the landscaping guidelines established by the city.

G. Parking Lot and Street Lighting. All parking lot light fixtures shall be installed to prevent light glare from adversely affecting adjacent properties. Pole-mounted fixtures are required in lots or along roads. Lighting of all pedestrian pathways is required. Lighting will be judged as to how adequately it provides for the health and safety of citizens. Design and location of standards and fixtures shall be specified on the site development drawings. Illumination shall be controlled so that glare or excessive direct light will not adversely affect neighboring areas. All streetlights and interior parking lot lights shall meet the city's adopted design standards for lighting.

H. Enclosed Uses. All uses established for any commercial or industrial uses shall be conducted entirely within a fully enclosed approved building except those uses deemed by the city council in consideration of the prior recommendation of the planning commission to be customarily and appropriately conducted in the open. Uses which qualify for this exception are vegetation nurseries, home improvement centers with lumber and/or vegetation nurseries, outdoor cafes or auto dealerships. Approved seasonal temporary uses, such as Christmas tree lots, shall be exempt from this requirement.

I. Businesses Moving into Existing Buildings. New businesses moving into existing conforming or nonconforming buildings shall comply with the requirements of this section where possible prior to a business license being issued.

J. Nuisances. All commercial uses shall be free from objectionable odors, noises, hazards or other nuisances. [Ord. O-12-2014 (Exh. A); Ord. O-16-2010 § 3 (Exh. B); Ord. O-18-2008 § 2 (Exh. A § 20.6); Ord. O-23-2005 § 3 (Exh. 1(1) § 20.6)].

#### **17.100.070 Application.**

The property owner or an authorized agent shall make application on forms created by the planning director. No site plan application shall be processed without the submission of the application, all the supporting materials as required by this chapter, and processing fee. Incomplete applications shall not be processed under any circumstance. When the city's ordinances require a conditional use and/or subdivision approval, these applications may be processed concurrently with a site plan.

A. Supporting Materials. The site plan application shall be submitted with the materials listed in this section. The planning director and planning commission may determine and require that additional items not listed herein be submitted in order to evaluate the proposed site plan application. If a development has been previously reviewed (conditional use or subdivision approval), or the applicant believes that some of the required supporting materials are not applicable, then the applicant may submit a written statement to identify and clarify why they believe these materials are not needed for review of the project. Upon review of this statement, the planning director may waive the requirements of certain materials relating to improvements that have been reviewed and approved in a previous application process or are not found to be applicable to the project. The following materials must be submitted with a complete application, unless otherwise waived as allowed herein. The number of hard copies and electronic copies, as well as the appropriate format of each, will be determined by the planning director.

1. Ownership Affidavit. A document detailing all covenants, grants of easement or other deed restrictions applicable to the site and an ownership affidavit shall be submitted.
2. Vicinity Map. A vicinity map (which can be included on the site plan) showing the general location and indicating the approximate location of the subject parcel.

3. Context Plan. A context plan including the existing features on the property and within 200 feet of the proposed site plan property line. Existing features include, but are not limited to, buildings, roads, ingress and egress points, landscaping areas, pedestrian paths, and property names.
4. Survey. The survey prepared and stamped by a Utah-registered land surveyor listing the metes and bounds, legal description, and the gross acreage within the subject parcel.
5. Site Plan. A site plan, prepared and stamped by licensed and/or certified professionals including, but not limited to, architects, landscape architects, engineers, surveyors, or other professionals deemed necessary by the planning director. The city may require plans prepared by any or all of the above-noted professionals. The site plan shall contain the date, scale, north arrow and the following items:
  - a. Boundaries of the subject parcel and the entire parcel (where the project does not occupy the entire parcel of which it is part).
  - b. Existing and proposed streets, watercourses, easements and other rights-of-way, and section lines.
  - c. Locations, dimensions, uses and heights of all proposed buildings and structures, including overhangs, porches, stairwells, and balconies, and the locations of all structures on adjoining properties.
  - d. Access points, provisions for vehicular and pedestrian circulation on site and off site, interconnection to adjacent sites and dimensions of such access and circulation.
  - e. Acceleration and deceleration lanes, and dimensions thereof, if required.
  - f. Off-street parking and loading areas complying with Chapter [17.55](#) EMMC and indicating the required number of stalls and aisles scaled to the correct dimensions, the correct number of handicapped-accessible parking spaces, lighting, landscaping and irrigation, the percentage of landscaping to impervious surfaces, and pedestrian walkways.
  - g. Screening and buffering provisions, including types and heights of existing and proposed buffering and fencing elements.
  - h. Location and treatment of refuse collection areas, storage areas, mechanical equipment, and external structures.
  - i. Location and size of existing utilities and general location of utility access points and hookups.
  - j. Location, type and size of all signage including advertising and directional signage.
  - k. Tabulation of square footage devoted to various land uses, ground coverage by structures and other impervious surfaces.
  - l. Location of existing and proposed curb, gutter, sidewalk, park strip and edge of asphalt, to be signed and stamped by a licensed professional engineer.
  - m. Type of construction of all structures, presence or absence of fire sprinkling and location of existing and proposed fire hydrants.
  - n. Location of all existing and proposed irrigation systems, both on site and on adjacent properties, including, but not limited to, ditches, pipes, and culverts.
  - o. A statement on the site plan that all applicable elements of the Americans with Disabilities Act accessibility guidelines will be adhered to.

- p. The piping of all existing irrigation ditches which affect the site.
- q. The names of all adjacent property owners.
6. Landscaping Plan. A landscaping plan prepared and stamped by a licensed landscape architect, indicating the location, spacing, types and sizes of landscaping elements, sprinkler system plans, existing trees, if any, and showing compliance with the landscaping or buffering requirements of the appropriate zoning district. The landscaping plan shall include, at a minimum, the following information:
- a. The location and dimension of all existing and proposed structures (when feasible), property lines, easements, parking lots, power lines, rights-of-way, ground signs, refuse areas, and lighting.
  - b. The plant names (both botanical and common name), location, quantity, and size of all existing and proposed plants. The proposed plan should indicate the size of the plant material at maturation.
  - c. The landscaping plan should also exhibit the existing landscaping 20 feet beyond the property lines.
  - d. Existing and proposed grading with contours at one-foot intervals for areas with grades less than five percent. Areas in excess of five percent shall have contours shown at two-foot intervals.
  - e. Plans showing the irrigation system shall also be included in the landscaping plan submittal.
  - f. Proposed and existing fences and identification of the fencing materials.
  - g. A summary of the total percentage of landscaped areas, domestic turf grasses, and drought-tolerant plant species along with the estimated cost of all the improvements.
7. Grading, Drainage, and Erosion Plan. A grading, drainage, and erosion plan prepared and stamped by a licensed engineer shall be submitted. The report shall contain the drainage basin map and a plan view of the overall storm water system. The grading, drainage, and erosion plan shall address the following issues: description of features and hydrological conditions; drainage basin and sub-basin; drainage facility design criteria; infrastructure design criteria; grading plan; and erosion control. Specifically, the report shall contain, at a minimum, the following information:
- a. The existing roadways, drainage ways, vegetation and hydrological conditions of a 10-year, 24-hour event and a 100-year, 24-hour event.
  - b. The major basin descriptions referencing all major drainage reports such as FEMA, major drainage planning reports, or flood insurance maps and the basin characteristics and planned land uses.
  - c. The sub-basin description showing the historical drainage pattern and off-site drainage patterns both upstream and downstream of the property.
  - d. A general discussion of how the proposed system conforms to existing drainage patterns and off-site upstream drainage will be collected to protect development.
  - e. The water quality evaluation showing the water quality shall not be degraded from existing storm water quality including how solids are collected and not allowed to be discharged into downstream waters and how oils and greases are separated from storm water.
  - f. Maintenance plan and procedure for storm water system; thorough narrative of all charts, graphs, tables or other information included in the report describing how it affects

the proposed development.

g. Infrastructure design criteria showing the piping is sized to handle the peak intensity of the 10-year storm event; all detention basins are sized to handle 100-year storms while discharging at a maximum 10-year, 24-hour historical rate; a 10-foot traffic lane in both directions is maintained at all locations within the development; and that the roadway and infrastructure will handle a 100-year storm event without flooding homes or damaging public property.

h. Grading plan showing soil map depicting unique soil features such as collapsible soil, rock features, etc.; a grading plan showing all cut and fill areas within a development including: the identification of slopes; fill and cut depths; and rock features within 10 feet of post-grade soil surface.

i. Erosion control shall show: how erosion will be controlled during construction; explanation and design showing that such construction debris and silts will not be collected by storm water system; show and design for all cut and fill slopes will not be eroded and how these areas will be restored to their natural vegetative state.

8. Lighting Plan. A lighting plan, which indicates the illumination of all interior areas and immediately adjoining streets showing the location, height, lumen output and type of lighting proposed.

9. Elevations. Elevations of all buildings, fences and other structures viewed from all sides indicating heights of structures, the average finished grade of the site at the foundation area of all structures, percentage of building materials proposed, and color of all materials. A letter of approval from the applicable architectural review committee must also be submitted.

10. Traffic Impact Study. A traffic impact study (completed by a professional that is competent in the field of traffic engineering) may be required if it is estimated by the city engineer that the project could generate traffic impacts that require further study or that may require site improvements to transportation facilities. Said study shall include, but not be limited to, the following: an analysis of the average daily trips generated by the proposed project; an analysis of the distribution of trips on city street systems; a description of the type of traffic generated; and recommended on-site improvements that may mitigate negative traffic impacts.

11. Phasing Plan. If the site plan is to be developed in phases, a plan that shows the phasing of the development must be submitted.

12. Water Rights. Documentation of sufficient water rights for the proposed project must be provided.

13. Utility Demands. A summary projecting the utility demands that the development will create for communication lines, water, electricity, natural gas, and sewer.

14. Electronic Files. Electronic files of all the drawings for the project must be submitted.

15. Signage Plan. A signage plan shall be submitted as required by Title 1 Section 15.7.2 and in accordance to the submittal requirements contained in EMMC [17.80.040\(A\)](#).

16. Public Notice. Addressed and stamped envelopes (the city's address will be the return address on the envelopes) of property owners located within 600 feet of the proposed site plan (including a minimum of at least 25 adjacent property owners).

17. Fee. The processing fee required by the current consolidated fee schedule approved by the city council. [Ord. O-12-2014 (Exh. A); Ord. O-16-2010 § 3 (Exh. B); Ord. O-18-2008 § 2 (Exh. A § 20.7); Ord. O-11-2008 § 2 (Exh. A § 20.6); Ord. O-23-2005 § 3 (Exh. 1(1) § 20.7)].

**17.100.080 Review and approval process.**

The review and approval process for a site plan permit shall be as follows:

A. Planning Commission Public Hearing. Upon receipt of a completed application and subsequent review by the planning director, the planning director shall place the application on the next available planning commission agenda for a public hearing no later than 28 days after a complete application has been submitted. The planning director shall cause all property owners within 600 feet of the boundaries of the proposed application area (including a minimum of at least 25 adjacent property owners and affected entities if there be any) to be notified by first class mail of the time and place of the public hearing at least 10 days prior to the planning commission meeting. A copy of the public notice of the hearing shall also be posted in three public places (including the city offices) within the city at least 10 days prior to the hearing.

B. Planning Commission Review. The planning commission will review each application and may recommend to the city council: approval; approval with conditions to ensure compliance with standards in this or any other title or representations made by the applicant; or denial of the application based upon finding of facts. The planning commission may also defer action if an applicant fails to appear at the meeting or if the planning commission requests additional information. After the planning commission's review and recommendation and prior to city council review, a development agreement based on conditions and special provisions in the planning commission action for that project shall be prepared and it shall be transmitted to the city council with the site plan unless the city attorney advises otherwise. The development agreement may include such items as the architectural drawings, site plan, phasing plans, water rights, and bonding requirements, if any.

C. City Council Review. The city council will review each application and consider the planning commission's recommendation and may approve; approve with conditions to ensure compliance with standards in this or any other title or representations made by the applicant; or deny the application based upon finding of facts. The city council may also defer action if an applicant fails to appear at the meeting or if the city council requests additional information. The city council may also remand any application, or portion thereof, to the planning commission for further study and recommendation. Upon the granting or denying of a site plan application, the city shall prepare and mail or deliver to the applicant a written statement of the decision and, in the case of a denial, the reasons therefor. [Ord. O-16-2010 § 3 (Exh. B); Ord. O-18-2008 § 2 (Exh. A § 20.8); Ord. O-11-2008 § 2 (Exh. A § 20.7); Ord. O-23-2005 § 3 (Exh. 1(1) § 20.8)].

#### **17.100.090 Expirations and extensions of approvals.**

Master site plan approvals shall expire two years from the date of city council approval if a site plan application has not been approved by the city council; site plan approvals shall expire one year from the date of city council approval if a building permit has not been obtained for the project.

A. Extensions of Time. An extension of time may be requested by an applicant with the following requirements:

1. A written, signed request for an extension of time shall be received by the planning director prior to the expiration date of the project.
2. The request for an extension of time shall specify any progress made on the project's conditions of approval, and the reasons for the extension request, along with supporting documentation.

B. Criteria for Approving Extensions of Time. It is the responsibility of the applicant to request an extension of time prior to a project's expiration. The city is not responsible to remind applicants of expiration dates. The planning director shall approve or deny a request for an extension of time within a reasonable period of time after receiving the request. The planning director may grant up to a single one-year extension of time to any project that meets one of the following criteria:

1. The applicant must have shown a good faith effort to initiate the project by systematically completing predevelopment conditions.
2. The applicant's initiation of development activities is based on an action by the city or other public agency which has not taken place or was delayed, resulting in a time delay beyond the

permit holder's control.

C. Appeals. An applicant may appeal the planning director's decision to the planning commission within 15 days of the date of the decision. The applicant may then appeal a decision of the planning commission to the city council within 15 days of the planning commission's decision. In no case shall the planning commission or city council approve more than a single one-year extension of time.

D. Resubmitting an Expired Project. A project that has expired may be resubmitted within two years of the expiration date for a fee to cover time and materials, not to exceed 50 percent of the original fee, if the project is substantially similar to the expired plan. The resubmitted project must be in compliance with the current development code at the time of resubmittal. [Ord. O-16-2010 § 3 (Exh. B)].

**17.100.100 Issuance of building permit.**

Any building permit issued shall expressly require that development be undertaken and completed in conformity with the provisions of the approved site plan.

A. Application Compliance. A building permit shall not be issued for any building or structure, external alterations thereto, or any sign or advertising structures until the provisions of this chapter have been met.

B. Bonds. In order to assure that the development will be constructed to completion in an acceptable manner, the applicant (owner) shall enter into an agreement and provide a bond similar to the requirements applicable to subdivisions. The agreement and bond shall assure timely construction and installation of all required public improvements, including, but not limited to, landscaping, flood control facilities, parking, street improvements and other improvements required for site plan approval. The applicant (owner) shall enter into an agreement and provide a bond for 110 percent of the cost as estimated by the city engineer. The developer may request 90 percent of the amount for one line item to be released with authorization by the city engineer, when that line item is completed, inspected, and accepted by the city inspector. One hundred percent of the entire bond may be released when the site is completed, inspected, and accepted by the city. The remaining 10 percent will be held to ensure that the improvements shall be maintained in a state of good repair for a period of two years from the date of completion and acceptance by the city inspector. Improvement collateral requirements shall be recalculated if the project was approved more than 180 days prior to the date of proposed recordation. [Ord. O-16-2010 § 3 (Exh. B); Ord. O-18-2008 § 2 (Exh. A § 20.9); Ord. O-11-2008 § 2 (Exh. A § 20.8); Ord. O-23-2005 § 3 (Exh. 1(1) § 20.9). Formerly 17.100.090].

**17.100.110 Issuance of a certificate of occupancy.**

A certificate of occupancy shall be issued for any building or structure, external alterations thereto, or any sign or advertising structures, when provisions of the approved site plan and/or written development agreements have been met. [Ord. O-16-2010 § 3 (Exh. B); Ord. O-18-2008 § 2 (Exh. A § 20.10); Ord. O-11-2008 § 2 (Exh. A § 20.9); Ord. O-23-2005 § 3 (Exh. 1(1) § 20.10). Formerly 17.100.100].

**17.100.120 Temporary site plans.**

The planning director and planning commission may recommend waiving some of the requirements of this title or chapter when a site plan is temporary in nature. A temporary site plan approval shall be valid for a period of time as determined by the city council as part of the initial review.

Applicants may request that temporary site plan approval be renewed. The same approval process procedures described in this chapter shall be followed, with the exception of the mandatory public hearing requirement. At the discretion of the planning director or planning commission, a public hearing may be required when renewing a temporary site plan application. [Ord. O-16-2010 § 3 (Exh. B); Ord. O-18-2008 § 2 (Exh. A § 20.11); Ord. O-11-2008 § 2 (Exh. A § 20.10); Ord. O-23-2005 § 3 (Exh. 1(1) § 20.11). Formerly 17.100.110].

**Chapter 17.105  
VARIANCES**

Sections:

[17.105.010 What this chapter does.](#)

[17.105.020 Purpose.](#)

[17.105.030 Variances.](#)

[17.105.040 Application.](#)

[17.105.050 Approval process.](#)

[17.105.060 Approval criteria.](#)

**17.105.010 What this chapter does.**

This chapter establishes the process for property owners to seek variances to the provisions of this title as defined by Section 10-9-707, Utah Code Annotated 1953, as amended. [Ord. O-23-2005 § 3 (Exh. 1(1) § 21.1)].

**17.105.020 Purpose.**

The purpose of this chapter is to provide a legal method for persons who are seeking relief through the granting of a variance from the specific provisions of the land use regulations that may apply to real property. [Ord. O-23-2005 § 3 (Exh. 1(1) § 21.2)].

**17.105.030 Variances.**

Variances provide potential relief for landowners whose property may have some special condition or unique physical characteristic whereby a strict enforcement of this title will result in unnecessary hardship and deprive that landowner of privileges, rights or benefits that are possessed by other properties within the same district. The variance process does not change the zoning of a property but may waive or modify standards contained in this title as applied to the property. [Ord. O-23-2005 § 3 (Exh. 1(1) § 21.3)].

**17.105.040 Application.**

Only property owners, lessees or their duly authorized agents shall make application for a variance on forms provided by the planning department. No variance application may be processed without the submission of the application, all the supporting materials as required by section, and the processing fee. Incomplete applications shall not be processed under any circumstance.

A. Supporting Materials. The following supporting materials shall be submitted with all variance applications. The number of hard copies and electronic copies, as well as the appropriate format of each, will be determined by the planning director.

1. Recorded Plat. The existing recorded plat shall be submitted.
2. Plot Plan. Plot plans showing the location of the existing building(s) on the lot; existing building(s) on adjoining lots; proposed building(s) (if any); and any dimensions or other information that clearly shows the proposed variance.
3. Written Explanation. A written explanation as to why the property qualifies for the variance based upon all the criteria defined in this chapter and in Section 10-9-707, Utah Code Annotated 1953, as amended.
4. Public Notice. Addressed and stamped envelopes (the city's address will be the return addresses on the envelopes) of property owners located within 600 feet of the proposed variance (including a minimum of at least 25 adjacent property owners).
5. Fee. The processing fee required by the current consolidated fee schedule approved by the city council shall be paid in full. [Ord. O-23-2005 § 3 (Exh. 1(1) § 21.4)].

**17.105.050 Approval process.**

A. Upon receipt of a complete application, the planning director shall set a date for the planning commission to consider the request for a variance. Upon receipt of a complete application, the planning director shall schedule the application for a public hearing before the planning commission. The planning director shall cause all property owners within 600 feet of the boundaries of the proposed application area (including a minimum of at least 25 adjacent property owners and affected entities if there be any) to be notified by first class mail of the time and place of the public hearing at least 10 days prior to the planning commission meeting. A copy of the public notice of the hearing shall also be posted in three public places (including the city offices) within the city at least 10 days prior to the hearing.

B. Prior to the planning commission meeting at which the variance application is scheduled to be heard, the planning director shall transmit the application materials together with a written analysis of the variance application, pertinent facts, a review of applicable regulations and a formal staff recommendation to the planning commission.

C. The planning commission shall consider the variance request, together with all pertinent facts, applicable regulations and the staff recommendation and shall take action to approve, approve with modifications, disapprove or request further information prior to rendering a final determination on the variance application. [Ord. O-23-2005 § 3 (Exh. 1(1) § 21.5)].

**17.105.060 Approval criteria.**

A. Approval Criteria. The planning commission shall not approve, even with modifications, a variance application unless it finds the following:

1. Literal enforcement of this title would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of this title.
2. There are special circumstances attached to the property that do not generally apply to other properties in the same district.
3. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same district.
4. The variance will not substantially affect the general plan and will not be contrary to the public interest.
5. The spirit of this title is observed and substantial justice is done.

B. Determination of Hardship. In determining whether or not enforcement of this title would cause an unreasonable hardship, the planning commission may not find an unreasonable hardship unless it alleges that the hardship:

1. Is located on or associated with the property for which the variance is sought; and
2. Comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood.

C. Determination of Special Circumstances. In determining whether or not there are special circumstances attached to the property, the planning commission may find that special circumstances exist only if they:

1. Relate to the hardship complained of; and
2. Deprive the property of privileges granted to other properties in the same district.

D. Approval Parameters.

1. The applicant shall bear the burden of proving that all of the conditions justifying a variance have been met.
2. Variances run with the land.

3. In granting a variance, the planning commission may impose additional requirements on the applicant that will:

- a. Mitigate any harmful effects of the variance; or
- b. Serve the purpose of the standard or requirement that is waived or modified. [Ord. O-23-2005 § 3 (Exh. 1(1) § 21.6)].

**Chapter 17.110  
TAKINGS**

Sections:

[17.110.010 What this chapter does.](#)

[17.110.020 Purpose.](#)

[17.110.030 Appeals process.](#)

[17.110.040 Taking checklist criteria.](#)

**17.110.010 What this chapter does.**

This chapter establishes the appeals procedures and criteria in processing of alleged taking of property. [Ord. O-23-2005 § 3 (Exh. 1(1) § 22.1)].

**17.110.020 Purpose.**

The purpose of this chapter is to ensure that property owners that allege that their property has been taken without just compensation have the opportunity to appeal the action of the city. [Ord. O-23-2005 § 3 (Exh. 1(1) § 22.2)].

**17.110.030 Appeals process.**

If, after completing an appeal to the board of adjustment or city council, any person alleges that a decision of the administrator or planning commission, as affirmed or modified by the board of adjustment or city council, constitutes a taking of property without just compensation, that decision may be appealed to the city council as an alleged taking of property without just compensation. No other aspect of a decision of the board of adjustment is subject to such an appeal. Other appeals from the board of adjustment must be taken directly to court as provided by Section 10-9-708, Utah Code Annotated 1953.

A. An appeal based on an alleged taking of property without just compensation must be filed with the administrator within 30 calendar days after the notice of the decision being appealed was issued.

B. The city council shall conduct a hearing on the appeal within two regular consecutive meetings after it is filed. At that hearing the city council shall consider the guidelines adopted pursuant to Section 63-90a-3, Utah Code Annotated 1953, and as advised by the city attorney shall:

1. Reject the appeal because the decision of the administrator or planning commission and board of adjustment did not constitute a taking of property without just compensation;
2. Remand the application for reconsideration by the administrator or planning commission in order to mitigate adverse impacts on the developer's property value; or
3. If it determines that the public interest requires a restriction on the use of the developer's property that does constitute a taking without just compensation, direct the mayor to enter into negotiations that will result in just compensation being paid.

C. The administrator shall provide written notice of the city council's decision to the developer and all interested parties who have specifically requested such notice within 10 working days. [Ord. O-23-2005 § 3 (Exh. 1(1) § 22.3)].

**17.110.040 Taking checklist criteria.**

The city attorney must use the following questions in reviewing the potential impact of a regulatory or administrative action on specific property. While these questions also provide a framework for evaluating the impact proposed requirements may have generally, takings questions normally arise in the context of specific affected property. The public review process used for evaluating proposed regulations is another tool that should be used aggressively to safeguard rights of private property owners. Although a question may be answered affirmatively, it does not mean that there has been a taking. Rather, it means there could be a constitutional issue and that the proposed action should be carefully reviewed.

- A. Does the action result in a permanent or temporary physical occupation of private property?
- B. Does the action require a property owner to dedicate a portion of property or to grant an easement?
- C. Does the regulation deprive the owner of all economically viable uses of the property?
- D. Does the regulation have a significant impact on the landowner's economic interest?
- E. Does the regulation deny a fundamental attribute of ownership?
- F. Does the regulation serve the same purpose that would be served by directly prohibiting the use of action, and does the condition imposed substantially advance that purpose? [Ord. O-23-2005 § 3 (Exh. 1(1) § 22.4)].