

**The MANTUA TOWN LAND MANAGEMENT and
DEVELOPMENT CODE of 2006**

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ACKNOWLEDGMENTS

The 2006 Mantua Town Land Management and Development Code

TOWN COUNCIL

**Mayor - Mike Johnson
Paul Nye
William Hodgins
George Wouden**

Jan Palmer – Recorder

PLANNING COMMISSION

**Chairman-Pam Eaves
Harper Johnson
Darrell Duncan
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Tim Miles**

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Preface Note on Conventions Used in this Code:

Any comments or symbols printed in this margin of the code, as part of this or future editions, is not officially part of the code, but is used for clarification or guidance on important issues and possible cross references. Further, any italics, bolding or underlining of certain passages is only for that purpose and should not be construed to mean anything beyond that which is stated in the full context.

GENERAL PROVISIONS and PROCEDURES

This Chapter describes the General Rules and Regulations necessary to effectively administer the Land Management and Development Code of the Town of Mantua. Procedures for permitted use and conditional use applicants are defined. Code and Zoning amendments, as well as appeal procedures and non-conforming uses are explained in detail. The infrastructure impact review process is also emphasized throughout the permitting procedure. Other important procedures and provisions are defined in this chapter as well.

1.1 Short Title

This ordinance shall be known as the Mantua Town Land Management and Development Code, and is referred to herein as this Code, or just the Land Management Code or the Development Code or the Code.

1.2 Statement of Purpose

After considerable public input was developed, designed and enacted to implement the goals and objectives of Mantua Town's 2006 General Plan, a document designed to protect its special rural quality of life. More generally, the following goals and objectives define the major purposes of this Code:

- (a) To promote the health, safety, convenience and general welfare of the present and future inhabitants of the community.
- (b) To encourage and facilitate the orderly growth and development of the community and to implement the goals and policies of the Town General Plan.
- (c) To provide adequate open space for light, air, agriculture and environment; to prevent overcrowding of the land and to minimize congestion on the streets.
- (d) To secure economy in municipal expenditures and to encourage adequate provisions for transportation, water, sewage, schools, public safety, parks and other public facilities and services.
- (e) To increase the security of home life and to preserve a more favorable environment for the citizens and visitors of the community.
- (f) To ensure safety from fire and other man-made or natural dangers.

- (g) To stabilize and protect property values and to place compatible uses together in the community.
- (h) To enhance the economic and cultural wellbeing of the inhabitants of the community.
- (i) To promote the development of a more wholesome, serviceable and attractive community resulting from an orderly, planned use of resources.
- (j) To establish proper zoning regulations; to ensure the suitability of the land for particular uses, and to conserve the value of buildings and encourage the most appropriate use of land throughout the community.
- (k) To preserve the rural, agricultural quality of life enjoyed by the residents of Mantua Town.
- (l) To further the purpose of this Code and to promote the objectives and qualities of the respective zones.

It is the intention of the Town in adopting this Code to fully exercise all of the powers granted to the Town by the provisions of the Utah Zoning Enabling Act, Section 10-9a-101 et seq. Utah Code Annotated, 1953, as amended, and all other powers granted by statute or by common law for the regulation of land uses and improvements. The intention of the Town is to assure the managed, proper and sensitive/critical development of land within Mantua Town and to protect and enhance the quality of rural life in general. The Code is intended to allow development in a manner that encourages the preservation of scenic values, historic structures, the unique agricultural setting of Mantua Town, and provide for well-planned commercial and residential centers, smooth traffic circulation, and efficient delivery of municipal services. The Code seeks to prevent development influenced by existing geologic hazards, erosion, flooding, or other conditions that create potential dangers to life and safety in the community, or development that influences critical wildlife habitats, or developments that detract from the rural quality of life in the community.

1.3 Conflict

The provisions of this Code are in addition to all other Town ordinances, the Laws of the State of Utah, the Laws of the United States, and applicable common law. This Code shall not supersede any private land use regulations in deeds or covenants which are more restrictive than this Code. Whenever a conflict exists, the more restrictive provision shall apply to the extent allowed by law. The State of Utah Code shall prevail over this Code when a conflict exists.

1.4 Effect on Previous Ordinances and Maps

The existing zoning ordinances of Mantua Town, including the official zoning maps adopted with those

ordinances, are hereby amended in their entirety to conform to the provisions of this Code, providing that this Code is a continuation of those existing ordinances, and not a new enactment, in so far as the substance of the old and new provisions are the same. This Code shall not be construed as affecting the term of office of any board or commission member appointed under the prior enactment. Structures built prior to the adoption of this ordinance, or for which building permits were issued and on which work commences as required under the permit shall, to the extent they do not conform to this ordinance, be considered as non-conforming uses, and shall not be affected hereby. Uses which were non-conforming under the old enactments shall not be affected by this Code, unless the Code is changed in a manner that makes the use conforming to the new code or zone.

1.5 Amendments to the Land Management Code and Zoning Map

It may become desirable from time to time to amend the provisions of this Code or the zoning map. This code should be constantly reviewed and improved upon to stay viable and useful to the Town. All amendments shall be made in the following manner:

1.5.1 Amendments

Amendments to the provisions of the Code may be made by the Planning Commission and Town Council, as originated in either body (although normally originated by the Planning Commission), from time to time following a properly posted public hearing of each body. Hearings shall be advertised for two weeks, prior to the week of the hearing, in a newspaper having general circulation in the Town and posted in three (3) or more conspicuous places within the Town. The first hearing must be held by the Planning Commission and the proposed changes then must be certified to the Town Council for their action. After the Town Council hearing, the amendment(s), as proposed, amended and/or rejected may be adopted on the day of the hearing or at any time following the hearing, provided they are adopted at a Town Council meeting.

1.5.2 Types of Amendments

The types and nature of Amendments that may be made are classified as follows:

- (a) allowing a use previously prohibited
- (b) prohibiting a use previously allowed
- (c) increasing or decreasing the density of the uses previously allowed
- (d) changing a permitted use to a conditional use
- (e) changing a conditional use to a permitted use
- (f) changing the zone of any property
- (g) Procedural or regulatory changes, both minor or major
- (h) zone map amendments or modifications
- (i) repealing of any regulation or procedure
- (j) adding of any regulation or procedure
- (k) any other miscellaneous changes that may become necessary

1.5.3 Petition for Zone Change or Code Amendment

A petition to change the zone of any land within Mantua Town or to amend this Code other than changing the Zone map, shall be filed first with the Planning Commission in a letter or on a form prescribed for that purpose. The form or letter shall contain a legal description of the land affected by the petition, and a statement of the petitioner's interest in the land included within the petition. The petition shall state the current zone of the property and the zone which the petitioners desire to have a

new zone designation established, the petition shall so state, and give some indication of the reasoning for the change as well as the uses and standards requested to be allowed in the new zone. A fee will be established for acting on a petition for a zone change as described in the current Town Fee Resolution in effect at the time. (To change or amend the zone within a legally recorded subdivision, the petition must also include signatures of approval by the owners of at least 51% of the platted lots in the subdivision.) The petition must also include all of the names of property owners within a 2500-foot radius of the property boundary under petition with the signatures of those approving of the change clearly shown.

1.5.4 Hearings before the Planning Commission

The Planning Commission shall hold a public hearing on all petitions for zone changes and receive comments from citizens or property owners affected by the change. The Commission shall also hold a public hearing on other amendments to the Land Management and Development Code. Notice of all zone change hearings before the Planning Commission shall be given as set forth in Section 1.6 of this Code. The notice shall state generally the nature of the proposed amendment as outlined in 1.5.2 and the land affected, and the time, place, and date of the public hearing. The notice shall also state that more detailed information shall be available for public inspection at the Town Clerks Office, or other specified location at the time the notice is published.

1.5.5 Action by Planning Commission

Following the hearing, the Planning Commission shall adopt formal recommendations to be presented to the Town Council regarding the matter before approving, disapproving, or modifying the proposal. The Planning Commission shall act on the proposal at the time of the hearing or at its next regularly scheduled meeting following the hearing, unless the proponent or petitioner has requested the matter be tabled for further consideration, or the petition is withdrawn. If the Commission fails to act within two (2) regularly scheduled meetings on the proposal, the proposal shall be deemed disapproved by the Planning Commission and the proposal shall be forwarded to the Town Council for their consideration with that recommendation.

1.5.6 Hearing before Town Council

The Town Council shall hold a public hearing on all petitions for zone changes and all amendments to the Land Management and Development Code. Following the hearing, the Council shall approve, disapprove, or modify and approve the recommendation of the Planning Commission. The hearing may be continued, if necessary, without republication of notice. The recommendations of the Planning Commission are advisory only, and the Council may overrule the recommendations of the Commission. Council action on amendments to the Code or to the zoning map require the affirmative vote of three or more Town Council members. The Council may act on the petition at the time of the hearing or at subsequently scheduled meetings.

1.5.7 Joint Hearings

At the option of the Town Council and in rare instances, the hearings before the Planning Commission and the Town Council may be consolidated into a single hearing, provided however, that separate votes shall be taken by the Commission and the Council. Joint hearings cannot be held for amendments to this Code that are beyond the scope of a regular zone map change. The Commission vote shall be taken first. Notice for any joint hearing shall comply with the notice standards set forth in Section 1.6 of this Code.

1.6 Notices

Notice of hearings before the Town Council, Planning Commission and Appeal Authority concerning amendments to the General Plan, zoning and zone changes, amendments to the Land Management and Development Code, Preliminary Plat on MPD's prior to approval, conditional use permits, certificates of appropriateness for design or demolition, appeals, variances and other requests of actions of the Appeal Authority shall be provided in accordance with this section. Notice of amendments to the General Plan, this Code and zoning actions shall be given at least fourteen (14) days before the date set for the hearing. Notice of amendment or vacation of subdivision plats, when required, shall be given in accordance with State law. All other notice required herein shall be given at least fourteen (14) days before the date set for hearing, if a hearing is required under this code. See Table 1.1 in this section for a general summary matrix of the notice requirements. All notice required under this section shall be given as follows:

1.6.1 Posted Notice

The Town Staff shall post or cause to be posted notice on the property affected by the application and in at least three other public places within the Town, stating that an application concerning the development of that property has been filed, and stating that more detailed information concerning the application is available from the Town.

1.6.2 Published Notice

Published notice shall be given by publication in a newspaper having general circulation in Mantua Town. Published notice shall state that an application has been filed affecting the subject property, or that an appeal has been requested, the nature of the application or action, and the time, place and date set for public hearing on the matter. The published date of the notice, not the date of submittal to the newspaper must meet any notification timing requirements designated in this Code for the meeting.

1.6.3 Courtesy Notice

As a courtesy to property owners, the applicant shall provide the Town with stamped and pre-addressed envelopes for each owner of record of each parcel located entirely or partly within

1000 feet from any boundary (2500 feet for zoning or re-zoning) of the property subject to the application, together with a mailing list for those owners. The addresses for adjacent owners shall be as shown on the most recently available Box Elder county tax assessment rolls except that the name and address of the registered agent for a condominium project is sufficient in lieu of the address for each unit owner. The courtesy notice shall state that an application has been filed affecting the subject property, or that an appeal or call-up has been made, the nature of the application or action, and the time, place and date set for public hearing on the matter. Courtesy notice is not a legal requirement, and any defect in courtesy notice shall not affect or invalidate any hearing or action by the Town Council or any board or commission.

1.6.4 Proof of Notice

Proof that notice was given pursuant to either subsection 1.6.1 or 1.6.2, above is prima facie evidence that notice was properly given. If notice given under Authority of this section is not challenged as provided for under State law within 30 days from the date of the hearing for which the challenged notice was given, the notice is considered adequate and proper

Mantua TOWN		APPLICATION NOTICE MATRIX	
ACTION	POSTED	MAILED	PUBLISHED
Zoning or Re-Zoning	At least 3 places, 14 days prior to each hearing before the Planning Commission and Town Council	To all owners of the Property and all owners within 2500 feet, 14 days prior to each hearing	Once, 14 days prior to each hearing before the Planning Commission and Town Council
Amendment to the Land Management and Development Code	At least 3 places, 14 days prior to each hearing before the Planning Commission and Town Council	-NA-	Once, 14 days prior to each hearing before the Planning Commission and Town Council
Amendment to the General Plan	At least 3 places, 14 days prior to each hearing before the Planning Commission and Town Council	-NA-	Once, 14 days prior to each hearing before the Planning Commission and Town Council
Conditional Use Permits (Temporary Mobile Home Conditional Use Permit will be Council approval only)	At least 3 places, 14 days prior to each hearing before the Planning Commission and Town Council Except for Temporary homes Must be posted on property to be developed	To all owners of the Property and all owners within 1000 feet, 14 days prior to each hearing Except for Temporary homes	Once, 14 days prior to each hearing before the Planning Commission and Town Council Except for Temporary homes
Appeals to Appeal Authority - Variance Requests, etc.	At least 3 places, 14 days prior to each hearing before the Appeal Authority	To all owners of the Property and all owners within 1000 feet, 14 days prior to each hearing	Once, 14 days prior to each hearing before the Appeal Authority

Table 1.1 Application Notice Matrix

1.7 Creation of Districts and Zone Map

In order to carry out the purposes of the Code, zone districts have been established as set forth in Chapter 7 of this Code. These zone districts are identified on the official zoning map, which is adopted as a part of this Code. In interpreting the zoning map, the following standards shall apply:

- (a) The zoning boundary lines are intended to conform to existing property boundary lines when not in a public right-of-way, or to follow the center line of public rights-of-way (including prescriptive rights-of-way), unless the lines are located by specific dimensions, in which case the dimensions shall control. Where the zoning district lines approximately follow the lot lines as they exist at the date of adoption of this Code, the district lines shall be conformed to the lot lines.
- (b) Where the zoning district lines appear to have intentionally divided a lot or parcel between two or more districts, the applicable zoning for each portion of the lot or parcel shall be determined by using the scale shown on the map. If the placement of the district line cannot be determined, the standards of the zone allowing the less intensive land use shall be applied to the entire parcel.
- (c) Where the district lines are intended to follow natural land contours, such as the ridge tops, hillsides or waterways, the line shall be determined at the point at which the general slope of the land changes to 15% grade or in the case of waterways, the average centerline of the waterway. In the event of a dispute as to the location of the change in grade, the point shall be fixed with reference to topographic data submitted to the Town. Where land of less than 15% slope is surrounded by land of 15% or greater slope, the Planning Commission shall entertain an application to rezone the land of less than 15% slope to a suitable residential use if the Town staff determines that the land is adequately accessible and not within a sensitive lands overlay zone or designation, and one access of which is a road of standard width that does not exceed 8% grade, and that the grading of the road or roads to reach the land in question will not create hydrologic, erosion, geologic, or similar hazards for land lying below the proposed road, and that all cuts and fills for the road can be safely stabilized.

1.8 Licensing

All departments, officials and public employees of the Town who are vested with the duty or authority to issue permits or licenses, including business licenses shall conform to the provisions of this Code, and shall issue licenses and permits only in conformance with the provisions of this Code. Licenses issued in violation of this Code shall take no effect, and are null and void.

1.9 Zoning Map Adopted

The zoning map for Mantua Town as presented to the Town Council and executed by the Mayor is the official zoning map for Mantua Town. Upon amendment to the zoning map, the Mayor shall execute a new map, or re-execute the existing map with the amendments noted thereon in a timely manner.

1.10 Permit Procedure Under the Code

No building permit shall be issued for any building project unless the plans for the proposed structure have been submitted to and approved by the Planning Commission. Proposals submitted to the Planning Commission shall be reviewed according to either the Permitted Use Review process or the Conditional Use Review process, which includes Master Planned Developments. Subdivisions, including Master Planned Developments and conditional use applications, are initially reviewed by Town staff and submitted to the Planning Commission for review and approval. Final approval of subdivisions and conditional use permits must be granted by the Town Council. No planning review shall occur until all applicable planning application fees have been paid, and no final Town Council approval shall be effective until all other fees assessed by this Code or other ordinance, including applicable staff review and engineering fees have been paid. Upon issuance of final approval under either review process, the plans are forwarded to the Building Department or Building Official for building permit issuance under the provisions of the International Building Code, as adopted and/or amended by Mantua Town.

1.11 Permitted Use Review Process

On any proposal to construct a building or other improvement to property which is defined by this Code as a permitted use in the zone in which the building is proposed, the Town shall review the submission to determine whether the proposal meets the following criteria. The Town Zoning Administrator shall review all submissions for residential properties. The Town Planning and Zoning Commission shall review all other submissions.

- (a) is a permitted use within the zone for which it is proposed,
- (b) complies with the requirements of that zone for building height, setback, side and rear yards, and lot coverage;
- (c) that the applicable parking requirements have been satisfied;
- (d) the plan conforms to any architectural design guidelines established for

- that zone or area, and;
- (e) Will require an environmental impact statement if it lies in a sensitive lands area as defined in chapter 10.
 - (f) Has met the requirements of the infrastructure review process as defined in 1.13.
 - (g) Will require a certificate of appropriateness from the design review committee as outlined in Section 3.29
 - (h) Will require a certificate from the technical review committee as outlined in Section 3.30

Upon finding that the proposal complies with the applicable zoning requirements, and can be adequately serviced by existing utility systems or lines, the plans shall be reviewed for Building Code compliance and permit issuance. If the submission does not comply with the requirements of the zone, the Planning Commission shall so notify the owner of the project or his agent, if any, stating specifically what requirements of the zone have not been satisfied, and also stating whether the project should be reviewed as submitted or as a conditional use for that zone.

1.12.1 Application for Permitted Uses

The application for a building permit for a permitted use shall contain the following information, in addition to information required by the International Building Code:

- (a) When a structure is to be built; the footing and foundation details, site plan, and elevations of all sides of the structure shall be submitted with the application, and all fees paid, prior to excavation.
- (b) A Site Plan Showing the Lot and the Location of the Proposed Structure on the Lot. The site plan must be drawn to scale. A certified survey may be required on projects with structures on or near the lot lines, or when the lot lines are difficult to determine from existing plats and monuments. Topographic data may be required when the site is sloping or when the building height cannot be readily determined from the elevations without topographic data.
- (c) A statement of the name and address of the owner or responsible agent, and a telephone number.
- (d) The location of the proposed structure by street address or by reference to existing structures so that the location can be identified and assigned a street address.
- (e) A legal description of the property and proof of ownership.
- (f) The location and size of adjacent utility lines.

(g) Approval of permitted uses shall be noted by the issuance of a building permit in compliance with the provisions of the International Building Code, Chapter 6, and this Code.

1.12.2 *Building Permits for Structures over 200 Square Feet*

Building permits shall be required for any structure that has a square footage on the exterior of over 200 sq. feet. This includes but is not limited to temporary carports, temporary buildings with anchors, buildings on skids, storage pods and any other structure whether it is considered temporary or permanent. Building permits are also required for any reason deemed necessary by the Box Elder County Building Inspector as per County, State or International Uniform Building Code. Storage pods or portable storage units used on a temporary basis for a period of not more than 60 days may be exempt but will still be required to meet the minimum set back requirements. Exceptions may be made for temporary storage of construction tools, household items in the event of moving etc., but will need prior approval of the Town of Mantua.

1.12 *Review and Regulations for Impact on Public Infrastructures*

1.12.1 *Infrastructure Review*

Although the Town endeavors to provide infrastructure which will adequately serve buildings and structures allowable within each zone in Mantua Town, certain buildings, developments, and structures, because of size, type of construction, or lot characteristics, present peculiar or excessive demands on Town infrastructure. For these reasons, the developer is responsible to perform an impact analysis in a form and methodology acceptable to the Town to determine the possible impacts on infrastructure.

In order for the Town to determine whether existing infrastructure is adequate, or what additional infrastructure is needed to meet the particular needs of certain types and sizes of buildings and structures which are permitted uses in the zone; the following types and sizes of proposed buildings and structures as well as developments are subject to the review process for impact on existing infrastructure, whether the uses are permitted or conditional:

- (a) All commercial or multifamily buildings or structures of Class III, IV or V construction, as defined by the International Building Code, greater than 10,000 square feet, or;
- (b) Any building or structure over 10,000 square feet within fire separations as defined in Section 505 of the International Building Code, or;
- (c) All commercial or multifamily buildings and structures located on parcels of one-half acre or larger, or;
- (d) All buildings or structures which are required to have fire sprinkling systems under Mantua Town ordinance or resolution, or;

- (e) All buildings or structures located on lots which have an average slope of more than 15 percent, or;
- (f) Any industrial or manufacturing facility that deals with products or processing materials that are or could become explosive, flammable or toxic according to the International Fire Code, or,

Any Subdivision or Master Planned Development project with 4 or more dwelling units, but not including minor subdivisions or minor MPD's.

Any development that requires the extension of any public infrastructures or utilities of over 1000 feet.

1.12.2 Scope of Review

For proposed buildings, structures or uses which are permitted or conditional uses in the zone in which the building or structure is proposed, the review shall include the determination of the ability of existing Town infrastructure to provide adequate water for culinary, irrigation and fire flow purposes, the proper handling of snow melt, snow storage, storm drainage, slope preservation, mitigation of impact on roads by construction and permanent traffic, and ensuring safe access for users and emergency vehicles in accordance with Town codes, standards, and ordinances as set forth in this ordinance which shall be in addition to all other adopted codes and ordinances, including the Codes of other Jurisdictional Governing Authorities. For conditional uses or master planned developments in the zone in which the building, structure or use is proposed, the infrastructure review which is a part of the regular conditional use or master plan development review process is specified below and may involve additional regulations. The technical review committee may be used if constituted as per this code, to assist in the infrastructure impact review process.

1.12.3 Review Procedure

As well as conditional uses, buildings and structures which, although are permitted uses in the zone proposed and not subject to zoning or use review, are subject to review for impact on existing infrastructure according to the standards described in this section. The following review procedure shall be followed:

- (a) **Application for Building Permit.** Upon making an application for a building permit, the applicant shall supply the Building Official with plans and specifications sufficiently detailed to determine whether the proposed building(s) or structure(s) are subject to further infrastructure review. If, according to the standards found in this section, any proposed building or structure triggers infrastructure impact review, then a building permit shall not be issued and the Building Official shall refer the applicant to the Planning Commission or other Town Staff for review of the impact of the proposed buildings and structures on existing Town and/or other infrastructure to determine what, if any, additional infrastructure is necessary.
- (b) **The Application.** Upon referral of the application for a building permit to the Town for infrastructure impact review, the Town may request from the applicant any additional studies, plans, surveys, specifications and information necessary to review the infrastructure impacts. The following types of information may be requested by the

Planning Commission to the extent relevant:

1.13.3.1 To Determine the Impact on Drainage:

- (a) A map of the site showing the existing conditions prior to the demolition of any existing structures and any grading, any known geologic or natural hazards, with north arrow and scale;
- (b) topography with contours shown at intervals of not more than five feet of the site and as the site adjoins contiguous properties;
- (c) vegetation type and location;
- (d) soil type and load carrying capacity information;
- (e) 100 year flood plain and high ground water areas, known spring and seep areas and ditches or canals;
- (f) all existing roads, fences, irrigation ditches, and drainage facilities;
- (g) location and size of the nearest storm drainage facilities the site could drain to, water lines and sanitary sewer lines; and where and how the developer proposes to connect to the existing drains.
- (h) site plan of the proposed buildings and structures showing building locations;
- (i) proposed road locations and other circulation features;
- (j) proposed finished grades;
- (k) proposed drainage, drainage works, detention ponds, retaining walls, and erosion control plans;

1.13.3.2 To Determine the Impact on Culinary Water, Fire Flows and Sewage:

- (a) location and size of the nearest water main and sanitary sewer lines to the project to which the project can drain or be supplied; and where and how the applicant proposes to connect to the systems;

- (b) site plan and floor elevations (including building height) of all proposed buildings and structures showing building locations, construction type and materials;
- (c) proposed easements for new utility services or relocated utility services;
- (d) fire hydrant locations and building sprinkling plans.
- (e) estimated peak culinary water demands, including irrigation and water demand for fire flows.
- (f) Proof of “wet” water in adequate quantity and quality, acceptable to the Town standards. If the developer is supplying his/her own water or is transferring water rights to the Towns culinary system.
- (g) other specific information and scientific data and opinions which, in the opinion of the Planning Commission, is useful or necessary for the meaningful review of the project. Such additional information may be required from the applicant based on the nature of the project or the site.

1.13.3.3 To Determine the Impact on Slope Retention:

- (a) Topography existing before construction and proposed finished grades, both on the site and as they relate to adjoining property;
- (b) proposed drainage, drainage works, retaining walls, and erosion control plans;
- (c) proposed landscaping;
- (d) complete, detailed construction drawings and support documentation of any and all structures sufficient to demonstrate compliance with applicable standards, codes and ordinances; or general architectural concept drawings of proposed buildings, showing roof plan and cuts and fills;
- (e) other specific information and scientific data and opinions which, in the opinion of the Planning Commission, is useful or necessary for the meaningful review of the project. Such additional information may be required from the applicant based on the nature of the project or the site.

1.13.3.4 To Determine the Impact on Streets and Pedestrian Facilities:

- (a) prepare a site plan which coordinates pedestrian connections, sidewalks, and bike paths if any such pedestrian facilities are shown on the Trails Master Plan or the Streets Master Plan, if they are currently adopted.
- (b) submit construction staging location plan.
- (c) submit estimated truck traffic trip numbers for construction traffic.
- (d) if requested by the Town Engineer, the project applicant shall submit reproducible measurable pavement quality testing analyses for each street or roadway which will be utilized by any traffic generated by or relating to the proposed project, including but not limited to construction traffic. Such analyses will be submitted both before permit issuance and before building occupancy and shall use a nationally recognized pavement quality-testing machine as approved by the Town Engineer. Such analyses will be used to determine construction impacts on existing streets at the end of construction such that repairs can be made at the expense of the project proponents to return the pavement to its original quality.

1.13.4 Department Action

Within 30 working days from the receipt of the complete application including all requested information for infrastructure impact review, the Planning Commission and/or other appropriate Town officials shall have reviewed the project and determined whether existing infrastructure is sufficient to adequately serve any proposed buildings or structures. If the data is sent to an engineer or other consultant for determination of impacts, the applicant shall pay the costs associated with the professional review.

If the existing infrastructure is adequate to serve any proposed buildings or structures, then a building permit shall be issued in accordance with the International Building Code and Town Ordinances. If upon review existing infrastructure is found to be inadequate to serve any proposed buildings or structures, the building permit shall be withheld. At the option of the Town, the applicant may either

- (a) Change the type, scale or location of any and all proposed buildings or structures in such a manner that existing infrastructure may adequately serve all proposed buildings or structures, or
- (b) Provide at applicant's expense the additional infrastructure necessary to adequately serve all of applicants proposed buildings or structures according to designs

and specifications approved by the Town, or

- (c) Pay a proportionate share of a Town project that would mitigate the impact as detailed by the Town Council and/or its staff.

Upon submission of plans changing the type, scale or location of any or all proposed buildings or structures in such a manner that existing infrastructure is adequate to serve all proposed buildings or structures; or, upon submitting plans for additional infrastructure and a letter of credit or escrow agreement to the Town for the full cost of the additional infrastructure required as estimated by the Town Engineer, a building permit shall be issued in accordance with Town codes and ordinances.

1.13.5 Appeal and Review

If the applicant does not agree with the determination of the Planning Commission or Town Staff that existing infrastructure is inadequate, or with the requirement for additional infrastructure, the applicant may request Town Council review. The Town Council is empowered to affirm, reverse or modify the determination of the Planning Commission, Town Staff or Town engineer/consultant. All actions regarding infrastructure impacts and their requirements of the Planning Commission or Town Staff are appealable to the Town Council.

If the Town Staff has not acted on an application or has not indicated to the applicant what existing infrastructure is inadequate within 30 working days after complete information submission, the application shall be automatically forwarded to the Planning Commission for determination of adequacy of existing infrastructure.

1.13.6 Transferability

The infrastructure review and approval is transferable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.

1.13.7 Expiration

If a building permit is not obtained within twelve months from the date of approval, then the infrastructure review and approval process must be repeated prior to issuance of a building permit. If a building permit expires before actual construction of buildings or structures, the infrastructure review and approval process must be repeated prior to issuance of another building permit. If a permit is not taken in six months, the review shall determine whether off-site conditions or demands have changed the ability of the system to meet the demands of the

project under review. The permit requirements may be modified to adjust to the new capacity or demand.

1.13.8 Standards for Review

No building permits shall be issued on buildings and structures subjected to infrastructure review unless it is found by the Town that there is sufficient infrastructure capacity, according to the standards adopted by the Town, either existing or to be provided by the applicant to adequately serve the proposed buildings and structures. Specific review items include: delivery of adequate water for culinary and fire flow purposes, safe vehicular and pedestrian access for owners, users and emergency vehicles, and proper handling of snow melt and storm drainage and slope preservation. The standards to be applied for review are:

- (a) **Standards for Water Delivery.** The standards for adequate delivery of water shall be as applicable: the Mantua Town Fire Flow Standards, if adopted; the Box Elder Fire District Fire Flow Standards; the ISO or NFPA standards for fire flow, the Mantua Town Design Standards, Construction Specifications and Standard Drawings, if adopted; and, the County and/or State Department of Health, Drinking Water Regulations as now constituted and as may be amended.
- (b) **Standards for Site Drainage.** The standards for adequate site drainage are the International Building Code Chapter 70, as adopted by Ordinance, or its successor, and the Mantua Town Design Standards, Construction Specifications and Standard Drawings as now constituted or as may be adopted or amended.
- (c) **Standards for Access.** The standards for access to the building or structure are the 1985 International Fire Code adopted by Ordinance, or its successor, the Streets Master Plan or Land Use Map, the Mantua Trails Master Plan, if adopted, and the Mantua Town Design Standards, Construction Specifications and Standard Drawings as now constituted or as may be adopted or amended.
- (d) **Standards for Slope Retention.** The standards for slope retention are the International Building Code Chapter 70, as adopted by Ordinance, or its successor and the Mantua Town Design Standards, Construction Specifications and Standard Drawings as now constituted or as may be amended.

1.14 Conditional Use Review Process

Although each zone district is an attempt to segregate predominant land uses within identified residential, commercial, agricultural, and similar districts, there will be proposals that are generally compatible in land use with other permitted uses in the zone, and if properly and carefully planned, these uses, which are different from the predominant use, or more intensive than permitted uses in the

same zone, may become compatible and appropriate for the zone in question. For example, the location and nature of the proposed use, the character of surrounding development, traffic capacities of adjacent and feeder streets, environmental factors such as drainage, erosion, and soil stability, all may dictate circumstances where a more intensive use may or may not be appropriate for the zone. The conditional use procedure is intended to provide greater flexibility in land uses while at the same time, preserving neighborhood character and assuring compatibility between the conditional uses, the uses on adjoining properties, and the Town at large. Development of conditional uses will be subject to review by the Planning Commission and Town Council, and may be allowed subject to conditions imposed for the purpose of preserving the character of the zone district, and mitigating potential adverse effects of the conditional use. Where conditions to the use cannot be devised to satisfactorily mitigate adverse effects of the conditional use, the application for a conditional use permit shall be denied. Any land use that is defined in this Code as a conditional use for the zone in which it is proposed shall be reviewed according to the following procedure:

1.14.1 *Pre-Application Conference*

A pre-application conference may be held with the Planning Commission to determine the nature of the use and the general nature of conditions that might be imposed. At the pre-application conference, the Planning Commission and the applicant shall review the application form, the materials and information needed to complete the form, and the procedures used in reviewing the conditional use.

1.14.2 *The Application*

A conditional use application shall be filed on a form prepared by the Town, and shall be supported and accompanied by the following information (five sets are required):

- (a) A map of the site showing the existing conditions prior to the demolition of any existing structures and any grading, showing north arrow and scale;
- (b) A map identifying the subject site in relation to adjoining public streets and the neighborhood in which it is located with north arrow and scale;
- (c) The boundaries of the site, and any easements of record or known prescriptive easements;
- (d) Topography with contours shown at intervals of not more than five feet;
- (e) Vegetation type and location; soil type and load carrying capacity information;
- (f) 100 year flood plain and high ground water areas, known spring and seep areas

and ditches or canals as well as known wetlands;

- (g) All existing roads, fences, irrigation ditches, and drainage facilities;
- (h) Location of public utility facilities and easements;
- (i) Site plan of the proposed conditional use showing building locations;
- (j) Proposed road locations and other circulation features;
- (k) Proposed finish grade;
- (l) Proposed drainage, drainage works, retaining walls, and erosion control plans;
- (m) Proposed location of all site improvements such as arenas, barns, plazas, tennis courts, pools, and similar improvements;
- (n) Proposed easements for new utility services or relocated utility services;
- (o) Proposed landscaping;
- (p) Designations of proposed ownership of areas shown on site plan as being part of a condominium unit, common area, dedicated open space;
- (q) Proposed intersections with existing public streets;
- (r) General architectural concept drawings of proposed buildings;
- (s) Lighting plans, if any;
- (t) Signage plans, if any;
- (u) Proposed location of a common satellite receiving station or other antennae;
- (v) And any other information as may be useful or necessary for the meaningful review of the project. Additional information may be requested at the pre-application conference based on the nature of the project or the site .

1.14.3 *Written Statement and other Documentation*

A written statement shall be submitted with the following documentation containing and/or explaining the following information:

- (a) A preliminary title report showing the title to the property, and listing all encumbrances, covenants, easements, and other matters affecting title, and a legal description of the site;
- (b) Copies of any covenants or easements which are referred to in the title report;
- (c) A development schedule indicating phased development, if any, and the estimated completion date for the project;
- (d) Stamped and addressed envelopes for all property owners within one thousand (1000) feet of the perimeter of the site or lot line with their current mailing addresses as shown from the most recently available county assessment rolls, provided that the name and address of the registered agent for a condominium project is sufficient in lieu of each owner;
- (e) A general description of the project, prospective tenants or types of tenants of occupants, whether condominium ownership, time share ownership, or nightly rental uses are proposed, and the proposed property management structure for timeshare or nightly rental;
- (f) Any other information that might be helpful to the Town in reviewing the proposed use.

1.14.4 *Notice/Posting*

Upon receipt of the complete conditional use application and payment of all applicable fees, the Planning Commission shall cause notice to be given to the public in accordance with the provisions of Section 1.6 of this Code.

1.14.5 *Public Comment*

The posted, mailed, and published notice shall advise the public that a conditional use application has been filed on the site, and shall state that interested persons may review the application at the Town office during normal business hours. The notice shall provide a public comment period for not less than 14 days during which written comments may be submitted for staff consideration while reviewing the project. Comments filed after the close of the comment period may be considered or disregarded by the Town. All persons who have submitted written comments shall receive notice of the approval or denial of the application and the conditions imposed.

1.14.6 *Town Action*

1.14.6.1 *Time Frame*

Once an application is received, the staff will work diligently to review the application as quickly as time and workload allows. It is reasonable to expect that an application will appear before the Planning Commission with a recommendation within 90 days of receipt of the application, if the developer has been diligent in responding to requests for additional information required to process the application. The scale or complexity of a project or staff workload may necessitate a longer processing period. In such cases, the staff will notify the applicant when an application is filed as to the projected processing time frame.

1.14.6.2 Staff Review

The Planning Commission and other appropriate Town officials, including the Technical Review Committee and/or Design Review Committee, shall review the project and propose a conditional use permit encompassing the conditions of development and approval. The permit shall incorporate the site plans and architectural plans for the project. If the developer accepts the conditions imposed, the conditional use application shall be placed on the consent agenda of the Planning Commission for final approval. The staff may recommend immediate review of the permit to the next scheduled Planning Commission meeting (if notice requirements under section 1.6 can be met) if the Town staff determines that the conditions may be better prepared and evaluated by the Planning Commission, or if the permit requested is a minor or temporary conditional use.

1.14.6.3 Planning Commission Review

The Planning Commission shall determine if all points of this Code have been complied with for review and compliance of the conditional use processes and may further amend, add or delete conditions recommended by the Town staff prior to their approval. If approved, the Planning Commission will recommend the permit with approval to the Town Council for their review at the next regularly scheduled Town Council meeting that can meet notice requirements of section 1.6. If the Planning Commission denies the permit, the applicant may not appeal to the Town Council, but must amend and re-submit the application or appeal to the Appeal Authority.

1.14.6.4 Town Council Approval

The Town Council may approve, amend or deny the conditional use permit as proposed by the Planning Commission. After approval by the Town Council, building permits are to be issued by the Town building official as provided in the International Building Code and this Code.

1.14.6.5 Appeal

If the Staff and the developer are not able to agree on conditions of approval, the developer may go before the Planning Commission for review or may withdraw the application. The review shall appear on the agenda for the next regularly scheduled meeting that has available time and meets notice requirements of section 1.6. Priority shall be given to reviews in preparation of the agendas.

If the Town staff have not acted on an application or have not indicated to the developer what aspects of the plan are not acceptable as proposed within 90 working days after submission, the developer shall have the right of review by the Planning Commission. The developer may, at any time in the review process, request review of the conditions of approval by the Planning Commission.

If the applicant does not agree with the findings or actions of the Planning Commission or the Town Council, the only avenue for appeal is to be heard by the Appeal Authority, as per chapter 5 of this code.

1.14.7 Plat Approval

When a conditional use requires the recording of a plat, the final plat shall be taken to Planning Commission for plat approval only. The scope of review for plat approval is limited as set forth below in Section 1.22. Plat approval may be granted at the same time as the conditional use approval.

1.14.8 Transferability

A conditional use permit may be transferable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others only upon review and approval by the Planning Commission. The permit cannot be transferred off the site on which the approval was granted.

1.14.9 Expiration

Unless otherwise specified during the review and approval process, Conditional use permits shall expire one year from the date of the Planning Commission approval of the conditional use, unless substantial construction activity has commenced on the project. Substantial construction activity is evidenced by the developer obtaining building permits for the project (or for the first phase of a phased project). Permits may be issued in stages, but the issuance of a footing and foundation permit is not evidence of substantial construction activity unless the permits for the remainder of the structure (or remainder of the phase, in phased projects) are paid for within

six months of the issuance of the footings and foundation permit. Demolition permits do not evidence substantial construction work for purposes of extending a conditional use permit.

Whether construction has

commenced or not, the Planning Commission may grant an extension of the conditional use permits for up to one additional year when the applicant is able to demonstrate a legitimate need to delay the start of construction, such as inclement weather, delays in financing, or similar factors.

Where the Planning Commission has granted a temporary Conditional Use permit that permit's expiration will occur on the date specified in the permit. Renewal of the permit after expiration in any type of conditional use will require a complete re-application as if no permit was granted previously and as procedurally outlined in this code.

1.14.10 Standards for Review

No conditional use permit shall be issued unless the Town finds that the application complies with all requirements of this Code; that the use will be compatible with surrounding structures in use, scale, mass and circulation; that the use is consistent with the Mantua Town General Plan; and that the effects of any differences in use or scale have been mitigated through careful planning. Review for impact on Town Infrastructures will be made as previously outlined in the section 1.13 procedures. All Infrastructure improvements must be concurrently constructed and timed carefully with the development and costs associated with them born by the developer as previously outlined. The Town shall review each of the following items when considering a conditional use permit:

- (a) Size and location of the site;
- (b) Traffic considerations including capacity of the existing streets in the area;
- (c) Utility capacity;
- (d) Emergency vehicle access;
- (e) Location and amount of off-street parking;
- (f) Internal traffic circulation system;
- (g) Fencing, screening, and landscaping to separate the use from adjoining uses;
- (h) Building mass, bulk, design and orientation, and the location of buildings on the site; including orientation to buildings on adjoining lots;

- (i) Usable and permanent open space considerations;
- (j) Signage and lighting;
- (k) Physical design and compatibility with surrounding structures in mass, scale, style, design, and architectural detailing;
- (l) Noise, vibration, pollution, odors, steam, or other mechanical factors that might affect people and property off site;
- (m) Control of delivery and service vehicles, loading and unloading zones, and screening of trash pick-up or waste storage areas;
- (n) Expected ownership and management of the project as primary residences, condominiums, time interval ownership, nightly rental, or commercial tenancies;
- (o) Design or Architectural Review as may be advised by the Town or the Design Review Committee;
- (p) Other Technical Review Matters as may be advised by the Town or the Technical Review Committee;

1.14.11 Sensitive Lands Review

If a conditional use approval is located within the Sensitive Area Overlay Zone, or designated area, additional requirements and regulations may apply. See the Sensitive Lands Provisions in Chapter 10.

1.14.12 Design Review

The Planning Commission or Town Staff may require a certificate of appropriateness from the design review committee if one is established and if standards have been developed for the applicable zone district. Recommendations of that committee may be used as guidelines in the establishment of conditions under this permit as outlined in Section 3.29.

1.14.13 Technical Review

The Planning Commission or Town Staff may require a certification of review from the

technical review committee if one is established. This Committee may be set up to review and make suggestions to the Planning Commission regarding unique concerns or features of a project that may be beyond the expertise of the Town Planning Commission or Staff. Recommendations of that committee may be used as guidelines in the establishment of conditions under this permit as outlined in Section 3.30.

1.14.14 Conditional Use Permits on Temporary Mobile Trailers

Conditional Use Permits on Temporary Mobile Trailers will be reviewed on an annual basis.

1.15 Master Planned Development Review Process

Applications for developments to be built according to a master plan which provides for mixes of uses, and/or density transfers, clustering and unit concentrations, and/or maximizing of permanent open space within the site, commonly referred to as planned unit development (without regard to the manner in which title to the project will be held) shall be treated as conditional use applications and are divided into two review processes depending on the size and nature of the project. These review processes are described as follows:

1.15.1 Minor Master Planned Development Review

If an MPD meets the same qualifications in size and definition of a Minor Subdivision, as described in the Land Management and Development Code of Mantua Town, and does not necessitate the creation of large public infrastructure to meet its needs. The MPD may be classified as a Minor Master Planned Development, and the Planning Commission may waive many of the requirements of the MPD review process, including off-site infrastructure concurrence, and bonding requirements. These types of projects are reviewed as Minor Master Planned Developments. The review process is identical to the conditional use process and is subject to any applicable requirements of chapter 9 of this code.

1.15.2 Master Planned Development Review

Those projects having more than 9 unit equivalents shall be reviewed as Master Planned Developments according to the procedure described in this Code. The nature of the density transfers and zoning concessions within the project are set forth in Chapter 9. The substantive requirements for master planned developments are described in Chapter 9 of this Code.

1.15.3 Sensitive Lands Review

If a master planned development is located within the Sensitive Area Overlay Zone, or designated area, additional requirements and regulations may apply. See the Sensitive Lands Provisions in Chapter 10.

1.16 Appeals and Review Process

Decisions by the Planning Commission or Town Council regarding conditional uses, including Master

Planned Developments and zoning decisions or application of this code, may be appealed to the Appeal Authority. Any person(s) within the Town who believes he/she may be adversely affected by a decision of the Town Council or Planning Commission regarding the application of the decision or this code, and/or the owner of the subject property affected shall have standing to appeal a decision of the Planning Commission and/or Town Council. Appeals from Town actions shall be by letter or petition and contain the name, address, and telephone number of the petitioner, his or her relationship to the project or subject property, and the reasons for requesting review, including specific provisions of this Code, if known, that are violated by the action taken.

1.16.1 Written Findings of Denial Required

The Planning Commission or Town Council shall always prepare detailed written findings on any application that it denies, amends or approves. These findings shall state the reasons for the action and the provisions of this Code or other Town ordinances, or guidelines, or applicable State or federal laws or regulations that would be violated by the action, and the proposed conditions of action to be imposed and the reasons why those conditions were thought necessary. These findings shall then be made available to the Appeal Authority for their use in the appeal process.

1.16.2 Appeal Petitions Process

Besides the owner of the property acted on by the Town, any person living within the Town who submitted written comment on a proposal before the Planning Commission or Town Council, and the owner of any property within the Town has the right to appeal to the Appeal Authority any final decision of the Planning Commission or the Town Council. The petition must be filed in writing with the Town Recorder within fifteen (15) calendar days of final project action. The petition for the appeal shall state the name, address, and telephone number of the petitioner and his/her agent, if any, the name of the project, and the grounds for the appeal. The Town shall set a date for the appeal, which shall be no more than thirty (30) calendar days from the date the notice of appeal is filed with the Recorder and meet the notice requirements of section 1.6. The Town Recorder shall notify the petitioner and the owner of the project of the appeal date. The Town Recorder shall obtain the findings from the Planning Commission, Town Council and all other pertinent information and transmit them to the Appeal Authority.

1.16.3 Action on Petitions

The Appeal Authority may affirm, reverse, or affirm in part and reverse in part any decision of the Planning Commission or Town Council regarding conditional use or zoning decisions. The Appeal Authority may remand the matter to the Planning Commission, and/or Town Council

with directions for specific areas of review or clarification. Appeal Authority review of petitions of appeal shall be limited to consideration of only those matters raised by the petition(s), unless the Board by motion, enlarges the scope of the appeal to accept information on other matters it may legally hear.

1.16.4 Stay of Approval Pending Review or Appeal

Upon the filing of a non-owner petition or a petition by the owner for appeal or review by the Appeal Authority of a Planning Commission or Town Council decision, any action passed on this matter by the Planning Commission or Town Council will be suspended until the Appeal Authority has acted on the appeal.

1.16.5 Appeal from the Appeal Authority

The owner of any project, or any person aggrieved by the approval of any project may appeal from the final action by the Appeal Authority affecting the project by filing a civil action in a court of competent jurisdiction. The decision of the Board shall stand, and those affected by the decision may act in reliance on it unless and until the court enters an interlocutory or final order stating the effectiveness of that decision.

1.16.6 Finality of Action

If no appeal has been taken at the end of fifteen (15) days from the date of final action by the Town Council, Planning Commission or Town Staff, the action is final.

1.17 Termination of Projects

It is the policy of the Town to require developers submitting projects to the planning process to move their projects to either approval or denial in a reasonably expeditious manner. The time required in the planning review process will vary with the size and complexity of each proposal, and the establishment of exact time requirements for review is impractical. It is the policy of the Town to formally deny projects submitted to the process which remain inactive for long periods of time due to acts or omissions of the developer.

1.17.1 Termination of Applications

When the Planning Commission believes that a project that has been formally submitted is not making normal progress towards final approval, they shall deny the project application and close the files with respect to that project. No project shall be taken to the Planning Commission for denial on the basis of inaction without giving 60 days written notice to the developer and the responsible

agent by certified mail. Such notice shall state the intent of the Planning Commission to have the project denied because of inaction and the time, place, and date when the matter will be taken before the Planning Commission.

1.17.2 Inaction Defined

A project shall be deemed inactive and subject to denial on the basis of inactivity if, through the act or omission of the developer and not the Town:

- (a) More than three months has passed since the last meeting of the Town staff and the developer;
- (b) More than three months has passed since a request for additional information was made by the Town staff which request has not been complied with or the developer's reasons for non-compliance are not stated;
- (c) The developer is more than 60 days in default of the payment of any fee assessed by ordinance, or has not paid the fee under protest;
- (d) The developer has stated his intent to abandon the project;
- (e) The project appears to have been abandoned; or
- (f) The application appears to have been filed in bad faith for the purpose of attempting to vest rights prior to a zoning change or code change, without actual intent to construct the project applied for.

Delays occasioned entirely by internal delays of the Town or any commission or board shall not be cause for termination.

1.17.3 Reinstatement

A developer may appeal the Planning Commission's denial of a project for inactivity to the Town Council, or the action may be called up by the Council. The Town Council may reinstate subject to payment of full or partial submission fees, reinstate subject to specific ordinance changes, or deny reinstatement. If reinstatement is denied, all interest in the application ends. If the developer desires to proceed with the project, he must start at the beginning of the process with a new submission and payment of new submission fees, and shall be subject to all ordinances then in effect.

1.18 Appearance before Boards, Commissions and Councils

All persons speaking before any Town agency, department, committee, commission, or board or the Town Council on behalf of the owners of any project shall provide reasonable evidence of their agency relationship with the owner. This agency shall be presumed if the spokesman is associated with the architect or engineer whose name appears on the plans, or if the owner is present. The Planning Commission may request other persons appearing to speak in any agency position with any project to provide a statement signed by the owner indicating the nature of the relationship and the Authority of the agent to make decisions or representations concerning the project.

1.19 Variances and Special Exceptions

Any variances or special exceptions to this Code shall be granted only by the Appeal Authority under the provisions of Chapter 5 of this Code prior to the issuance of any conditional use, master planned development, or other approval by the Planning Commission. All action on an application shall be stayed upon learning that a variance or special exception is required until the applicant shall have obtained the variance or special exception or his request is denied by the Appeal Authority. Appeals from final action of the Appeal Authority shall be made to the District Court as provided by state law, and not to the Town Council.

1.20 Relation to Prior Development and Subdivision Ordinance

The procedures set forth in this Code are intended to supersede any inconsistent procedural provisions in the previous development and subdivision ordinance. The substantive requirements of the application form and the review process shall remain unchanged, but all final actions under that ordinance are subject to the appeal processes set forth herein, and all applications for subdivision approval are subject to termination as set forth herein.

1.21 Vesting of Zoning Rights

Upon payment of the required application fees and submission of a completed application, as determined by the Planning Commission, an applicant shall be entitled to have the filed application reviewed and acted upon pursuant to the terms of the Land Management and Development Code or development code and zoning map in effect at the time of filing of the application, subject to the exceptions set forth below. The applicant may take advantage of changes in the Code and zoning map that would permit greater density or more intense use of the land, provided however, that these changes may be deemed a modification of the plan and require the payment of additional planning review fees.

Non-zoning related matters, including, but not limited to site development standards, procedural requirements and building code requirements, will not vest until complete building permit applications have been filed and required fees have been paid. Water and Sewer connection availability, costs of water and sewer connection and water development fees, and applicable impact fees and other charges will vest only upon payment of the building permit application fees and submission of all the materials

necessary for the issuance of a building permit.

Vesting of all permits and approvals terminates upon the expiration or termination of the permit or approval.

1.22 Exceptions

Applicants shall not be entitled to review and approval of applications pursuant to the terms of the Code in effect at the time of application when revisions to the Code are pending at the time of application which would prohibit or further condition the approval sought, or when there exists a compelling reason for applying a new standard or requirement retroactively to the time of the application.

1.23 Plat Approval

On all projects requiring the recording of a plat or record of survey map under applicable State law, the plat shall conform to the following standards before approval will be granted by the Town:

1.23.1 Owner's Execution

A subdivision plat must be signed by the owner of the property and all persons claiming an interest in the property within the plat, including those holding a security interest in the property, excluding mechanic liens and judgment liens. A condominium plat need not be signed by those holding security interest in the property. All owners' signatures must be legally acknowledged.

1.23.2 Contents of Plat

The plat must have signature blocks for the Mayor, Mantua Town Engineer, Fire Department Approval (Fire Department Chief), Recorder, Mantua Town Planning Commission (Chairman), and County Recorder's use. The survey data and accuracy of the plat must be certified by a licensed surveyor, and the plat must bear the surveyor's official stamp.

1.23.3 Submission

The submission for plat approval must be accompanied by any covenants, declarations, easements, dedications of rights-of-way, or similar documents that are in addition to the contents of the plat. The submission must also be accompanied by a current title report showing the persons having an interest in the property, and verifying the ownership is consistent with the ownership as indicated on the plat. The legal descriptions of the property must also be consistent among the plat, declarations or covenants and title report.

1.23.4 Required Signatures of Town Officers

The following signatures are required before an approved plat can be recorded: Mayor, Mantua Town Engineer, Fire Department Approval (Fire Department Chief, Mantua Town Planning Commission (Chairman).

1.23.5 Recording

Upon granting of final approval by the Town, the Town Recorder shall release the fully executed plat and the declaration and covenants to the title company designated by the developer for recording. The Town shall have no obligation to advance recording fees, but may deliver the plats to the County directly rather than through the developer's designated title company. No plat shall be recorded until the Recorder has verified that all fees relative to the project have been paid, including the final engineering bills from the plat approval if applicable.

1.23.6 Effect of Approval

In approving the plat, the Town and its officers and agents are only certifying to substantial compliance with the statute and ordinances regarding the recording of plats and the prior approval of the project as being in compliance with local zoning ordinances. The Town does not make any representation concerning the accuracy of the information presented in the plat drawn by the developer, nor the value of the project.

1.23 Non-Conforming Uses

1.23.1 Non-Conforming Use Defined

As used in this Code, a non-conformance use is the use of any building, structure, or land which is prohibited by any zoning, building, or other regulatory ordinances, but which was lawfully existing prior to the effective date of such ordinance. Residential uses and residential structures occupied for residential purposes or vacant at the time of adoption of these provisions shall be exempted from the provisions of this Code. This shall not be construed to allow new residential construction except as provided by the provisions of the respective zones.

1.23.2 Non-Conforming Use of Open Land

A non-conforming use of land lawfully existing on the effective date of this Code may be continued provided such non-conforming use shall not be expanded or extended into any other portion of a conforming building or open land, and no structures, additions, alterations, or enlargements thereto shall be made thereon, except those required by law. If said non-conforming use is discontinued for a continuous period of more than three (3) years, any future use of such land shall conform to the provisions of the zone in which it is located.

1.23.3 Non-Conforming Buildings

(a) A nonconforming building in any zone may be continued for the period prescribed in this section, provided no additions or enlargements are made thereto and no structural alterations are made therein, except as allowed by a conditional use permit.

(b) Subject to the provisions of this code, a conditional use permit may be granted to allow the expansion of a building which does not conform to height, lot coverage setbacks or area requirements if the following standards are met:

(1) That granting the expansion will not adversely impact the attainment of the General Plan.

(2) That the expansion will improve the general appearance or safety of the area.

(3) That by expanding the building, the character of the neighborhood is not adversely impacted.

(4) That the expansion will improve the area by providing additional or adequate parking.

(5) That any expansion will be adequately screened or buffered, if needed, so as not to increase impacts to the adjoining properties.

(c) Notwithstanding subparagraph (b) above, an existing single family dwelling, non-conforming as to side yard requirements but having a minimum side yard of not less than three feet may be extended in depth along the non-conforming building line to a maximum of one-half the length of the existing dwelling if such extension is for the purpose of enlarging and maintaining the existing dwelling or required parking and provided such enlargement does not increase any other non-conformity which may exist and conforms to all other regulations of the zone in which it is located.

(d) If a non-conforming building is removed, every future use of the land on which the building was located shall conform to the provisions of this Code.

1.23.4 Non-Conforming Use of Conforming Buildings

(a) The non-conforming use of any conforming building lawfully existing on the

effective date of this Chapter may be continued provided such non-conforming use shall not be expanded or extended into any other portion of the conforming building nor shall any structural alterations except those required by law be made, and if such non-conforming use is discontinued for a continuous period of more than one (1) year, any future use of such building shall conform to the provisions of the zone in which it is located.

(b) A building or structure non-conforming as to use regulations shall not be added to or enlarged in any manner if the expansion involves any structural alteration of the building, except as allowed by a conditional use permit. Subject to the provisions of this code, the use of a building or structure may be expanded if the following standards are met:

- (1) The expansion of the use will not adversely impact the surrounding properties.
- (2) The proposed expansion is compatible with the surroundings.
- (3) The site of the proposed expansion conforms to all site development requirements as physically possible, given existing site limitations.
- (4) The proposed expansion shall not create new nonconformity.
- (5) No expansion of a non-conforming use shall be allowed which would extend beyond the original lot or tract of land.

1.23.5 Non-Conforming Use of Nonconforming Buildings

The non-conforming use of a non-conforming building lawfully existing on the effective date of this Code may be continued for the period prescribed in this section, and may be expanded or extended throughout such building provided no structural alterations except those required by law are made therein. If no structural alterations are made or required, a non-conforming use of a non-conforming building may be changed to another use of the same or more restrictive classification. If such non-conforming use is discontinued for a continuous period of more than one (1) year, any future use of the said building shall conform to the provisions of this code and of the zone in which it is located.

1.23.6 Change in Status of Non-Conforming Use

If a non-conforming use is vacated, it may be succeeded by an equally restrictive or more

restrictive non-conforming use provided such change is effected within one (1) year. After a change to a more restrictive use is in effect that change shall be evidence that the less restrictive non-conforming use has been abandoned and thereupon loses any vested right as such, and the degree of non-conformity may not subsequently be increased by changing back to a less restrictive use.

1.23.7 Reconstruction of Non-Conforming Building Partially Destroyed

A non-conforming building destroyed to the extent of not more than fifty (50) percent of its reasonable replacement value at the time of its destruction by fire, explosion, or other casualty or act of God or public enemy, may be restored and the occupancy or use of such building or part thereof which existed at the time of such partial destruction may be continued subject to all of the provisions of this Code.

1.23.8 Non-Conformance Limited to Zone Groups

Notwithstanding any other provisions of this Code, no uses permitted in any one of the Residential zones and lawfully existing in any one of the residential or agricultural zones at the time of the effective date of this Code shall be considered non-conforming in the zone in which it is located; no uses permitted in any one of the commercial or light manufacturing or industrial zones and lawfully existing in any one of the commercial or light manufacturing or industrial zones at the time of the effective date of this Code shall be considered non-conforming in the zone in which it is located. This Section shall be applicable only to non-conforming uses.

1.24 Repealer, Savings Clause and Continuation Of Prior Ordinances

1.24.1 The 1975 Mantua Town Zoning Code and 1999 Subdivision Ordinance

The Mantua Zoning Code of 1975 and 1999 Subdivision Ordinance enacted by the Town of Mantua are hereby amended and re-codified in their entirety to read as herein provided by this Mantua Town Land Management and Development Code.

1.24.2 Continuation of Prior Ordinances

The amendment of all zoning and/or development ordinances heretofore enacted by the Town of Mantua Town shall not:

- (a) Affect suits pending or rights of the Town existing immediately prior to the effective date of this ordinance.

- (b) Impair, void, or affect any grant or conveyance made or right acquired or cause of action as of the effective date of this Code or now existing.

1.24.3 Continuation of Similar Provisions

The provisions of this ordinance insofar as they are the same or substantially the same as any prior ordinances shall be construed as a continuation of the prior ordinance.

1.24.4 Severability

If any phrase, clause, sentence, paragraph, or section of this Code shall be declared unlawful by any court of competent jurisdiction, such decision shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Code.

1.24.5 Effective Date

This Ordinance shall become effective July 20, 2006.

1.25 Conflicts Within the Code

Every effort is made by the Town to insure that this code is readable, understandable, and contains as few defects as possible. If however, any conflicts, defects, inconsistencies or ambiguities are found within different sections and/or chapters of this code, the Planning Commission shall follow the section or wording that is more restrictive, stringent or of a higher standard as defined or interpreted by the Planning Commission.

The Planning Commission shall then make every effort to amend the code to further clarify or repair the defect, conflict, inconsistency or ambiguity.

DEFINITIONS

2.1 Definition Usage

For the purpose of these regulations, certain numbers, abbreviations, terms, and words used herein shall be used, interpreted, and defined as set forth in this Chapter. Where definitions are given in another chapter or section of this Code that apply to only that section or chapter, those definitions shall apply first. In some instances, words or terms that have a definition in this chapter may show in *italics* elsewhere in this Code.

Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the plural number include the singular; the word "herein" means "in these regulations"; the word "regulations" means "these regulations"; the word "code" means "this code".

A "person" includes a corporation, a partnership, a limited company, a limited liability company, and an incorporated association of persons such as a club; "shall" is always mandatory; a "building" includes "structure"; a "building" or "structure" includes any part thereof; "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied".

2.2 *Access*

The provision of vehicular and/or pedestrian ingress and egress to structures or facilities.

2.3 *Accessory Building*

A building upon the same lot (or on a contiguous lot under the same ownership) as the principal building and which is (1) clearly incidental to, and customarily found in connection with such principal building or use and (2) is operated and maintained for the benefit of convenience of the owners, occupants, employees, customers or visitors of the lot with the principal use.

2.3 *Accessory Use*

Shall mean a use conducted on the same lot as the principal use or structure with which it is associated; and is a use which is clearly incidental to and is customarily found in connection with such principal use; and is either in the same ownership as such principal use or is maintained and operated on the same lot substantially for the benefit or convenience of the owners, occupants, employees, customers or visitors of the principal use. No accessory use shall be allowed on any lot or parcel unless the permitted use is being actively utilized.

2.4 *Administrative Permit*

A permit issued by the planning commission, zoning administration or building official for specified uses after compliance with applicable zoning or development code regulations is determined.

- 2.5 Agriculture**
The tilling of the soil, the raising of crops and animals for private, commercial or industry, horticulture, and gardening, except household pets, and not including any agricultural industry or business such as fruit packing plants, animal hospitals or similar uses.
- 2.6 Alley**
A public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other street.
- 2.7 Antenna**
A device for sending and/or receiving radio, television, data or similar communication signals.
- 2.8 Apartment House**
A multiple dwelling; see Dwelling, Multi-Family.
- 2.9 Applicant**
The owner of land proposed to be subdivided and/or developed or his/her representative. Consent shall be required from the legal owner of the premises.
- 2.10 Application**
A form or checklist supplied by the Town Planning Department, indicating the data and information necessary to process the Applicants proposed project(s).
- 2.11 Arterial**
A road intended to allow through traffic to and from such major attractions as central business districts, regional shopping centers, colleges and/or universities, military installations, major industrial areas, and similar traffic generators and/or as a route for traffic between communities or large areas.
- 2.12 Attached Building**
Units connected on one or more sides to an adjacent unit or units by a common party wall with separate exterior entrance for all unit(s). This shall apply to commercial as well as residential units.
- 2.13 Balcony**
A platform that projects from the wall of a building and is surrounded by a railing or balustrade.
- 2.14 Bed and Breakfast Inns**
A dwelling, including those dwellings of historical significance in which two to eight rooms are rented out by the day, offering overnight lodging to travelers, and where one or more meals are provided to the guests only, the price of which may be included in the room rate.

- 2.15 Block**
A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad or utility rights-of-way, shorelines of waterways, or boundary lines of municipalities.
- 2.16 Boarding House**
A building other than a hotel, café, or restaurant with two or more bedrooms where for direct or indirect compensation lodging and/or kitchen facilities or meals are provided for boarders and/or roomers not related to the head of the household by marriage, adoption, or blood.
- 2.17 Building**
Any structure built for the support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind.
- 2.18 Building, Attached**
(See Attached Building.)
- 2.19 Building, Detached**
Any building or structure separated from another building on the same lot by at least six feet.
- 2.20 Building, Main**
The principal building, or one of the principal buildings on a lot, or the building or one of the principal buildings housing a principal use upon a lot.
- 2.21 Building, Public**
Structures constructed by or intended for use by the general public such as libraries, museums, the municipal or public works buildings, etc.
- 2.22 Building and Zoning Inspector or Official**
The person designated by the Town to enforce the Zoning Ordinance and development codes as enacted by the Town. If no Administrative Assistant to the Planning Commission is appointed to administer these regulations, the Building Inspector or Official shall administer these regulations.
- 2.23 Building Pad Line**
The building pad line denotes that area in which the entire new structure must lie. The area of construction disturbance attributable to the structure (as opposed to utilities installation) may not extend beyond ten (20) feet from the building pad line.
- 2.24 Business Offices**
Any site or location which provides space for the transactions, service, or administration by a commercial enterprise and/or where storage of goods and sale of merchandise is minimal and secondary to performance of the service.

2.25 Canopy

A roof structure constructed of fabric or other material placed so as to extend outward from a building providing a protective shield for doors, windows, and other openings, supported by the building and supports extended to the ground directly under the canopy or cantilevered from the building.

2.26 Capital Improvements Program

A proposed schedule of all future projects listed in order of construction priority together with cost estimates and the anticipated means of financing each project. All major projects requiring the expenditure of public funds, over and above the annual local government's operating expenses, for the purchase, construction, or replacement of the physical assets for the community are included.

2.27 Child Care Center

A center-based facility in which the provision of Child Day Care for 13 or more children occurs on a regular basis.

2.28 Child Day Care

The provision (day or night) of supplemental parental care instruction and supervision (a) for a non-related child or children; (b) on a regular basis; and (c) for less than 24 hours a day. As used in this Ordinance, the term is not intended to include baby-sitting services of a casual, non-recurring nature or in the child's own home. Likewise, the term is not intended to include cooperative, reciprocative child-care by a group of parents in their respective domiciles.

2.29 Collector Roads

A road intended to move traffic from local roads to arterials. A collector road serves a neighborhood or large subdivision and should be designed so that no residential properties face onto it.

2.30 Common Open Space

Facilities, land and yard areas identified within projects for the use and enjoyment of all the residents and maintained and operated by an organization of property holders of that project.

2.31 Community Development Department

Community Development Department shall mean the division of the Town staff and administration which has the primary responsibility over planning, building, engineering, zoning, and development related services. This is the department with the primary responsibility for project review, under the direction of the Town Mayor. If the Community Development Department is not established the Planning Commission serves as the Community Development Department.

2.32 Community Development Director

- The Director of the Community Development Department, with overall administrative control of the planning, building, zoning, and engineering functions of the Town, under the direction of the Town Mayor. This person may also be the Building Official, Zoning Administrator or the Mayor.
- 2.33 Conditional Use**
A use requiring special consideration and review in the manner set forth in Chapter 1 of this Code.
- 2.34 Condominium**
Any structure which has been submitted to condominium ownership under the provisions of the Utah Condominium Ownership Act. This includes residential, nonresidential, and any other space.
- 2.35 Construction Plan**
The maps or drawings accompanying a subdivision plat and showing the specific location and design of improvements to be installed in the subdivision in accordance with the requirements of the Planning Commission or Town Engineer as a condition of the approval of the plat.
- 2.36 Convalescent Home**
An institution other than a hospital wherein people may gradually recover from an illness (see Nursing Home).
- 2.37 Coverage**
Lot area covered by a building.
- 2.38 Cul-de-sac**
A local street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement as well as Fire Fighting and other public safety equipment.
- 2.39 Developer**
The person, persons, corporation, firm or partnership owning the land proposed to be developed in any way, or a designated legal representative. Consent shall be required from the legal owner of the premises.
- 2.40 Development Credits**
Points allocated to parcels of ground in certain districts based on the parcel's square footage. Development credits shall be used to determine volume of allowed uses. Development credits are non-transferable.
- 2.41 Dwelling**

- A building or portion thereof designed for use as the residence or sleeping place of one or more persons or families with cooking and bathroom facilities, but not including hotel, motel, lodge, or nursing home rooms.
- 2.42 Dwelling, Multi-Family**
A building arranged or designed to be occupied by two or more families living independently of each other in separate but attached dwellings.
- 2.43 Dwelling, Single Family**
A building arranged or designed to be occupied by only one family; a structure having only one dwelling unit.
- 2.44 Easement**
Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his or her property.
- 2.45 Equivalent Population**
A population estimate based upon the year-round average occupancy of all permanent and transient units.
- 2.47 Escrow**
A deposit of cash with the Town or approved alternate entity in lieu of an amount required and still in force on a performance or maintenance guarantee. Such escrow funds shall be deposited in a separate account.
- 2.48 Family**
An individual, or two or more persons related by blood, marriage, or adoption, or a group of not more than four persons who are not related, living in a dwelling unit as a single housekeeping unit.
- 2.49 Family Day Care**
The provision of child day care for four to six children, inclusive, including the provider's own children under the age of 18, if they are cared for in the same area of the structure designated for Family Day Care.
- 2.50 Family Group Day Care**
The provision of Child Day Care for seven to 12 children, inclusive, including the provider's own children who are under the age of 18, if they are cared for in the same area of the structure designated for Family Group Day Care.
- 2.51 Fence**
A structure constructed for reasons of privacy, security, or aesthetics which is located in such

- a manner as to separate or divide areas. Includes hedges and masonry walls and may or may not be sight obscuring or light tight.
- 2.52 Final Approval**
Final approval by the Town Council, Appeal Authority or Planning Commission, where Commission action is not always required, of a plan, project, rezoning, use, activity, or other action that shall be given after all the requirements set out in the Preliminary Approval have been met and after all concerns of the reviewing agency regarding such plan, project, rezoning, use, activity, or other action have been addressed and answered. Final approval does not refer to plat approval unless the plat is submitted simultaneously.
- 2.53 Final Plat**
The map or plan or record of a subdivision and any accompanying material, as described in these regulations.
- 2.54 Flag Lot**
A lot not meeting minimum frontage requirements at the 30-foot setback and where access to the public road is by a private right-of-way or driveway.
- 2.55 Flexible Zoning**
Zoning which permits uses of land and density of buildings and structures different from those which are allowed as of right within the zoning district in which the land is situated. Flexible zoning applications shall include, but not be limited to, all special permits and special uses, master planned developments, group housing projects, community unit projects, average density or density-zoning projects, as this code may regulate.
- 2.56 Flood Plain Area**
An area adjoining a river, stream, or water course, or other body of standing water in which a potential flood hazard exists due to inundation or overflow of water having sufficient volume and velocity to transport or deposit debris, scour the surface soil, dislodge or damage buildings, or erode the banks of water courses. Any area designated as a flood plain by the Department of Housing and Urban Development or the Federal Emergency Management Agency or any other agency of the United States Government or State and Local Government Agencies, including the Town of Mantua.
- 2.57 Floor Area**
The floor area is the area of a building that is enclosed by surrounding exterior walls, excluding a 600 square foot allowance for garages. It is the intent of this definition to include lower levels into the floor area calculation which are not true basements. A true basement has all four walls underground. Therefore, a lower level will be counted into the floor area of a building if it is less than 80% underground or has an outside door (including garage door) visible from public right-of-way. If an entire lower level does not meet the criteria for exclusion from the floor area

calculation, no part of the lower level may be excluded. Unenclosed porches, balconies, patios and decks will not be considered floor area. This definition is for planning purposes only and may conflict with other methods of calculating square footage such as the International Building Code.

2.58 Floor Area Ratio

The floor area ratio shall be the floor area as defined in this Chapter, divided by the total area of the lot or parcel on which it, the structure is situated.

2.59 Frontage

That side of a lot abutting on a street or way and ordinarily regarded as the front of the lot, but it shall not be considered as the ordinary side on a corner lot.

2.60 Frontage Block

All property abutting one side of a street between intersecting or intercepting streets, or between a street and a right-of-way, waterway, end of dead-end street, or political subdivision boundary, measured along the street line.

2.61 Frontage Street

Any street to be constructed by the developer or any existing street in which development shall take place on both sides.

2.62 Garage, Private

A detached accessory building, or a portion of a main building, used for the storage of motor vehicles for the tenants or occupants of a specific building and not by the general public.

2.63 Garage, Public

A building or a portion thereof, other than a private garage, used for servicing, repairing, equipping, hiring, selling or storing motor-driven vehicles.

2.64 General Plan

A Comprehensive or General Plan for development of the Town, prepared and adopted by the Planning Commission and Town Council, pursuant to State law, and including land use maps or other suitability maps and/or any part of such plan separately adopted and any amendment to such plan, or parts thereof.

2.65 Geologic Hazard

A hazard inherent in the crust of the earth, or artificially created, which is dangerous or potentially dangerous to life, property or improvements, due to the movement, failure, flooding, or shifting of the earth.

2.66 Governing Body

The Governing body of the Town (Town Council of Mantua) having the power to adopt, amend or rescind ordinances, including this code.

- 2.67 Grade**
The slope of a road, street, or other public way, specified in percentage terms and calculated by dividing the difference in elevation between two points by the horizontal distance.
- 2.68 Grade, Natural**
Elevation of the existing surface of the land prior to commencement of construction of any improvements proposed or any previous site disturbance. Natural grade, when not readily established due to prior modifications in terrain, shall be fixed by reference elevations and slopes at points where the prior disturbance appears to meet the undisturbed portions of the subject property or the adjacent property's undisturbed grade. The estimated natural grade shall tie into the elevation and slopes of adjoining properties without creating a need for new retaining walls, or abrupt differences in the visual slope and elevation of the land; and not change the direction or flow of run-off water. For the purpose of measuring the height of any building from natural grade, the measurement shall be the vertical distance from natural grade to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to a point midway between the lowest part of the eaves or cornice and ridge of a hip roof. This measurement shall occur at any point within the building plane where height occurs.
- 2.69 Guarantee**
Any form of security including a letter of credit, escrow agreement, bond or instrument of credit in an amount and form satisfactory to the Town. All guarantees shall be approved by the Town wherever required by these regulations.
- 2.70 Guest House**
An accessory building intended for the inhabitation by non-rent paying guests. Provides separate cooking and sleeping quarters and is maintained and owned by the primary residence.
- 2.71 Habitable Space (Room)**
Habitable space (room) is space in a structure for living, sleeping, eating, or cooking. Bathrooms, toilet compartments, closets, halls, storage, or utility space, and similar areas are not considered habitable.
- 2.72 Hard-surfaced**
Hard-surfaced shall mean covered with concrete, asphalt or other impervious surface.
- 2.73 Health Department and Health Officer**
The agency and person designated by the Town to administer the health regulations of the Town and/or County or State. This may be the Box Elder County Health Department and Director or the applicable Department of Health and Director of the State of Utah.

- 2.74 Height**
The vertical distance from natural undisturbed grade to the highest point of a roof.
- 2.75 Highway, Limited Access**
A freeway, or expressway, providing a traffic way for through traffic, in respect to which owners or occupants of abutting property on lands and other persons have no legal right to access to or from the same, except at such points and in such manner as may be determined by the Utah Department of Transportation, having jurisdiction over such traffic way.
- 2.76 Home Occupation**
See the Supplementary Regulations in chapter 3 for a detailed definition.
- 2.77 Hotel/Motel**
A building containing sleeping rooms for the temporary occupancy of guests. Accessory facilities may include a lobby, meeting rooms, recreation facilities, group-dining facilities and/or other facilities or activities customarily associated with hotels or hotel apartments. This does not include lockouts or boarding houses.
- 2.78 Hotel Room**
A unit consisting of one room, without a kitchen, intended for temporary living and sleeping purposes and including a separate, exclusive bathroom.
- 2.79 Hotel Suite**
Two interconnected rooms in a hotel with a single corridor or exterior access and without a kitchen, intended for the temporary occupancy of guests.
- 2.80 Impact Analysis**
A determination of the potential effect of a proposed residential, commercial, or industrial development upon the community and services it must provide.
- 2.81 Improvements**
See Lot Improvements or Public Improvements.
- 2.82 In-Home Baby-sitting**
The provision of child day care for fewer than four children.
- 2.83 Joint Ownership**
Joint ownership among persons shall be construed as the same owner or "constructive ownership" for the purpose of imposing subdivision regulations.

2.84 Kitchen

A room or space within a room equipped with such electrical or gas hook-up services which would enable the installation of a range, oven, or like appliance using 220/240 volts or natural gas (or similar fuels) for the preparation of food.

2.85 Limits of Disturbance

The limits of disturbance line indicates the area in which construction activity must be contained. Construction disturbance may not extend beyond the limits of the disturbance line as indicated on the subdivision plat and/or Master Plan (MPD) unless the Planning Commission has amended the limit as per this code.

2.86 Local Government

The City or Town of Mantua, Utah.

2.87 Local Government Attorney

See Town Attorney.

2.88 Local Government Engineer

See Town Engineer.

2.89 Local Road

A road intended to provide access to other roads from individual properties and to provide a right-of-way beneath it for sewer, water, and storm drainage pipes.

2.90 Lockout Room

An area of a dwelling not to exceed one room with separate exterior access and toilet facilities, but no kitchen. Such a room may if permitted be rented independently of the main dwelling but shall not be sold independently. For density purposes, the lockout is counted as an additional bedroom of the dwelling it is a part of, and not counted as an independent unit. Nightly rental of lockout rooms is a conditional use.

2.91 Lot

A parcel or unit of land describable either by metes and bounds, or by other legal plat designation held or intended to be held in separate ownership or leasehold, or a parcel or unit of land shown as a lot or parcel on a recorded subdivision map, or shown on a plat used in the lease or sale or offer of lease or sale of land resulting from the division of a larger tract into smaller units. A lot may not necessarily be buildable.

2.92 Lot, Corner

A lot situated at the intersection of two streets, the interior angle of such intersection not exceeding 135 degrees.

- 2.93 Lot Depth**
The minimum distance measured from the front property line to the rear of same property boundary.
- 2.94 Lot Improvement**
Any building, structure, place, work of art, or other object, or improvement of the land on which they are situated constituting a physical betterment of real property, or any part of such betterment. Certain lot improvements shall be properly guaranteed as provided in these regulations and the Land Management Code.
- 2.95 Lot Line, Front**
The property line dividing a lot from the right-of-way of the street. A front setback shall be required for each side of a parcel which borders a public or private street right of way, unless a project with private streets has previously designated specific setbacks. See the Supplementary Regulation Chapter for specific setbacks on unusual lots.
- 2.96 Lot Line, Rear**
The property line opposite the front lot line.
- 2.97 Lot Line, Side**
Any lot line other than a front or rear lot line.
- 2.98 Lot Width**
The minimum distance between the side property lines.
- 2.99 Major Street Plan**
See Official Zoning Map or Land Use or Zoning Maps. The Major Street Plan is part of these map(s).
- 3.00 Major Subdivision**
All subdivisions not classified as minor subdivisions, including but not limited to subdivisions of ten or more lots, or any size subdivision requiring any new street or extension of the local governmental facilities, infrastructure, or the creation of any new public improvements.
- 3.01 Master Plan**
See General Plan.
- 2.81 Master Planned Development**
A development designed and reviewed under the Master Planned Development processes described in this Code.
- 2.82**

2.82 Metropolitan or Regional Planning Commission and Metropolitan or Regional Council of Governments

The agency performing A-95 review of all federal grant-in-aid projects required to be reviewed by Regional and State Planning Boards to insure the projects conform to regional and state needs; the planning agency established to carry on regional or metropolitan comprehensive planning.

2.83 Minor Subdivision

Any subdivision containing not more than nine lots fronting on an existing public or private street of adequate capacity, not involving any new street or road, or the extension of municipal infrastructure or facilities, or the creation of any public improvements, and not adversely affecting the remainder of the parcel or adjoining property(s), and not in conflict with any provision or portion of the Town General Plan, Land Use Map, Official Zoning Map, Streets Master Plan, or these codes and regulations. A minor subdivision must also not require a zone change or re-zone to be subdivided. The sub divider must agree to be bound by the current version of this code and Town General Plan and the property must not contain sensitive lands or lie under the sensitive lands overlay zone.

2.84 Model Home

A dwelling unit used initially for display purposes which typifies the type of units that will be constructed in the subdivision. Such dwelling units may be erected, at the discretion of the Planning Commission, by permitting a portion of a major subdivision involving no more than two lots to be created according to the procedures for minor subdivisions, as set out in this Code.

2.85 Municipality

The City or Town of Mantua, Utah.

2.86 Neighborhood Park and Recreation Improvement Fund

A special fund that may be established by the Town Council to retain monies contributed by developers in accordance with the "money in lieu of land" provisions of these regulations to develop land within reasonable proximity of the land to be subdivided so as to be of local use to the future residents of the subdivision(s).

2.87 Nightly Rental

The rental of a room, apartment, or house or lockout room for a time period of less than 30 days.

2.88 Non-Conforming Use

The use of a building, structure, or land which does not conform to current use regulations for the district in which it is situated, but which was in conformity with prior regulations at the time of its establishment, or which was in existence prior to the establishment of use regulations for the district in which it is situated.

2.89 Non-residential Subdivision

A subdivision whose intended use is other than residential, such as agricultural, commercial or industrial. Such subdivision shall comply with the applicable provisions of the Town General Plan and the requirements of the Land Management and Development Code.

2.90 Nursery, Greenhouse

A place and or structure in which young plants are raised for experimental purposes, for transplanting, or for sale.

2.91 Nursing Home

An institution described also as a "rest home", or "convalescent home", other than a hospital, in which persons are lodged and furnished with care rather than diagnoses or treatment.

2.92 Off-site

Any premises not located within the area of the property to be subdivided, whether or not in the same ownership of the applicant for subdivision approval.

2.93 Official Zoning Map

The map established by the Town Council pursuant to law showing the streets, highways, and parks, and drainage systems and setback lines theretofore laid out, and zoning districts, adopted and established by law, and any amendments or additions thereto resulting from the approval of subdivision plats by the Planning Commission and the subsequent filing of such approved plats.

2.94 Official Master Plan

See General Plan.

2.95 One Bedroom Apartment

A dwelling consisting of a living room, a kitchen (which may be a part of the living room), a single room designed and intended as a bedroom, and a bathroom for the exclusive use of that unit, all having a combined floor area of not more than 1,000 square feet.

2.96 Open Space

Open space shall be defined as different separate types dependent upon occupancy, use, and control. All types of open space are referred to collectively as "open space" in this Code. Any of these types of open space could be public or private open space. They shall include:

2.96.1 Agricultural Open Space

Open lands left undisturbed or dedicated primarily as usable agricultural lands for farming and ranching purposes and intended for use by residents of the development, neighborhood or community.

2.96.2 Natural Open Space

Natural, undisturbed areas with little or no improvements or irrigation. This may include such areas as ridgelines, slopes over 30%, wetlands, stream corridors, trail linkages, or visual linkages. These areas may be subject to an open space conservation easement to ensure that they remain undisturbed and to provide public access as deemed appropriate by the Planning Commission;

2.96.3 Neighborhood Open Space

Landscaped areas free of buildings, structures, and other substantial improvements, and includes without limitation (a) outdoor swimming pools, swimming pool areas, hard surfaced recreational areas, and other recreational areas that are unenclosed, and fences, canopies, bath houses, and accessory structures for recreation use, whether enclosed or unenclosed; (b) driveways that cross the required yard at approximately right angles and serve fewer than three parking spaces; (c) the ground surface above underground facilities provided it otherwise qualifies as usable open space under the provisions of this section; and (d) pedestrian ways to plazas within a building that are directly oriented to the major pedestrian entrance to the building and are open to view and use by the public; and (e) decks, porches, patios, terraces and steps under 30 inches high provided they are not covered by a portion of a building;

2.96.4 Recreational Open Space

Parks and areas of active recreation use including neighborhood or community centers or clubhouses intended for use by residents of the development, neighborhood or community.

2.97 Ordinance

Any legislative action, however denominated, of the Town Council of Mantua which has the force of law, including any amendment or repeal of any ordinance.

2.99 Owner

Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be developed or subdivided under these regulations.

2.100 Parking, Public

A parking area or facility on private or public property to be used by the public. Fees for the use thereof may or may not be involved.

2.101 Parking Lot

An area other than a street used for the parking of more than four automobiles.

2.102 Parking Lot, Commercial

A lot used for the temporary parking of automobiles for compensation.

2.103 Parking Lot, Private

A lot used for the temporary parking of automobiles for compensation.

2.104 Parking Space

An area maintained for the parking or storage of an automobile or other vehicle, which is graded for proper drainage and is hard surfaced, porous paved or graded and compacted road base/gravel where specially permitted.

2.105 Parking Structure

A fully enclosed structure designed and intended for parking or storage of more than four vehicles.

2.106 Perimeter Street

Any existing street to which the parcel of land to be subdivided abuts on only one side.

2.107 Permitted Use

A use of land allowed by right under the provisions of this code.

2.108 Planning Commission

The Planning Commission of the Town of Mantua, Utah established in accordance with law.

2.109 Planning Department

See - Planning Commission

2.110 Planning Director

See - Community Development Director

2.111 Plat Amendment

A change in a map of an approved or recorded subdivision plat if such change affects any street layout in such map or area reserved thereon for public use, or any lot line; or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions. Also referred to as a "re-subdivision"

2.112 Porous Paving

A substantial surfacing material designed and intended to support light vehicular movement. Porous paving includes paving systems such as modular pavers which provide at least 50% surface exposure suitable for the establishment of plant materials and which substantially abates surface water runoff. Gravel and/or compacted soil are not acceptable as porous paving materials.

2.113 Preliminary Plat

The preliminary drawing or drawings, described in these regulations, indicating the proposed

manner or layout of the subdivision to be submitted to the Planning Commission and Town Council for approval.

2.114 Primary Use

The primary or main use shall be the purpose for which the premises, land or a building therein is designed, arranged, or intended, or for which it is or may be occupied or maintained.

2.115 Professional Office

A building or space used by persons such as accountants, architects, artists, dentists, designers, engineers, lawyers, physicians, Realtors, teachers, and others who, by virtue of training and/or license, are qualified to perform services of a professional nature, and/or where no goods or merchandise are sold or stored.

2.116 Property Line, Front

That part of a lot which abuts a public or private street or public right-of-way.

2.117 Public Improvement

Any drainage ditch or system, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking area, lot improvement, water or sewer system, or other facility for which the Town may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which Town responsibility is established. All such improvements shall be properly guaranteed and installed as per Town codes, specifications and regulations.

2.118 Public Use

A use operated exclusively by a public body, or quasi-public body, such use having the purpose of serving the public health, safety, or general welfare, and including uses such as public schools, parks, playgrounds, and other recreational facilities, administrative, service facilities, and public utilities.

2.119 Quasi-Public Use

A use operated by a private nonprofit educational, religious, recreational, charitable, or philanthropic institution, such use having the purpose primarily of serving the general public, such as churches, private schools, and universities, or similar uses.

2.120 Recreation, Commercial

Recreation facilities operated as business on private or public property and open to the public for a fee, such as a golf course, tennis court, equestrian center, skating rink, etc., and support facilities customarily associated with the development.

2.121 Recreation, Private

Recreation facilities operated on private property and not open to the public.

2.122 Recreation, Public

Recreation facilities operated by a public agency and open to the public with or without a fee.

2.123 Registered Engineer

An engineer properly licensed and registered in the State of Utah.

2.124 Registered Land Surveyor

A land surveyor properly licensed and registered in the State of Utah.

2.126 Restaurant

A building in which food is prepared and served for consumption within the premises.

2.127 Restaurant, Drive-In

A building in which food is prepared and served for consumption on the premises, and which includes a facility which allows food to be ordered and taken from the premises for consumption elsewhere.

2.128 Re-subdivision

See - Plat Amendment

2.129 Restricted Lot

Lot means a parcel of land severed or placed in separated ownership after July 20, 2006 and which does not meet all area, width, yard and other requirements of this code for lot; or a parcel of land which does not meet all the requirements of this Code for a lot, but the creation of which has caused any adjacent lot from which it was severed to be insufficient in area, width, setback, yard or coverage requirements, when such adjacent lot has a structure on it or a building permit issued for a structure to be constructed on it.

2.130 Right-of-Way

A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or for another special use. The usage of the term "right-of-way" for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains, shade trees, or any other use involving maintenance by a public agency shall be dedicated to public use by the maker of the plat on which such right-of-way is established.

2.131 Roads, Classification

For the purpose of providing for the development of the streets, highways, roads, and rights-of-

way in and for their future improvement, reconstruction, realignment, and necessary widening, including provision for curbs and sidewalks and drainage, each existing street, highway, road, and right-of-way, and those located on approved and filed plats, have been designated on the Official Zoning Map of the Town and classified therein. The classification of each street, highway, road, and right-of-way is based upon its location in the respective zoning districts of the Town and its present and estimated future traffic volume and its relative importance and function as specified in the Streets Master Plan or land use maps or zoning maps of Mantua. The required improvements shall be measured as set forth for each street classification on the Official Zoning Map.

2.132 Road, Dead End

A road or a portion of a street with only one vehicular traffic outlet.

2.133 Road Right-of-Way Width

The distance between property lines measured at right angles to the centerline of the street.

2.134 Sale or Lease

Any immediate or future transfer of ownership, or any possessory interest in land, including contract of sale, lease, devise, intestate succession, or transfer, of an interest in a subdivision or part thereof, whether by metes and bounds, deed, contract, plat, map, lease, devise, interstate succession, or other written instrument.

2.135 Same Ownership

Ownership by the same person, corporation, firm, entity, partnership, or unincorporated association; or ownership by different corporations, firms, partnerships, entities, or unincorporated associations, in which a stockholder, partner, or associate, or a member of his family owns an interest in each corporation, firm, partnership, entity, or unincorporated association.

2.136 Satellite Receiving Station

Shall mean and include any apparatus or device which is designed for the purpose of transmitting and/or receiving radio, television, satellite microwave, or other electromagnetic energy signals between terrestrial and/or orbital-based uses. This definition is meant to include but not be limited to what are commonly referred to as satellite earth stations, satellite microwave antennas, TVRO's or dish antennas. This definition does not include conventional television antennae or ham radio antennae.

2.137 Screening

Either (a) a strip of at least ten feet wide, densely planted (or having equivalent natural growth) with shrubs or trees at least four feet high at the time of planting, of a type that will for a year-round period, will provide a dense screen at least six feet high; or (b) an opaque wall or barrier or uniformly painted fence at least six feet high. Either (a) or (b) shall be maintained in good

condition at all times and may have no signs affixed to or hung in relation to the outside thereof except the following: for each entrance, one directional arrow with the name of the establishment with "For Patrons Only" or like limitation, not over two square feet in area, which shall be non-illuminated. Where required in the district regulations, a screen shall be installed along or within the lines of a plot as a protection to adjoining or nearby properties.

2.138 Secondary Living Quarters

Areas within main dwellings which are used by the property owner or primary tenant as dwellings for the private use of the property owner's relatives, domestic help, caretakers, nursing staff, house guest, or similar users. The Code requires these quarters to be small, on the same utility meter system as the main dwelling, with limited access, and not separately rented or leased. Review for this use is undertaken by the Planning and Building Departments at the time of Building Permit request and is a conditional use.

2.139 Semi-Detached Building

Units connected on one side by an insulated common or party wall with separate exterior entrance for each unit.

2.140 Setback, Front

A front setback will be required for each side of a lot bordering a public street or other right of way.

2.141 Setback

The distance between a building and the street line or road right-of-way, or nearest property line thereto.

2.142 Shade Tree

A tree in a public place, street, special easement, or right-of-way adjoining a street as provided in these regulations.

2.143 Site Development Standards

Established regulations concerning lot areas, yard setbacks, building height, lot coverage, open space, and any other special regulations deemed necessary to accomplish the goals and purposes of the underlying zoning district.

2.144 Sketch Plat

A sketch preparatory to the preparation of the preliminary plat (or subdivision plat in the case of minor subdivisions) to enable the sub divider to save time and expense in reaching general agreement with the Planning Commission as to the form of the plat and the objectives and/or conditions of these regulations.

2.145 Street, Public

A thoroughfare which has been dedicated and accepted by the Council, which the Town has acquired by prescriptive right or which the Town owns, or accepted for dedication on an approved final plat, or a thoroughfare which has been dedicated or made public by right of use and which affords access to abutting property, including highways, roads, lanes, avenues, and boulevards. Any street or road shown on the Streets Master Plan or Land Use Maps or Official Zoning Maps as a public street.

2.146 Structure

Anything constructed, the use of which requires fixed location on or in the ground, or attached to something having a fixed location upon the ground and which imposes an impervious material on or above the ground; definition includes "building". All structures must maintain the minimum set-backs for the district in which they are located, both above and below the ground.

2.147 Studio Apartment

A dwelling unit consisting of a single room equipped for cooking, living, and sleeping, having a separate bathroom or kitchen for the exclusive use of that apartment, all having a combined floor area of not more than 1,000 square feet.

2.148 Sub divider

Any person who (1) having an interest in land, causes it, directly or indirectly, to be divided into a subdivision; or who (2) directly or indirectly, sells, leases, or develops, or offers to sell, lease, or develop, or advertises for sale, lease, or development, any interest, lot parcel site, unit, or plat in a subdivision; or who (3) engages directly or through an agent in the business of selling, leasing, developing, or offering for sale, lease, or development a subdivision or any interest, lot, parcel site, unit, or plat in a subdivision; or who (4) is directly or indirectly controlled by, or under direct, or indirect common control with any of the foregoing.

2.149 Subdivision

Any land, vacant or improved, which is divided or proposed to be divided into two or more lots, parcels, site, units, plots, or interests for the purpose of offer, sale, lease, or development, either on the installment plan or upon any or all other plans, terms, and conditions, including re-subdivision. Subdivision includes the division or development of residential and nonresidential-zoned land, whether by deed, meets and bounds description, devise, intestacy, lease, map, plat, or other recorded instrument.

2.150 Subdivision Agent

Any person who represents, or acts for or on behalf of, a sub divider or developer, in selling, leasing, or developing, or offering to sell, lease, or develop any interest, lot parcel, unit, site, or plat in a subdivision, except an attorney-at-law whose representation of another person consists solely of rendering legal services.

2.151 Subdivision Plat

The final map or drawing, described in these regulations, on which the sub divider's plan of subdivision is presented to the Planning Commission and Town Council for approval and which, if approved, may be submitted to the Box Elder County Recorder for filing at the sub divider's expense.

2.152 Support Commercial Facilities

Those commercial uses which are located on the site of a master planned development, and oriented toward the internal circulation of the development, for the purpose of serving the needs of the residents or users of that development, and not the general public or persons drawn from off the site of the Master Planned Development. Examples of support commercial uses are barber shops, beauty salons, travel agencies, clothing stores, gift shops, convenience stores, art galleries, auto rentals, camera stores, liquor stores, pharmacies, sporting goods stores, day care nurseries, information centers, tennis or golf pro shops, or other hotel lobby type uses. No use occupying more than 2,000 gross square feet of floor area will be considered as support commercial.

2.153 Tandem Parking

Parking designs which necessitate parking one vehicle behind another. Such parking may not include more than two cars in depth, and may not require occupants of separate dwellings to park behind one another.

2.154 Temporary Improvement

Improvements built and maintained by a sub divider during construction of the subdivision and prior to release of the performance guarantee.

2.155 Town

The Town of Mantua, Utah. Town shall mean City and City shall mean Town in this Ordinance.

2.156 Town Attorney

The licensed attorney designated by the Town or City to furnish legal assistance for the administration of these and other regulations.

2.157 Town Council

The Town or City Council of Mantua, Utah.

2.158 Town Engineer

The State of Utah licensed engineer designated by the Town or City to furnish engineering assistance for the administration of these and other regulations.

2.159 Town Staff

The employee or employees of Mantua charged with the duties of performing ministerial or administrative functions under this Code. When specific job titles are referred to in this Code, it is done for convenience in designating the person or department primarily responsible for that particular function. All Town staff functions are under the direction of the Mayor, and the use of a specific job title shall not be construed as vesting Authority with that person or department as all staff actions are under the direction of the Town or City Mayor and Council and the staff or departmental structure established by the Mayor for the effective operation of Municipal affairs.

2.160 Unit Equivalent

The relative density factor applied in the Code to different sizes and configurations of dwelling units and commercial spaces within a Master Planned Development.

2.161 Use, Intensity

The maximum number of residential units, or commercial, or industrial space within a specified land area designated for that purpose.

2.161 Yard

A required space on a lot other than a court, unoccupied and unobstructed by buildings from the ground upward, except as otherwise provided herein. Yard areas for below grade structures must be provided unless a variance is obtained.

2.162 Yard, Front

A required space between the front line of the main building and the front lot line or closer right-of-way line of an abutting street or right-of-way and extending across the full width of a lot. The "depth" of the front yard is the minimum distance between the front lot line and the front line of the closest main building.

2.163 Yard, Rear

A required space between the rear line of the building and the rear lot line, or closer public street and extending the full width of the lot. The "depth" of the rear yard is the minimum distance between the rear lot line and the rear line of the main building.

2.164 Yard, Side

A required space between the sideline of the building and the side lot line and extending from the front yard to the rear yard. The "width" of the side yard shall be the minimum distance between the side lot line and the sideline of the building.

Chapter

3**SUPPLEMENTARY REGULATIONS**

The regulations set forth in this chapter qualify or supplement, as the case may be, the Mantua Land Management and Development Code and Regulations appearing elsewhere in this Code.

3.1 Purpose

The regulations set forth in this chapter qualify or supplement, as the case may be, the regulations appearing elsewhere in this Code.

3.2 Substandard Lots

Nothing in this Code shall be construed as preventing the division of approved and platted duplex lots into separate ownership under the terms of either a condominium ownership structure, a planned unit development ownership structure, or a party-wall agreement. No new lots may be platted or created by deed which do not comply with the minimum lot size requirements established for that zone.

3.2.1 Restricted Lots -- Building Permits Prohibited

No building permit shall be issued on restricted lots.

3.3 Reduced Site Requirements

Any lot under separate ownership of record prior to the adoption of the original Mantua Development Code of 1975, which has dimensions which would prevent building because of the front yard, rear yard, and side yard setback required by the zone in which the located, and any lot which has been approved by the Town prior to the effective date of this Code which would prevent building because of the front yard, rear yard, and side yard setbacks required by the zone in which it is located, shall be deemed to comply with the requirements of the zone in which it is located. The standards of the International Building Code for development on construction on or near lot lines must still be met.

This section is not intended to conflict with Subsection 3.9 nor shall it be interpreted as taking precedence over the requirements of Subsection 3.9.

3.4 Lot Standards

Except as may otherwise be provided in this Code, no building permit shall be issued for a lot unless such lot shall have area, width, and depth as required by the regulations for the zone in which the lot is located, and the lot has frontage on a public street as a Town public street on the streets master plan, land use map, official zoning maps or on another official map, plan or other method, such as public use constituting dedication (See UCA Section 72-5-104), and as it may be amended, accepted by the Town Council as authentic and showing a legally dedicated Town public

street, it shall be the applicants responsibility to establish the existence of a Town public street to the satisfaction of the Town Council. (Also see Sections 7.1.4.3 and 7.1.7 of the Mantua Land Management and Development Code.)

3.4.1 Building Permits on Half-Streets

Building permits will not be issued on half streets. Half streets are those that do not meet the Town's current public street standards for the full width of a required public street dedicated or to be dedicated to the Town. An exception may be allowed for individual lots that were legally created prior to the date this Code was effective on July 20, 2006, and which meet the Towns minimum size standards and are not located beyond existing residences on said streets. Building permits will not be issued for lots or other parcels fronting on Mantua public streets until the street (from the closest residence) is brought into compliance with the Mantua public streets standards. This includes all frontages between the closest residence to and including the full frontage of the lot from which a building permit is requested, completed roadways with all utilities installed, and all other required improvements to and including the proposed building site.

3.5 Sale or Lease of Required Space

No space needed to meet the width, yard area, coverage, parking, or other requirements of this Code for lot or building may be sold or leased away from such lot or building.

3.6 Sale of Lots Below Minimum Space Requirements

No parcel of land which has less than the minimum width and area requirements for the district in which it is located may be created from a larger parcel of land for the purpose, whether immediate or future, of building or development as a lot. See Restricted Lots 3.2.1

3.7 Fences, Walls and/or Hedges

Fences, walls, and hedges higher than six feet are not allowed within the buildable area. Fences, walls, and hedges shall not exceed four feet in height within any required front yard or side street side yard and shall not exceed six feet within any required rear yard or interior side yard. Where a fence, wall, or hedge occurs along a property line separating two lots and there is a difference in the grade of the properties, the fence, wall, or hedge may be erected or allowed to the maximum height permitted on the low side of the property line.

3.7.1 Restrictions on Materials

Chain link fences over six feet are prohibited in all zones with the following exceptions which must be approved by the Planning Commission.

- (a) For recreational facilities such as tennis courts or other Town facilities,
- (b) As temporary vegetation protection during construction as directed by the Planning Commission.
- (c) Chain link fences may be permitted in other circumstances by the

(d) Planning Commission when it is found that the fence is necessary in the interest of security or public safety, and when the fencing needs cannot be reasonably met with any other type of fencing.

3.7.1.1 Culvert Pipe and Drainage Swells

Culvert piping installed in drainage swells shall not exceed 35% of the total length of the drainage swell on any side of property. Adequate spacing between piping will be necessary to allow proper drainage from the roadway shoulder. Prior approval from the Town of Mantua will be necessary prior to installation of any drainage piping. Exceptions to the rule could be made if approved by Mantua Town Engineer. Any fees deemed necessary which are accrued or generated through additional engineering review shall be reimbursed to the Town of Mantua by the developer.

3.8 Frontage Protection, Safety, and Limited Access to Highways

The frontage along one or both sides of all State, County and Town roads are subject to special review for protection of the highway frontage and safety of access by roads and driveways. These areas, when designated by the Town Planning Commission are shown on the official zoning district map. Any building or development proposal along these sections of roads and highways are subject to special review by the Town Planning Commission. The highway frontage review in these designated areas shall be limited to the following factors:

3.8.1 Consolidated Access

To the extent possible to minimize access points and driveways to the highways, access shall be from existing Town or Private Streets that join with the highways rather than direct highway access. Common driveways between adjoining projects shall be used when possible, and driveways that are required in order to provide access shall be placed where they create the least interference with traffic on the highways.

3.8.2 Public Safety

All access points along these designated corridors shall be reviewed for public safety of ingress and egress on intersections, pedestrian safety, safety of winter access on steep grades and possible flooding and erosion hazards.

3.8.3 Pathways, View Corridors and Future Improvements

The Town shall review proposals for pedestrian and bicycling pathways through the frontage property, proposals for open space, buffered areas, and preservation of view corridors where applicable.

Regardless of the Zone setbacks in of this code, no structure shall be erected within forty (40) feet of the nearest highway right-of-way line in order to preserve view corridors, buffer areas, and allow for possible future improvements of the highways themselves. The Appeal Authority can only grant variances to this setback.

3.8.4 Conditional Use along Frontage

All construction in the setback area between 30 feet and 100 feet from the nearest right-of-way line in the designated highway protection areas is a conditional use, and subject to the conditional use review process, including design review, even when the occupancy is a permitted use elsewhere in the zone.

3.9 Clear View of Intersecting Streets

In all zones, no obstruction to public or private street views in excess of two feet in height above road grade shall be placed on any corner lot within a triangular area formed by the streets at property line and a line connecting them at points 25 feet from the intersection of the street right-of-way lines, except a reasonable number of trees pruned low enough to permit automobile drivers an unobstructed view.

3.10 Public Utility Structures

Public utility structures may be permitted on less than the required size lots in any district as approved by the Planning Commission. These facilities are conditional uses.

3.11 Zero Side Yard Requirements

Zero side yard developments are not permitted in residential development.

3.12 Home Based Business

A home based business in a residential zone is a lawful and permitted use if it complies with the definitions and guidelines outlined in this section, if it does not meet these guidelines, it shall be a conditional use.

The Home Based Business must be conducted and carried on entirely within a dwelling, or accessory building not exceeding 1,500 square feet, by persons residing in the dwelling or by those persons at sites away from the dwelling, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof. A home based business may include the sale of goods or merchandise directly from the home.

The use of mechanical equipment shall be limited to tools whose use shall not generate noise, smoke, or odors perceptible beyond the premises of the dwelling or accessory building. Home based business would not allow a resident, professional or otherwise, to use the dwelling for his general practice when that practice is normally associated with some other zoning district when the business operation is at a scale that impacts the neighborhood's character and use. Home based business will, however, allow the use of the dwelling by a physician, dentist, lawyer, clergyman, engineer or the like for consultation or emergency treatment. Consultation shall include the use of a dwelling to receive mail and maintain a telephone, fax or automatic answering device and computer related to the home based business. Tele commuting in a home satellite office, away from a main office is permitted.

Home based business shall include the care of fewer than three children other than members of the family residing in the dwelling or as prescribed by State codes or regulations. In all cases, signage shall be limited to identifying the location of the business by appropriate window displays or signs. Signage is not advertising to attract passers-by to home based business. Therefore, sign shall be limited in size so as not to affect the character of a residential neighborhood, Therefore sign shall not exceed 8 square feet and must be in a window or attached to a wall. All home Based business signs must be disclosed on business license application along with size, picture, and location. Business licenses will not be issued for businesses with non-conforming signs. In the event covenants applicable to the property preclude this use, the covenants shall control. A home based business as described by this section would be a permitted use in any residential zone and would require compliance with Town business licensing regulation in effect at the time of use. If complaints are received by the Town from adjoining residences, the Town may require a conditional use permit for said business.

Employer must provide onsite parking for all employee vehicles.

All home based businesses outside of the guidelines of the permitted use as described in this section shall be conditional uses, and must be applied for as such.

3.13 Condominium Conversion

Existing structures shall not be converted to condominium ownership without first receiving the review and recommendation of the Planning Commission, and plat approval from the Town Council. All required public improvements and landscaping shall be completed at the time of conversion or security provided to ensure completion as provided by ordinance. The structure must be brought into substantial compliance with the building code as a condition precedent to plat approval.

3.14 Side Yard Exceptions

The area of a required side yard shall be open and unobstructed except for the following and similar uses:

- (a) The ordinary projections of windowsills, belt courses, cornices, and other ornamental features to the extent of not more than twelve inches.
- (b) The projection of an eave not more than three feet.
- (c) The projection of a step not over three feet.
- (d) Awnings projecting over doorways and windows not more than three feet.
- (e) A bay window or chimney not over ten feet long projecting not more than three feet, providing such extension maintains the minimum side yard allowable for the smallest side yard in that district.

- (f) A light or window well not over three feet in width.
- (g) Walls or fences not more than six feet in height.
- (h) A driveway leading to a properly located garage or parking area; however, a required side yard cannot be used for a parking.
- (i) A detached garage shall not be located in a required side yard.
- (j) Hot tubs, decks or similar uses at ground level shall not be allowed in a required side yard.

3.15 Rear Yard Exceptions

The area of a required rear yard shall be open and unobstructed except for the following which are permitted:

- (a) A bay window or chimney not over ten feet long projecting not more than three feet.
- (b) Window wells extending not more than four feet.
- (c) The projection of an eave or cornice not more than three feet.
- (d) Private swimming pools, tennis courts, and similar uses shall be allowed in a rear yard provided they are located at least 30 feet from any dwelling on an adjoining lot and at least ten feet from any property line.
- (e) Garages and other accessory buildings as hereinafter provided. Such structures shall not cover over 50% of the rear yard area.
- (f) Hard surfaced parking areas subject to the same location requirements of a garage.
- (g) Underground bomb or fallout shelters for emergency use only provided they are constructed at least four feet from any property line and also that they conform to all requirements established by the Civil Defense Agency for approved shelters.
- (h) Air conditioners.
- (i) Fences not over six feet in height.
- (j) Hot tubs or similar uses shall be allowed in a rear yard provided they are located at least ten feet from a dwelling on an adjoining lot or five feet from the property line.

3.16 Front Yard Exceptions

The area of a required front yard shall be open and unobstructed except for the following which are permitted:

- (a) A fence or wall not more than four feet in height; no fence shall be allowed within 25 feet of the intersection on any corner lot except for a fence four feet or less in height that does not obstruct the view of on-coming traffic.
- (b) Uncovered steps leading to the main building; provided, however, that they are not more than four feet in height and do not cause any danger or hazard to traffic by obstructing the view of the street or intersection. Any portion of any steps, covered or uncovered, that are more than four feet above grade must maintain the required setback line.
- (c) Eaves or cornices projecting not more than three feet.
- (d) A driveway leading to a properly located garage or parking area; provided, however, no portion of a front yard as required in this Code except for those approved driveways, shall be hard surfaced or compacted road base so as to encourage or make possible the parking of automobiles, nor shall the Town allow any curb cuts or approve any driveways except for entrance and exit driveways leading to properly located parking areas.
- (e) Circular driveways shall be permitted in required front yard areas of single-family dwellings leading to and from a properly located garage or carport on the property subject to the following conditions:
 - (1) Such drives shall be hard surfaced.
 - (2) Such drives shall not be over 16 feet in width.
 - (3) There shall an area in landscaping at least 15 feet in depth from the front property line to the inside of the drive.
 - (4) Driveway areas are not to be used for the parking or storage of any trailer, camper, motor home, boat, or other equipment at any time, nor is the area to be used for permanent parking of any vehicle.
 - (5) Passenger automobiles may be parked on driveways serving private residences, provided the automobile is parked completely on private property.

3.17 Height Provisions

The total height of the building shall be measured at the highest point of the roof. The center-line of the house or other structure at the original grade of the property before development activity is the reference point to determine height. The height limit in all zones is 30 feet. The following exceptions apply:

- (a) Antennas, chimneys, flues, vents, or similar structures may extend up to ten feet above the specified maximum height limit for the zone.
- (b) Water towers and mechanical equipment may extend up to five feet above the specified maximum height limit.
- (c) Church spires, bell towers, and like architectural features, may extend over the specified maximum height limit, but shall not contain any habitable spaces above the maximum zone height stated. These features must be approved as a conditional use in the appropriate district.
- (d) Communication Towers may extend beyond the specified maximum height limit as long as the total height of the building with a tower or a stand-alone tower is less than 100 feet above the surrounding ground.

3.18 Secondary Living Quarters and Accessory Apartments within Residential Dwellings

3.18.1 Purpose of Section:

The purpose of permitting an accessory apartment is to:

- 3.18.1.1** Provide homeowners with a means of obtaining, through tenants in an accessory apartment, rental income, companionship, security and services, and thereby to enable them to stay more comfortably in homes and neighborhoods they might otherwise be forced to leave;
- 3.18.1.2** Add inexpensive rental units to the housing stock to meet the needs of smaller households, both young and old;
- 3.18.1.3** Make housing units available to moderate income households who might otherwise have difficulty finding homes within the city;
- 3.18.1.4** Develop housing units in single-family neighborhoods that are appropriate for small households at a variety of stages in the life cycle, thereby lessening fluctuations in neighborhood demand for particular services.

3.18.2 Conditions:

- 3.18.2.1** A permit will be granted by the Town for a use to be known as accessory apartment rental in owner occupied single-family

dwellings, provided that the following standards and criteria are met:

- 3.18.2.1.1** The apartment will be separate housekeeping unit that can be isolated within the original unit. A single common meter for each utility is required to maintain the accessory nature of the apartment.
- 3.18.2.1.2** Only one apartment will be created within a single-family house.
- 3.18.2.1.3** The owner(s) of the residence in which the accessory unit is created shall occupy at least one of the apartments in the dwelling, except for bona fide temporary absences determined by the planning and zoning commission.
- 3.18.2.1.4** The accessory apartment shall be designed so that the appearance of the building remains that of a one-family residence.
- 3.18.2.1.5** The design of the apartment conforms to all applicable standards in the health, building and other codes. Certification by the health department must be issued stating that the waste disposal system is sized according to total available bedrooms in the house before a permit is granted.
- 3.18.2.1.6** The maximum size for secondary living quarters shall be 1000 square feet. This amount shall be included in the total building square footage calculations for all structures.
- 3.18.2.1.7** At least three (3) off street hard surfaced parking surfaces are available for use by the owner-occupant(s) and tenant(s). Parking not to exceed twenty five percent (25%) of front or side property line.
- 3.18.2.1.8** Building permit is required for all changes required to the building for the creation of an accessory apartment.
 - 3.18.2.1.8.1** Required exit doorways must have a minimum clear opening of 32 inches.
 - 3.18.2.1.8.2** Bedroom areas and hallways must be equipped with smoke detectors which are hard wired with battery backup.
 - 3.18.2.1.8.3** Apartments must have at least one room of not less than 120 square feet. Other habitable rooms except the kitchen must have an area of not less than 70 square feet.

- 3.18.2.1.8.4 Apartments must be equipped with a kitchen with a kitchen sink. A bathroom equipped with a toilet, lavatory, and either a bathtub or shower.
- 3.18.2.1.8.5 Heat and ventilation must be separate.
- 3.18.2.1.8.6 All sleeping rooms must have at least one operable window or door approved for emergency escape or rescue which must open directly into the yard.
- 3.18.2.1.8.7 All other requirements of the International Building Code.

3.18.2.2 Accessory apartments are allowed in all residential zones.

3.18.3: Application Procedures:

- 3.18.3.1 Application for a permit for an accessory apartment shall be made to the Town Clerk and shall include:
 - 3.18.3.1.1 A notarized letter accompanying the application from the owner(s) stating that the owner will occupy one of the dwelling units on the premises, except for bona fide temporary absences;
 - 3.18.3.1.2 A floor plan of one-fourth inch (1/4") to the foot showing proposed changes to the building and the relationship of the accessory apartment to the primary residence on a sheet of paper of sufficient size to clearly show the details required;
 - 3.18.3.1.3 A site plan;
 - 3.18.3.1.4 A fee as set forth by the most recent prevailing fee schedule adopted by resolution of the city council to cover the costs of processing the application, legal notices and code inspection.
 - 3.18.3.1.5 Final inspection of accessory apartment must be signed off by the zoning administrator on the application before approval may be granted.
- 3.18.3.2 The purchasers of a home that has a permit for an accessory apartment who want to continue renting their apartment must demonstrate that all conditions requisite to maintaining the permit,

in particular their residence in the home, are being met.

- 3.18.3.3** Where appropriate, the Town Clerk will take steps to expedite approval or to give conditional approvals prior to sale in order to protect continued residence by existing tenants.

3.19 Completion of On and Off Site Improvement Work Prior to the Approval of Plats or Issuance of Certificates of Occupancy

3.19.1 Policy

3.19.1.1 Security Required

In order to protect the Town from the financial burdens resulting from damage to or increased maintenance costs for Town facilities and Infrastructure that may occur as a result of incomplete or inadequate site improvements on private construction projects or off-site improvements performed by the developer as required by the Town and as required through the Infrastructure Impact review analysis process as defined in chapter 1. It is the policy of the Town to require that developers either complete all required on or off-site improvements prior to signing of the final plat or issuance of occupancy, or if that is not possible, that adequate financial security for that completion, together with a right of entry to the property to complete that work be granted to the Town. It is specifically the intention of the Town to require that storm drainage work, paving, curb and gutter, water and sewer facilities, soil retention structure, and landscaping as needed to control erosion be completed according to standards adopted by the Town, so that residents and taxpayers at large are not required to pay the costs of damage repair or disproportionately increased maintenance for any of these facilities.

No final plat will be signed , where required, and no certificate of occupancy shall be granted unless and until adequate financial security is posted in accordance with this section.

3.19.1.2 No Third Party Beneficiaries Intended

It is the intention of the Town that this financial security given by the developer be limited to a contract between the Town and the developer for the express purpose of providing for the protection of Town facilities and

elimination of conditions which could become public nuisances. It is not intended that this security be available for payment of subcontractors or material suppliers in the nature of a surety bond, or that the security provided become available to the purchasers of property to correct construction flaws of defects which are the fault of the developer. In no event will the funds be used for purposes other than those stated in this section and the time and manner of the expenditure, and prioritization of work performed shall rest in the sole discretion of the Town.

3.19.2 Construction According to Approved Plans

All construction shall be completed according to the approved plans and specifications on which the building permits were issued. The approved plans shall also include the site improvements shown on the site plan. For purposes of this Code, the term "site improvements" shall include all roads, sidewalks, curbs, gutters, drains, drainage works, grades, walls, landscaping, planting, paving, utility lines and related facilities, paths and trails, and similar improvements as shown on the set of plans on which the final approval and building permits are based. "Off-site Improvements" shall refer to all facilities as defined in "site improvements" above but off of the development parcel(s) and required by the infrastructure impact review studies. These improvements will be constructed at the same time as the building development that required the improvements and will be constructed to Town standards and approved, inspected and constructed under the Authority of the Town Engineer or his/her representative. These two types of improvements may be referred to collectively as "Improvements." Deviations from the approved plans must be approved in advance by the Town or its staff.

3.19.3 Security for Completion

No certificate of occupancy will be issued, nor any final plat signed when plats are required by this Code, unless the building and all required on and off site improvements are completed, or the developer has provided adequate security to guarantee timely completion of the improvements. When all of the improvements and the building cannot be completed simultaneously due to weather conditions or other factors beyond the control of the developer (excluding financial inability to complete the project) the Town may grant plat approval for recording and/or issue certificates of occupancy for the project, provided the following conditions are met:

(a) The building or buildings, or portions thereof, on the property to be platted or occupied have been constructed in accordance with the approved plans for those buildings, and are in full compliance with applicable building and fire codes, and are completed to the extent that only exterior site improvement work remains unfinished; and,

(b) The Building Official determines that occupancy of the buildings, or portions thereof, prior to completion of required site improvements is safe and that access for emergency vehicles is adequate with the site improvements unfinished; and,

(c) The developer posts adequate security for the benefit of the Town to insure completion of the site improvements in full compliance with the approved plans within one year from the date of plat approval (if required) or issuance of the certificate of occupancy, whichever occurs first.

3.19.4 Amount of Security

The amount of the security to be posted by the developer shall be determined by the Planning Commission and/or Town Engineer, and shall be equal to 125% of the amount reasonably estimated by the Town as being necessary to complete remaining on and off site improvements as shown on the approved plans. In the event that the developer disputes the cost estimate of the Town, the developer may prove a lower construction cost by providing binding contracts between the developer and contractor or subcontractor appropriate to perform the required work at a stated, fixed price. These contracts must be supported by a 120% performance bond, insuring performance by the subcontractor or contractor. Bid proposals are not satisfactory for this purpose. If the contracts submitted are acceptable in form, the amount of security required shall be 125% of the total contract price of all such contracts submitted, plus the estimated reasonable cost of performing any work not covered by the contracts. Specifications in such contracts shall be sufficiently clear to identify the work called for under the contract.

3.19.5 Terms of Security

The terms of any security arrangement offered to the Town shall state a date certain by which the developer agrees to have on and/or off site improvement work completed in accordance with the plans, and further provide that in the event that the developer has not completed required site improvement work by that date, the Town may at its option and on its schedule, draw on the funds escrowed, or credit established, or such other security device by its own act, and shall not be required to obtain consent of developer to withdraw funds for completion of the work shown on approved plans. The Town's actual costs in administering the completion of work in the event of a default by the developer shall be reimbursed from the escrow or other security arrangements in an acceptable and timely manner.

3.19.6 Form of Security

Security arrangements offered in lieu of simultaneous completion of buildings and site improvements shall be in an amount fixed under the terms of Section 3.19.4, and shall be in one or more of the following forms as approved by the Town Council:

- (a) An irrevocable letter of credit from a bank authorized to do business in the State of Utah, naming Mantua Town Municipal Corporation as the payee of funds drawn against that letter of credit and guaranteeing the availability of funds for one year, or,
- (b) A deposit of cash with a third party escrow, or,
- (c) An agreement with the construction lender providing that the lender will withhold funds in the construction loan in an amount equal to the amount calculated in Section 3.19.4, above, and will disburse those funds only with the written consent of the Town, and only for the completion of any required improvements. As improvement work is completed, the Town will consent to the disbursement of the funds set aside by the lender.
- (d) Some combination of the above approved by the Town.

3.19.7 Retainage

The amount in excess of the actual construction costs, but in no event more than 25% of the actual construction cost, shall be held for a period of one year following final inspection and approval of the required on and/or off site improvement work by the Town. No retainage shall be held for landscaping improvements once the installation of the required materials has been approved by the Town. The retainage amount may be provided in any of the ways described in Section 3.19.6. If the developer fails to provide new security instruments within 30 days from the expiration of the security instruments provided for the initial construction under Section 3.19.6, the Town shall make a demand or draw on that security to the extent of the required retainage amount, and hold the proceeds in cash until and unless other adequate security, as provided in this Code, is posted by the developer. Retainage will be used to replace or repair any site improvements which fail or appear to be defective during the one year retainage period. The corrective work may be done by the Town or the developer. At the completion of that work, the retainage, or so much of it as remains, shall be released. Retainage amounts may be drawn and applied to any outstanding fees owed by the developer to the Town, provided that such fees are imposed by ordinance and the amount of the fees is not to be contested by the developer.

3.19.8 Modification of Plans

A developer may, at its option, request modifications to plans covering on and/or off

site improvement work by submitting revised plans to the Town for review and action. Until the revised plans have received approval by the Town, the developer shall be required to offer security for the performance of the improvement work as shown on the last set of plans to have received Town approval. Upon acceptance of revised plans by the Town, the Town shall release any cash, credit or other security held, which is in excess of 125% of the completion cost (estimated) of work shown on the most recently revised plan. If the modification of the plans increases the cost of required improvements, additional security must be provided by the developer to cover the increased costs.

3.19.9 Payment of Interest

Any interest accruing on escrowed funds shall, unless expended for completion of site improvements required, inure to the benefit of the developer upon release and not to the Town, and the Town shall not be required to pay interest to the developer on any funds escrowed for this purpose.

3.19.10 Detailed Improvement Plans and Specifications

Detailed on and/or off site improvement plans and specifications shall be presented, showing the location, design and nature of all Streets, drainage works, utility pipelines, storage tanks, pumping systems and related facilities, grade changes, retaining walls and landscaping, together with any trails, paths, or walkways that may be included or required under these or other provisions of the Land Management and Development Code. All plans and supporting documentation must be approved by the Town and/or its Engineer before commencement of any work by the Developer. The Developer is responsible for all plan review fees that must be incurred by the Town or its consultants.

3.19.11 Single-Family Homes

This provision shall apply to all construction in Mantua Town, including single-family homes, if improvements are required in the impact analysis, provided however, that the amount of security required for single-family homes shall be the reasonably estimated cost to complete construction of any improvements and drainage works on a labor and materials basis, and the estimated cost to complete required landscaping (to the extent necessary to hold the soil in place and prevent erosion) on the basis of materials only.

3.19.12 Phased Projects and Concurrence

On and/or off-site improvements applicable to each phase of a phased project or development shall be completed concurrently with the first phase of the project and

appropriate securities shall be put in place to insure that the total infrastructure is completed along with the first phase. Phasing of improvements may be allowed only under special circumstances as outlined by the Town planning staff and/or technical review committee and approved by the Town Council. If phasing is allowed, adequate security for completion of each phase must be provided to insure that each phase of infrastructure is constructed and either platted or occupied.

3.20 Setback Requirements for Unusual Lot Configurations

All lots shall have a front, two side and a rear setback with the following exceptions and clarification's:

- (a) Development on corner lots shall have two front setbacks. The rear yard will be the side of the property opposite the driveway access from the street. If it is not clear which boundary should border the rear yard, the owner or developer may specify which is the rear yard.
- (b) Lots with more than four sides shall have a side yard on either side of the front yard. The third side yard and rear yard may be specified by the developer or owner.
- (c) Lots with three sides will have a front setback, side setback and rear setback. In those cases where one side is clearly opposite the front, the rear setback must be opposite the driveway. If it is not clear where side and rear setbacks should be, the developer or owner may choose which is side and which is rear.
- (d) On those lots which border a street on both the back and front, both sides must have a front setback.
- (e) Any lots which are not specified in this section shall have setbacks determined by the Planning Commission.

3.21 Sensitive Lands Review

Any project falling within the Sensitive Lands Overlay Zone or containing lands designated as sensitive by the Planning Commission may be subject to additional requirements and regulations as outlined in the Sensitive Lands Regulations of Chapter 10 of this code.

3.22 Bed and Breakfast Inns

A Bed and Breakfast Inn is a conditional use and when allowed as a conditional use, shall be approved only in compliance with this code and the following:

- (a) The lot shall have at least 120 feet of frontage on a dedicated street. Bed and

Breakfast Inns are limited to 5 bedrooms.

(b) One (1) off-street parking space shall be provided per employee plus one (1) space per guest room. On-street curbside parking may be used to satisfy this requirement at the rate of two (2) spaces per sixty (60) feet of lot frontage on a dedicated street.

(c) Meals may be served to residents, employees, overnight lodgers, and guests of overnight lodgers only. No cooking facilities shall be allowed in guest rooms.

(d) Such use shall conform to all applicable health, safety, and building codes and must be capable of such use without structural or site alteration which changes the residential character of the structure and yards.

(e) No alcoholic beverages shall be sold on the premises.

(f) No receptions, banquets, or catering shall be permitted other than for registered lodgers.

(g) Any commercial use shall be incidental to the Bed and Breakfast use, i.e., gift shop, etc. and shall be limited to 5% of the total square foot area of the main floor of the building.

(h) The dwelling must be at least fifty (50) years old or receive Planning Commission approval on a finding that because of its existing or proposed prominent spatial location, contrasts of sitting, or scale, it is or would be an easily identifiable visual feature of its neighborhood or the agricultural and rural setting of the Town, or contributes to the distinctive quality or identity of the Town.

(i) One identification sign not exceeding the area requirements for the respective zone in which the inn is located may be placed on an ornamental masonry wall, monument or structure that is unobtrusive and blends in well with the surrounding character of the neighborhood or building design. The freestanding sign shall not be higher than five (5) feet unless the sign is located adjacent to an arterial road, in which case the height of the sign shall not exceed ten (10) feet. If illuminated, only hooded spot lighting is allowed, thus prohibiting backlighted signs. In any case the sign must be approved by the Planning Commission prior to its construction.

(j) No long-term rental of rooms shall be permitted. The maximum stay for lodgers shall be seven (7) days.

(k) A Town business license shall be obtained as a condition of approval.

- (l) Supervision by an on-site manager or owner shall be required on a 24-hour per day basis.
- (m) Care shall be taken to insure that no exterior lighting shines directly into adjoining properties.

3.23 Liquor Stores and Private Clubs as a Conditional Use

Any application for a permit to maintain a liquor store or private club shall be a conditional use and shall conform to the following additional conditions beyond those created by the Planning Commission or Town Staff and shall comply to all aspects of this Code.

- (a) No liquor store or private club may be established within 300 feet of the nearest residential zone boundary line, measured in a straight line from the nearest entrance of the liquor or club outlet.
- (b) Liquor stores and private clubs shall locate on either collector or arterial streets as may be defined in the General Plan.
- (c) Off-street parking shall be provided at the rate of one (1) space per 100 square feet of total floor space in the building for liquor stores or clubs.
- (d) A permit to maintain a liquor store or private club as a conditional use must be approved directly by the Planning Commission.

3.24 Day Care Services (Including Preschools)

- (a) **Family Day Care** services as defined in chapter 2 of this code, require a business license. The provider is limited to six children. The provider must reside in the residence where services are provided. The provider must receive a license from the State of Utah within sixty (60) days after approval by the Town.
- (b) **Family Group Day Care** services as defined in chapter 2 of this code requires a Conditional Use Permit. The provider is limited to 12 children. The provider must reside in the residence where services are provided. The subject residence must conform to the International Building Code prior to operating the facility. The provider must receive a license from the State of Utah within sixty (60) days after approval by the Town.
- (c) **Child Day Care or Child Care Centers** as defined in chapter 2 of this code require a Conditional Use Permit. All Centers must comply with the International Building Code prior to occupancy and must receive a license from the State of Utah within sixty days after approval by the Town.

3.25 Temporary Uses

3.25.1 Purpose and Objectives

The following regulations are provided to accommodate those uses of land or buildings which are temporary in nature and are not, therefore listed as regular permitted or conditional uses in any zone of the Town. The character of these uses is such that proper conditions are required to protect adjacent properties and the general health, safety, and welfare of the citizens of Mantua. Any building or structure which does not meet the requirements of this Chapter shall be treated as a permanent land use and shall conform to all required standards of the building, health, fire, zoning, and other similar codes.

3.25.2 Uses Allowed:

(a) Uses allowed on a temporary basis in accordance with provisions of this Chapter may include, but are not limited to, the following: carnivals, circuses, fireworks stands, fireworks displays, Christmas tree lots, promotional displays, tents for religious services, revivals, retreats, political rallies, or campaign headquarters. Uses shall be allowed for not more than seven (7) days duration.

(b) A temporary use permit shall not be required for a garage sale, provided that the garage sale shall not operate for more than a total of five (5) days in any calendar year, and shall be conducted by bona fide residents of the premises. Goods for sale shall consist of personal belongings of the residents. Goods offered for sale shall not be placed over a public sidewalk or in a public right-of-way.

3.25.3 Prior Approval Required

Prior to the establishment of any of the above uses, or any qualifying temporary use, (except fireworks stands or fireworks displays, permits for which shall be administered by the Fire Department), a temporary use permit must be obtained from the Planning Commission with any conditions specified on the permit as required by the Town. A temporary use permit shall not be construed as a conditional use permit and therefore is not required to meet the notification requirements of this code, however, the application procedure is similar to a conditional use permit in that specific conditions may be required of the applicant and compliance to the conditions and the International Building code, if applicable shall become necessary to the granting, continuance or administration of the permit. Any application for such permit shall meet any necessary requirements of this code and this section and shall be made by the property owner or his/her authorized agent. The grant

permit shall require the following findings:

- (a) That the conduct of the requested use will not have any detrimental effects on adjacent properties and will be in general harmony with surrounding uses.
- (b) That the requested use will not create excessive traffic or parking hazards on adjacent streets and that traffic control, if necessary, shall be provided at the expense of the applicant.
- (c) That the applicant shall have sufficient liability insurance for the requested use or event.

3.25.4 Standards and Requirements

A temporary use established under the provisions of this Chapter shall conform to the following standards and requirements:

- (a) Any structure requiring sanitary facilities by building, fire, health, or other similar codes shall be located on the same lot as a host structure unless independent water and sewer service is provided to the temporary structure. Where such codes require sanitary facilities, they may be provided by a host structure provided that there is:
 - (1) No indoor seating of patrons;
 - (2) Written evidence that a host structure will provide permanent sanitary facilities for any employees and that such facilities are conveniently located not more than three hundred (300) feet from the structure and will be accessible during all periods of operation of the use;
 - (3) Any food sales and/or preparation must meet current Town and/or County health requirements.
- (b) The minimum required parking shall be two (2) spaces except that a reasonable number of additional parking places may be required. Such parking shall not have the effect of decreasing any existing parking that is required for any other use existing on the site. All parking shall meet the

standards for off-street parking as specified in this chapter except that required parking may be provided on a gravel rather than a concrete or asphalt cement surface.

(c) The layout of the proposed use shall be compatible with the access, parking, circulation, and other significant elements of any other uses or structures existing on the site.

(d) All structures shall be securely anchored to the ground at not less than four (4) points as directed by the Building Official or Town Engineer.

(e) The right to occupy the site shall be secured by a written agreement with the owner of the parcel and the owner of any host structures. Said agreement shall address the question of use of restroom facilities by employees, responsibility for maintenance, and restoration of the site upon termination of the use. A copy of the proposed agreement shall be part of the application.

(f) Approval for each temporary use permit shall bear an expiration date based upon the nature of the use. In no case shall approval be given for a period exceeding seven (7) days. Garage sales need not obtain a Temporary Use permit, but shall not operate the sale for a period exceeding five (5) days in any calendar year, and shall be conducted by bona fide residents or lessors of the premises. Goods for sale shall consist of household type items used by residents of the premises. If any temporary structure becomes vacant prior to the expiration of the permit, it shall be removed within fifteen (15) days of the vacancy.

(g) The landowner of the parcel or the temporary use applicant shall provide a cash bond for the restoration of the site of said use to its original condition, including cleanup, replacement of facilities, and removal of any structures according to the schedule established in a fee resolution passed by the city council.

3.25.5 Action on Application

A use meeting the requirements stated above shall be approved and a use not meeting the requirements stated above shall be denied, or may be approved with appropriate conditions to assure that the use will be compatible with and will not pose any detriment to persons or property. Said conditions may include a limitation upon hours of operation and/or a time limitation which is less than the maximum established by this section.

3.25.6 Revocation of Permit

A permit may be revoked in the event of a violation of any of the provisions of this section or the conditions set forth in the temporary use permit.

3.25.7 Business License Required

A temporary use permit is not a business license and the granting of said permit shall not relieve the permittee of any other license requirement of the Town or any other public agency.

3.25.8 Fees

In order to offset a portion of the costs incurred by the Town in processing temporary use permits, a fee may be charged as established by the Town in its fee and/or rate resolutions as may be applicable at the time.

3.25.9 Christmas Tree Sales; Permit

(a) It shall be unlawful for any person to sell or offer for sale in the Town, any cut fur, evergreen, or Christmas tree, without a permit, except when the permit requirement is specifically waived by the Planning Commission.

(b) A permit to sell cut fur, evergreen, or Christmas trees shall be obtained as otherwise described in this section. The permit required by this section shall allow tree sales for a period of forty five (45) days ending December 25 of the year in which the permit is issued. The fee charged for the permit described in this section shall be in lieu of a business license fee. Provided, however, that no fee shall be charged for the permit required by this section if:

- (1) the applicant possesses a business license for which the applicable fee, if any, has been paid, and,
- (2) the applicant complies with the provisions of this section except for the payment of a permit fee, and,
- (3) the applicant provides documentation showing that the trees to be sold have been lawfully cut, and are owned by the applicant.

3.25.10 Town Celebrations or Events

Any Town sponsored celebrations or special events of a temporary nature is exempt from the requirements of obtaining a temporary use permit as described by this section.

3.26 Commercial Recreational Vehicle Parks or Camp Grounds

3.26.1 Conditional Use Permit Required

A Conditional Use Permit for a Commercial Recreational Vehicle (RV) Park or Campground facility, must be issued in accordance with the provisions of this Code and this section before such a facility may be constructed in any zone which permits said construction and location as a conditional use. In addition to such terms and conditions as may be required upon the issuance of a Conditional Use Permit for a RV Park or Campground, all RV Park or Campgrounds shall be built to the standards set forth in this Code. RV shall mean Recreational camping type vehicles, travel trailers as well as tent trailers or tents if applicable.

3.26.2 Property Development Standards

The following development standards shall apply to the individual RV or camping sites. Plans and elevations for the RV Park or Campground and any buildings or structures proposed for location therein shall be submitted with the application for a Conditional Use Permit for a RV Park or Campground in conformance with the provisions of this Code. Said plans shall be in conformance with the following general development standards:

- (a) **RV or Camping Site Requirements.** Each site shall be plainly marked and numbered for identification and shall meet all requirements of this Code.
- (b) **RV or Camping Site Area.** Each RV or camping site in a park shall have an area of not less than one thousand five hundred (1,500) square feet.
- (c) **RV or Camping Site Width.** Each site shall have an average width of twenty-five (25) feet. Trailers shall be separated from each other and from other structures by at least fifteen (15) feet. Any accessory uses such as attached awnings or steps, shall, for the purposes of this separation requirement, be considered to be part of the trailer.
- (d) **RV or Camping Site Frontage.** Each site shall abut directly upon a park street for a minimum distance of twenty (20) feet. Alignment and

gradient shall be properly adapted to topography and provisions shall be made for proper drainage.

(e) **Trailer Density.** Not more than one (1) RV shall be placed on a RV site.

(f) **Site Coverage.** The RV and/or accessory structures shall not cover more than fifty (50) percent of a RV or camping site.

(g) **Off-Street Parking:**

(1) Each RV site shall have thereon a paved space suitable for providing automobile parking which may be a pad or a continuation of a pad upon which the trailer or "RV" will rest. Said parking space shall have un-encumbered dimensions of not less than nine (9) feet in width and twenty (20) feet in length.

(2) Each RV site shall provide sufficient parking and maneuvering space so that the parking loading or maneuvering of trailers incidental to parking shall not necessitate the use of any public street, sidewalk, right-of-way, or any private grounds not part of the RV parking area.

(3) There shall be provided guest parking in each RV or camping park at the ratio of one (1) parking space for each ten (10) RV or camping sites within said park. These spaces shall be in addition to those on-site spaces required by (1) above.

(h) **Landscaping.** The following landscaping provisions shall apply to all RV or camping parks:

(1) All open areas except driveways, parking areas, walking ways, utility areas, or patios shall be maintained with landscaping in accordance with a detailed landscaping plan to be approved in conjunction with issuance of a Conditional Use Permit.

(2) Trees shall be planted along the street frontages as may be required as a condition of a Conditional Use Permit upon recommendation of Town Staff or the Planning Commission. There shall also be at least one (1) tree upon each RV site.

(i) **Walls and Fences.** Walls on individual RV or camping sites shall

not exceed two (2) feet in height. In addition, a decorative wall six (6) feet in height shall be erected around the perimeter of each RV Park. Said walls shall be constructed of materials that complement the area and must be approved as part of the Conditional Use Permit process.

(j) Park Streets. Park streets shall be provided in such a pattern as to provide convenient traffic circulation within the RV Park. They shall be built to the following standards:

- (1) Streets shall be at least twenty-five (25) feet wide. Parking shall not be allowed on park streets.
- (2) The park streets shall be paved in accordance with Town standards and shall be provided with concrete curb and gutter if applicable in current standards. Said curb and gutter may be of a "roll" type to provide convenient access to trailer sites.
- (3) RV park streets shall be lighted in accordance with the requirements of the Town Council or Engineer.

(k) Recreation Areas. A central recreation area shall be established in all RV parks which shall be easily accessible from all trailer sites. The size of such recreation areas shall be not less than ten (10) percent of the gross site area of all RV spaces, or three thousand (3,000) square feet, whichever is greater.

(l) RV or Camping Park Office. Every RV or camping park shall include a permanent building for office use. Such building may include a single-family dwelling for the exclusive use of the owner or manager, provided there is an area of not less than twelve hundred (1,200) square feet devoted exclusively to the use of said single-family dwelling and the occupants thereof.

(m) Laundry Rooms. Every RV or camping park shall have one (1) or more laundry rooms. Outdoor laundry drying lines shall not be permitted on any RV or camping sites.

(n) Restrooms and Shower Facilities. Restrooms, including toilets, showers, and lavatories, shall be provided within a RV or camping park to conveniently and adequately serve said park.

- (o) **Telephone.** The RV or camping park shall contain at least one (1) public telephone for the use of park renters.
- (p) **Utilities.** All utility distribution facilities, including television antenna service lines serving individual RV sites, shall be placed underground. The owner is responsible for complying with the requirements of this section, and he shall make the necessary arrangements with each of the public serving utilities for installation of said facilities. Transformers, terminal boxes, meter cabinets, pedestals, concealed ducts, and other necessary appurtenances to such underground facilities may be placed above ground. All RV sites must be served with water and electricity. Tent only campgrounds shall only be serviced with water to each site or group of sites. Natural gas hookups shall not be provided upon individual RV or camping sites.
- (q) **Storage.** There shall be no open storage of personal belongings within a RV or camping site, nor shall there be an accessory building, shed, or cabinet placed upon or erected upon an individual RV or camping site for the storage of materials or personal belongings.
- (r) **Fuel Tanks.** All fuel tanks maintained within a RV site must be mounted securely upon or attached to the RV or recreation vehicle which they serve. No such tanks shall be larger than fifty (50) gallon capacity. No accessory, freestanding fuel tanks shall be permitted in individual RV sites, except that one (1) such tank no larger than fifty (50) gallons may be approved by the Zoning Administrator for use only during the period of November 1 to February 29 in locations specifically approved. All fuel tanks must comply with State and federal regulations governing their construction and installation.
- (s) **Skirting.** Any skirting surrounding the open space beneath a RV or other recreation vehicle shall be of the same basic material as the exterior skin of the vehicle and shall have the same color(s) as that of the skin of the vehicle, or complimentary color(s) thereto.
- (t) **Extra Vehicles.** In addition to a self-propelled recreational vehicle or RV and necessary tow vehicle, the occupants of a RV site may have only one (1) other vehicle, which is owned by said occupants or otherwise associated therewith, located within the RV or camping park.
- (u) **Removal of Wheels.** There shall be no removal of axles, wheels or tires from a RV or other vehicle located within a RV or camping park,

except for emergency, temporary removal to accomplish repairs.

(v) **Mail Boxes.** There shall be no separate mailboxes, separate street address designations, or other similar accessories which would give the appearance of "permanence" to occupants of a RV site.

(w) **Disclosure.** The owner(s) of any RV park in Mantua Town built and/or regulated by these provisions shall provide a copy of the standards set forth in this section to all occupants who are tenants of the park.

3.26.3 Minimum Park Area

No RV park or camping facility shall be constructed on a parcel of property which has an area of less than five (5) acres.

3.26.4 Length of Occupancy

No RV or camping site located within a park established under the provisions of this section shall be occupied by any individual, family, or group of individuals within a trailer camper, motor home, tent trailer, tent or other facility for a period exceeding one hundred and twenty (120) days in a calendar year.

3.26.5 Eating and Cooking Facilities

Each RV or camping site shall be equipped with a picnic table and benches or equivalent, and an outdoor cooking facility which meets the approval of the Fire Department.

3.26.6 Wastewater and Trash Disposal and Drinking Water Stations

Each RV or camping park shall have facilities for disposal from the holding tanks of trailers and similar vehicles, which shall be hooked to the Town sewer system. Also a source of potable water for filling RV, travel trailer or other water tanks shall be required. Proper-screened facilities for waste storage, handling and disposal must also be approved by the Planning Commission.

3.27 Off-Street Parking

3.27.1 General Requirements

There shall be provided and maintained at the time of erection of any main building or structure off-street parking space with adequate provisions for ingress and egress by standard sized vehicles as hereinafter set forth. Such parking space shall be located on the same lot as the building it is to serve. No parking shall back directly onto any street.

3.27.2 Remodeling or Enlargement of Buildings

Whenever existing buildings are enlarged or increased in capacity, or a change in use occurs, additional off-street parking spaces shall be provided which will meet the requirements applying to such enlargement or change in use.

3.27.3 Quantity of Parking Spaces

The number of parking spaces for uses not specified herein shall be determined by the Planning Commission being guided where appropriate by the regulations set forth herein and Table 3.27.12 for uses of buildings which are similar to the use or building under consideration.

3.27.4 Setback Exclusions and Conflicts

In a residential zone, no part of any private or public parking lot shall be located in a setback adjacent to a street except under the following circumstances:

- (a) A parking lot may be approved in the portion of a front setback area which is outside the area formed by two (2) lines which extend from the outermost dimensions of the building perpendicular to the property line adjacent to the street, provided there is a minimum of ten feet (10') of landscaping adjacent to the street, there is a total of at least thirty feet (30') of landscaping between the street and the building, and the landscaping plan is approved by the Planning Commission.
- (b) A parking lot may be approved in any portion of a front setback area provided there is a minimum of ten feet (10') of landscaping adjacent to the street, there is a total of at least thirty feet (30') of landscaping between the street and the building, and the landscaping plan is approved by the Planning Commission.
- (c) A parking lot may be approved in the area of a side setback facing a street provided there is a minimum of ten feet (10') of landscaping adjacent to the street, there is a total of twenty feet (20') of landscaping between the street and the building, and the landscaping plan is approved by the Planning Commission.
- (d) In cases where there is a unique lot configuration, or an existing structure that the applicant is remodeling or when it is necessary to change the parking requirements, the Appeal Authority may, upon appeal of the applicant, consider lowering the landscaping requirements immediately adjacent to an arterial street providing such variance does not create increased unreasonable hazards to the health, safety, and general welfare of the residents in the area.

3.27.5 Landscaping

In reviewing the landscape plans, the Planning Commission shall consider the location, number, size, and type of plants, the method of irrigation to be used and other similar factors.

3.27.6 Conversion of Parking to Other Uses

Space allocated to comply with these regulations shall not be used later for additional structures or uses unless other space so complying is provided.

3.27.7 Area of Spaces

For the purpose of this Chapter, a space of not less than eight and one-half feet (8 ½') by twenty feet (20') of lot area with access to public streets by standard-sized automobiles shall be deemed to be parking space for one vehicle.

3.27.8 Mixed or Combined Parking Uses

In the case of mixed uses on the same site the amount of off-street parking spaces required shall be the sum of the parking required under this ordinance for the principal use together with a reasonable amount for all accessory uses. Said reasonable amount shall be determined in light of the uses, location and circumstances of the building or structure and in consideration of the provisions of this ordinance.

3.27.9 Parking Surfaces

All required parking areas shall be surfaced with either concrete or bituminous asphalt as approved as to specifications by the Town Engineer.

3.27.10 Parking Vehicles on Vacant Lots

It shall be unlawful for the owner of a motor vehicle to park it or allow it to be parked on the property of another person for the purpose of displaying it for sale, unless the person upon whose property it is parked or the lessee of such property has an Mantua Town business license to engage in the business of selling motor vehicles at that location. It shall also be unlawful for the owner or lessee of such property to allow another person to park a motor vehicle on the property for the purpose of displaying it for sale unless such owner or lessee has a business license to engage in the business of selling motor vehicles at that location.

Said business license may be subjected first to the requirements of obtaining a temporary conditional use permit or temporary use permit as deemed by the Town as per this code.

3.27.11 Specific Requirements by Use

Minimum on-site and off-street parking spaces for individual or similar uses shall be provided for in accordance with table 3.28.12 as follows and as interpreted by the Planning

Table 3.27.12 Parking Requirements per Use

Commission for uses not specific to those listed in the following table. Note that SLU means Standard Land Use codes, and corresponding codes may be found in appendix A at the end of this Code:

SLU Code	Category	Number of Spaces Required	Per Unit Description
1100	Household Units	2	per each unit up to four (4) plexes
1200	Group quarters	1	per sleeping room, except SLU code 1241
1241	Retirement homes/centers	1	per two (2) beds
1300	Residential Hotels	1	per sleeping room (plus parking for accessory uses)
1400	Mobile home parks	2	per each unit plus (1) guest parking space per (3) units
1500	Transient lodging	1	per unit plus parking for accessory uses
2000	Manufacturing Plants	1	per employee at highest employment shift
3000	Manufacturing Plants	1	per employee at highest employment shift
4212	Bus passenger terminals	1	per 200 square feet of building area
4221	Motor freight terminals	1.25	per employee at highest employment shift
4700	Communications	1.5	per employee at highest employment shift
4813	Electricity Regulating sta.	1	per employee at highest employment shift
4822	Gas production plant	1	per employee at highest employment shift
4832	Water treatment plant	1	per employee at highest employment shift
4841	Sewage treatment plant	1	per employee at highest employment shift
5100	Wholesale	1	per employee at highest employment shift, or per 2000 square feet of floor space, whichever is greater
5200	Build. materials, hardware,	3	per 1000 square feet of floor area
5300	General merchandise	5	per 1000 square feet of floor area
5400	Food - retail	5.5	per 1000 square feet of floor area
5500	Automotive	5	base, plus 1 per employee
5600	Apparel and access.	5	per 1000 square feet of floor area
5700	Furniture and home furnishings, equip.	1	per 600 square feet of floor area
5800	Eating and Drinking places	1	per (2) employees, plus one (1) per (4) seats
5900	Other retail	5	per 1000 square feet of floor area

SLU Code	Category	Number of Spaces Required	Per Unit Description
6100	Finance, insur.& real estate	1	per 250 square feet of floor area
6211	Laundry and dry cleaning	1.5	per employee plus 3 additional
6220	Photographic services	1	per 200 square feet of floor area
6230	Beauty and Barber	2	per employee at highest employment shift
6240	Funeral parlors	12	per 250 square feet of floor area
6250	Apparel repairs	1	per 200 square feet of floor area
6300	Business services	1	per 200 square feet of floor area
6370	Warehouse and storage	1	per 1000 square feet of floor area
6400	Repair	1	per 250 square feet of floor area, except SLUC 6411
6411	Repair, Auto	6	per 1000 square feet of floor area
6500	Professional	1	per 300 sq. feet of floor area, except # 6513 & 6516
6513	Hospital services	1	per bed, or per 1000 square feet, whichever is greater
6516	Rest homes & convalescent	1	per 2 beds, or per 1000 square feet, whichever is more
6600	Contract construction	1	per employee at highest employment shift
6710	Government offices	1	per 250 square feet of floor area
6800	Educational: nurse./day care	1	per employee
	Grades K-8	2	per teaching station
	Grades 9-12	3	per teaching station
	Colleges & trade schools	15	per teaching station
6911	Churches, temples, etc.	1	per (4) seats or (4) person seating capacity
710 0- 7900	Cultural, amusement and recreation	1	per (3.5) seats or (3.5) person seating capacity, based on a maximum use of all facilities at the same time.

3.28 Signs and Outdoor Advertising

3.28.1 General Requirements

The following general requirements shall apply to all signs and outdoor advertising structures which may be erected or maintained within the Town of Mantua.

3.28.1.1 Sign Approval

Except as otherwise provided, it shall be unlawful and a Class C Misdemeanor to erect or maintain any sign or outdoor advertising structure in the Town of Mantua without first obtaining the approval of the Planning Commission for said sign or advertising structure, the giving of which shall be based upon the provisions of this section. Said approval shall not be required for temporary non-electrical wall and temporary nonelectrical freestanding signs of less than sixteen (16) square feet in area. (Examples of signs not requiring planning commission approval are real estate "for sale" signs and election campaign signs.) Home based business signs will be approved as part of the Home Based Business License.

3.28.1.2 Permits

The approval of the Planning Commission shall be evidenced by a permit issued by the Building Official. All signs shall be constructed and all permits shall be issued in accordance with the provisions of the International Building Code. All standards in this section are minimum standards, greater restrictions or limitations may be imposed by the Planning Commission. Permits for off-premise non-conforming signs shall be renewed on an annual basis. Applications for permits, or for the renewal of permits, shall require the applicant to disclose the owner of the sign and the owner of the property on which the sign is or will be located, all relevant dates in regard to expiration of any lease or lease option, the date and cost of construction of the sign, the date and cost of any modification of the sign, the fair market value as appraised for property tax purposes, the date the sign will be depreciated for federal income tax purposes, the cost of operating the sign, and any other information reasonably required by the planning commission. A permit may be revoked and a sign removed pursuant to Section 3.28.1.7 if the applicant for a permit makes a false or misleading statement in the permit application or renewal.

3.28.1.3 Animated Signs

Flashing or rotating signs are not permitted.

3.28.1.4 Sound or Emissions

No sign shall be designed for the purpose of emitting sound, smoke, or steam.

3.28.1.5 Movable, Freestanding Signs

Except as otherwise provided in this Chapter, all movable, freestanding signs, including movable, freestanding, A-frame signs, are permitted. Such signs shall not exceed 6 feet in height nor 16 square feet in area.

3.28.1.6 Canopy Signs

Signs painted on or affixed to canopies which are part of the building shall be considered part of the total allowed area of wall signs for the walls from which the canopy projects. Signs painted on or affixed to canopies which are freestanding shall be considered part of the total allowable area of freestanding signs for that use. Signs suspended under canopies (marquees) which project over public rights-of-way shall be limited to six (6) square feet.

3.28.1.7 Violations

It is unlawful to erect or maintain a sign contrary to the provisions of this section. If a sign is erected or maintained in violation of this section the planning commission may do the following:

- (a) order the defect corrected within a fixed period of time, not exceeding thirty (30) days, if correction of the defect will bring the subject sign into compliance with the provisions of this section; but,
- (b) if correction of the defect will result in a violation of the provisions of this section, order that the subject sign be removed by, and at the expense of the owner of the sign, within a fixed period of time not exceeding thirty (30) days.

If the owner of the sign contests the order of the Planning Commission, the remedy shall be an appeal to the Appeal Authority, which appeal shall be taken in the time and manner otherwise provided in this code for appeals to the Appeal Authority. If the owner of the sign fails or refuses to remove the subject sign at the order of the Planning Commission, the Town may remove the sign at any time after the owner thereof exhausts his or her administrative remedies in relation thereto, unless otherwise ordered by a court of law. Removal by the Town shall be at the expense of the owner, and the Town may obtain judgment against the owner in an amount equal thereto, together with reasonable attorney's fees and costs.

3.28.2 Signs on Premises

Except as provided within the provisions of respective zoning districts, and unless otherwise expressly provided in this section, no sign shall be permitted which is not used exclusively to advertise the ownership, sale, or lease of property upon which said sign is placed, or to

advertise a business conducted, services rendered, goods produced or sold upon such premises, or to advertise or identify any other lawful activity conducted upon such premises.

3.28.3 Exceptions

This Chapter shall have no application to signs used exclusively for:

- (a) The display of official notices used by any court or 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.
- (b) Directional, warning, or information signs of a public or semi-public nature, directed and maintained by an official body or public utility.
- (c) Barber poles not to exceed six (6) feet in height located on private property and bearing no advertising copy or message.
- (d) Any sign of a non-commercial nature when used to protect the health, safety, or welfare of the general public.
- (e) Any official flag, pennant, or insignia of any nation, state, city, town, or other political unit.

3.28.4 Color Palate Standards

Sign Colors shall be selected of the colors listed in the color palate found in Appendix C. Shades of White and Black are permitted.

3.28.5 Location Standards

All signs and outdoor advertising structures shall comply with the following location requirements:

- (a) **Fire Escapes.** No sign shall be erected in such a manner that any portion of the sign or its support will interfere with the use of any fire escape, exit, or standpipe, or obstruct any required stairway, door, ventilator, or window.
- (b) **Traffic.** No freestanding or projecting sign shall be erected at any intersection improved for vehicular traffic within a triangular area formed by the property lines and their projections and a line connecting them at points twenty-five (25) feet from the intersections of the projecting property lines; unless same in its entirety is less than three (3) feet, or more than six (6) feet above the curb grade, no part of its means or support has a single or joined horizontal dimension exceeding

twelve (12) inches, or said sign is within an area in which a building or structure is permitted by the provisions of the respective zone.

(c) **Utility Lines.** No sign shall be erected or maintained which has less horizontal or vertical clearance from communication lines and energized electrical power lines than that prescribed by the laws of the State of Utah or rules and regulations duly promulgated by agencies thereof.

(d) **Clearance.** No sign shall be erected in such a manner that any portion of the sign or its support will extend over a public or private walkway.

3.28.6 Special Purpose Signs

In addition to any other permitted sign(s), signs for special purposes set forth in this Sub-Section shall be permitted as provided herein.

(a) **For Sale, Rent, or Lease Signs.** In all zoning districts, signs may be erected to advertise the sale, rent, or lease of property upon which said signs are placed. Said signs shall be limited to one (1) sign per street face, unless otherwise provided by the zoning provisions, and shall not exceed an area of three (3) square feet in residential zones or sixteen (16) square feet in non-residential zoning districts. Said signs shall be exempt from project plan approval. Signs shall not exceed six (6) feet in height from the ground to the top of the sign.

(b) **Directory Signs.** In all districts where group occupancies in office buildings, commercial buildings, or industrial buildings are permitted, directory signs may be erected displaying the names of occupants of a building who are engaged in a particular profession, business, or industrial pursuit. Said sign shall be situated at least two (2) feet inside the property line and shall not exceed six (6) feet in height from the ground to the top of the sign. Said sign shall not exceed an area of thirty-two (32) square feet and shall not be placed within a clear-vision area of a corner lot as set forth in this Section.

(c) **Construction Project Signs.** Signs may be erected in conjunction with construction projects and used for the purpose of publicizing the future occupants of the building; architects, engineers, and construction organizations participating in the project; and such other information as may be approved by the Planning Commission. In residential districts no such sign shall exceed sixteen (16) square feet in area. In other districts, no such sign shall exceed an area of thirty-two (32) square feet, and no freestanding sign shall exceed six (6) feet in height from the ground to the top of the sign. All such signs shall be removed before a final inspection is granted by the Building Inspector or an occupancy permit is issued.

(d) **On/Off-Site Directional Signs.** Directional signs may be erected for the purpose of facilitating or controlling the efficient or safe movement of pedestrians or vehicles on or into private property and shall be located on the properties to which they pertain. No such sign shall exceed six (6) square feet nor six (6) feet in height from the ground to the top of the sign.

(e) **Open-House Signs.** Open-house signs advertising real estate open for inspection for a prospective sale may be placed on private property in all districts with the consent of the owner, lessee, or occupant. Such signs may state the name of the person or firm sponsoring the open house. Such signs shall not exceed six (6) square feet. Signs shall not exceed six (6) feet in height from the ground to the top of the sign.

(f) **Church, Quasi-Public Organizations and Apartment House Identification Signs.** In all districts, a church or quasi-public organization may erect one (1) wall sign on the premises to identify the name of the organization and announce activities thereof. Apartment houses of four (4) or more dwelling units may erect one (1) sign on the premises to identify only the name of the apartment complex and to indicate a vacancy. Said wall sign shall not exceed an area of twenty-five (25) square feet, and may be mounted upon a freestanding, ornamental masonry, wood or stone wall. Signs shall not exceed six (6) feet in height from the ground to the top of the sign.

(g) **Bus Bench Signs.** In all zones, one (1) bus bench sign may be installed at each bona fide stop along a public transit route provided the owners of said benches are authorized to operate in Mantua Town and advertising on said benches does not exceed an area of twenty (20) square feet each. Signs shall not exceed six (6) feet in height from the ground to the top of the sign.

(h) **Development Promotional and Directional Signs.** One (1) development promotional sign may be placed on the premises of each subdivision, master planned development, or condominium project having four (4) or more lots or approved dwelling units. Said promotional sign may have an area of thirty-two (32). A second development promotional sign may be placed on the premises of each subdivision, planned development, or condominium project having two (2) or more separate, major points of access and having fifty (50) or more lots or approved dwelling units. Said promotional sign may have an area of thirty-two (32) square feet. In addition, two (2) directional signs may be located off-site to contain only the name and direction of any subdivision or master planned development. Said signs may have a maximum area of twelve (12) square feet each and shall not be located in the right-of-way of any public street. Signs shall not exceed six (6) feet in height from the ground to the top of the sign. All of the above signs shall be removed not later than thirty (30) days following the sale of all lots or dwelling units in said development,

and before a final inspection is granted by the Building Inspector.

(i) **Name Plates.** One (1) nameplate or marker shall be allowed for each dwelling to indicate only the occupant's name. Said name plate shall not exceed one (1) square foot in area, and shall not contain an occupational designation.

(j) **Election/Campaign/Political Signs** -Said signs shall not be posted on any public property or Town Right of Way. Said signs shall be removed within 7 days of election by owner of property upon which the said sign is posted.

3.28.7 Classification of Signs

Every sign erected or proposed to be erected within the Town of Mantua shall be classified by the Planning Commission in accordance with the definitions of signs contained in this Chapter. Any sign which does not clearly fall within one (1) of the classifications shall be placed in the classification which the sign, in view of its design, location, and purpose, most clearly approximates in the opinion of said Planning Commission.

3.28.8 Signs Permitted - Residential Zones

No sign shall be erected in any residential zones except as provided within the provisions of the respective zoning districts as established in this Code, except that certain special purpose signs may be erected in all zones in compliance with the provisions of Sub-Section 3.28.5 of this Section. Home based businesses signage requirements are cover in Section 3.12 of this code.

3.28.9 Signs Permitted in Commercial Zones

For each place of business or occupancy within a commercial zone, the following types of signs shall be permitted in conformance with the standards set forth:

(a) **Freestanding Signs Six Feet and Under in Height.** Appurtenant freestanding signs six (6) feet or less in height shall meet the following requirements:

(1) **Areas:** Not to exceed 32 square feet.

(2) **Number:** There may be one (1) such sign for each frontage of the property, plus one (1) additional sign for each one hundred (100) foot increment of said frontage in excess of two hundred (200) feet. Said signs shall be placed no closer than fifty (50) feet apart. In the case of a parcel of property having multiple occupancies with a common frontage, the frontage

shall be deemed to be that of the entire commonly used parcel of property and not the frontage of the individual business or occupancies.

(3) **Projection:** No such sign shall project over a property line, nor more than five (5) feet into any required front yard.

(b) **Wall Signs and Painted Wall Signs.** Except as otherwise provided in this section, every wall sign and painted wall sign in a commercial zone shall comply with the following requirements:

(1) **Area:** The maximum area shall be 32 square feet

(2) **Number:** There may be two (2) such signs for each building face, but in no case shall a total wall sign area for each face exceed 32 square feet. No building shall be deemed to have more than four (4) building faces.

(3) **Height:** No part of any such sign shall extend above the top level of the wall upon, or in front of, which it is situated.

(4) **Projection:** No such sign, including any light box or structural part, shall project more than eighteen (18) inches from the face of the pan of the building to which it is attached. No copy is permitted on the sides of any such sign. No such sign shall project over a property line.

(c) **Roof Signs.** Roof signs in commercial zones are not permitted.

3.28.10 Signs Permitted in other Zones

For those zoning districts which do not have sign regulations as a part of the zone provisions, and for those which are not readily placed into classifications referred to in preceding sections, the Planning Commission shall classify said zones as either: residential, agricultural, commercial, or light industrial/manufacturing zones depending upon the similarity of the characteristics and permitted uses of said zone to those already classified. When such a classification has been made by the Planning Commission, the sign provisions applying to the respective classification shall apply to said zones.

3.28.11 Off-Premise Advertising Structures

3.28.11.1 Prohibition of New Off-Premise Signs

Except for off-premise public information and logo signs meeting the size, shape, color, and other requirements described below in sub-paragraph 3.28.11.2, no permits shall be issued for the construction of off premise signs or outdoor

advertising structures. All lawfully existing off-premise signs and outdoor advertising structures are nonconforming uses in all zones of the Town.

3.28.11.2 Public Information and Logo Signs

Off-premise public information signs are permitted pursuant to this section for the purpose of directing the traveling public to points of interest, historical sites, and other locations of interest, approved as such by the planning commission. Specifications for off-premise information signs are set forth in the Manual of Uniform Traffic Control Devices as adopted by the Town and all such signs shall comply with these specifications. Off-premise "logo" signs are permitted under this section for the purpose of directing the traveling and general public to business establishments which provide lodging, food, camping, gas, or other services. Identified by the State of Utah Department of Transportation as the "Logo Sign Program," these signs shall comply with the following regulations:

- (a) **Logo Sign Program.** In constructing and maintaining a logo sign program of signs, the owner and installation contractor shall comply with and adhere to all applicable state and federal laws and regulations, and to UDOT Policy and Procedure. All signs that will be placed within the Town, must be approved by the Town planning commission prior to installation.
- (b) **Logo Structures.** All logo structures shall conform to specifications as shown in the Utah Department of Transportation approved drawings or must be approved by the Planning Commission. Directional signs shall not exceed 16 square feet in size, and accommodate no more than two businesses.
- (c) **Placement.** Placement of logo signs within the Town of Mantua shall follow the guidelines outlined in any applicable contracts with the State of Utah, department of transportation. Contractors shall obtain the necessary approval and permits from the Town.
- (d) **Height.** No sign shall exceed 6 feet from the ground level to the top of the sign.
- (e) **Offset.** In general, the offset (location) of the sign shall be setback equal to existing signage in the right of way. If no other signage exists, offsets shall be no less than 8 feet. All locations must be reviewed and approved by the Town for traffic safety.
- (f) **Design.** Business logo sign design shall consist of the business

name, trademark, or symbol, provided it does not resemble any traffic sign, symbol, or device. The business symbol, name, etc. must be consistent on all business signs for that business. Business logos will contain no supplemental advertising and be uniform in size. The size of the logo plates shall not exceed 10 square feet for total of all logos on a sign.

(g) Number. There may not be more than one directional sign per type, (camping, gas, lodging, food, etc.) per each location.

(h) Removal. If any business which is participating in logo sign program closes, the logo for said business must be removed within 15 days from closure of said business. If said sign(s) are declared to be a traffic hazard, they must be removed as determined by the Town Engineer. Failure to remove the sign within the fifteen (15) day period shall be unlawful, the sign shall be a nuisance, and the sign thereafter may be removed by the Town and the expense of removal charged to the owner.

3.28.11.3 Acquisition of Interests

Mantua Town may acquire title to off-premise non-conforming signs or outdoor advertising structures by gift, purchase agreement, exchange, or eminent domain, and shall have the right to amortize off-premise non-conforming signs as permitted by state or federal law.

3.28.12 Non-conforming Signs

(a) On-premise signs. All on premise or appurtenant signs which have been made non-conforming by the adoption of provisions contained within this code shall be subject to the following regulations:

(1) Unsafe Signs: Any sign or portion thereof declared unsafe by a proper public Authority must be restored to a safe condition or removed within thirty (30) days of mailing or otherwise given notice of the unsafe condition.

(2) Alterations: A non-conforming sign shall not be reconstructed, raised, moved, placed, extended, or enlarged unless said sign is changed so as to conform to all provisions of this Code. Alterations shall not be interpreted to include changing the text or copy on off-premise advertising signs, theater signs, outdoor billboards or other similar signs which are designed to accommodate changeable copy.

(3) Restoration: Non-conforming signs which have been allowed to

deteriorate or which have been damaged by fire, explosion, act of God, act of a public enemy, or damaged by any other cause, to the extent of more than sixty (60) percent of its assessed value shall, if repaired or rebuilt, be repaired or rebuilt in conformity with the regulations of this Code or shall be removed.

(b) **Off-premise signs.** All off-premise signs which are made non-conforming uses by the provisions of this Code shall be subject to the following:

(1) **Unsafe Signs:** Any sign or portion thereof found or declared unsafe in a manner provided by law, which may be repaired without violating (b) below, must be restored to a safe condition within thirty (30) days after the owner is given notice of the unsafe condition. Any sign not repaired as required and permitted by this subsection is unlawfully maintained and subject to the provisions of this section.

(2) **Alterations:** All off-premise signs and their supporting structures shall be kept in good appearance and condition with normal maintenance and repair (example: painting), but it shall be unlawful to reconstruct, raise, move, place, extend, or enlarge such signs or the structure supporting such signs. Any sign altered contrary to the provisions of this subsection is unlawfully maintained and subject to the provisions of this section.

(3) **Deterioration and Abandonment:** A non-conforming off-premise sign or sign structure that ceases to be used for sign purposes for a period of one year shall be deemed abandoned on the ground that the non-conforming use has been abandoned, the non-conforming use has substantially changed, and/or such other grounds as may be appropriate. Any sign or sign structure which is abandoned or in an unreasonable state of repair is unlawfully maintained and subject to immediate revocation of its permit and removal pursuant to the provisions of this Code.

(4) **Termination of Non-conforming Signs.** Except where preempted by federal law, a sign permit for an existing off-premise non-conforming sign shall terminate and the sign shall be removed pursuant to the provisions of this Code on the date the owner of the sign has been able to recover or amortize the fair market value of the sign pursuant to State law. Using relevant information including but not limited to, information provided by the sign owner in the sign permit application, relevant aesthetic and traffic engineering information, and amortization periods used by other jurisdictions, the Town may establish an amortization period and condemnation value for each non-conforming sign as of March 14, 1995,

that balances the harm to the owner against the public good, without imposing an undue burden upon the owner. The amortization value may not be less than the condemnation value, but no more, and shall take into consideration the cost of operation to the owner over the amortization period. A sign maintained after expiration of the related permit, as described in this subsection, is unlawfully maintained and subject to revocation of its permit and removal.

3.28.13 Definitions Pertaining to Signs

The following words and phrases, whenever used in this code, shall be construed as defined in this Section.

- (a) **A-Frame Sign.** Any sign or structure composed of two (2) sign faces mounted or attached back-to-back in such a manner as to form a basically triangular vertical cross-section through the faces.
- (b) **Animated Sign.** Any sign which is designed and constructed to give its message through movement or semblance of movement created through a sequence of progressive changes of parts, lights, or degree of lighting.
- (c) **Appurtenant Sign.** See On-Premise Sign.
- (d) **Building Face.** The visible outer surface of a main exterior wall of a building. The area of the face of the building shall be the total area of such surface including the area of doors and windows which open into surface.
- (e) **Canopy.** See Marquee.
- (f) **Erect.** To build, construct, place, relocate, enlarge, substantially alter, attach, suspend, paint, post, or display. Normal maintenance, including refinishing, is not included in this definition provided the sign copy is not changed or altered.
- (g) **Freestanding Sign.** Any sign that is standing on or erected into the ground. Such signs are usually, but not necessarily, supported from the ground by one (1) or more poles or posts or similar uprights, with or without braces. Any sign which is mounted into the ground, but has the supports passing through any portion of the roof of a building or structure, shall be considered to be a roof sign.
- (h) **Frontage.** The length of the sides along the street or any other principal public thoroughfare, but not including such length along an alley, water course, railroad, street, or thoroughfare with no permitted access.

- (i) **Marquee.** A marquee shall mean and include any roofed structure attached to and supported by a building, and projecting over public property.
- (j) **Movable, Freestanding Sign.** Any sign not affixed to or erected into the ground.
- (k) **Non-appurtenant Sign.** See Off-Premise Sign.
- (i) **Off-Premise Sign or Non-appurtenant Sign.** Any sign which advertises products, services or business establishments which are not located conducted, manufactured, or sold upon the same premises upon which the sign is erected.
- (m) **On-Premise Sign or Appurtenant Sign.** Any sign which advertises products, services, or business establishments which are located, conducted, manufactured, or sold upon the same premises upon which the sign is erected.
- (n) **Outdoor Advertising Structure.** A structure erected and maintained for outdoor advertising purposes upon which a poster, bill, printing, or painting may be placed to advertise products, goods, services, or business establishments those located, conducted, manufactured, or sold upon the premises on which the structure is erected.
- (o) **Projecting Sign.** Any sign attached to a building or structural wall and extending horizontally outward from such wall more than eighteen (18) inches.
- (p) **Property.** Land or real estate, with or without structures; not goods or services.
- (q) **Residential Zone or District.** Any zone which is designated by the prefix "R" in this Code.
- (r) **Roof Sign.** Any sign which is erected upon or over the roof or over a parapet of any building or structure.
- (s) **Sign.** Any words, lettering, parts of letters, figures, numerals, phrases, sentences, devices, designs, pictures, trade names, or trademarks by which anything is made known, such as are used to designate a firm, association, corporation, profession, business, 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, which are visible from any public street, public highway, or public road right-of-way. For the purpose of this Code, the word "sign" does not include the flag, pennant, or insignia of any nation, state, city, town, or other

political unit, or of a nonprofit organization. It shall not include, further, any official notice issued by any court, public body or officer, or directional warning or information sign or structure required or authorized by law.

- (t) **Sign Area.** Sign area shall mean the area of a sign that is used for display purposes, excluding the minimum frame and supports. In computing sign area, only one (1) side of a back-to-back or double-face sign covering the same subject shall be computed when the signs are parallel or diverge from a common edge by an angle of not more than forty-five (45) degrees. In relation to signs that do not have a frame or a separate background, sign area shall be computed on the basis of the least rectangle, triangle, or circle large enough to frame the display.
- (u) **Temporary Sign.** Any sign, banner, valance or advertising display constructed of cloth, canvas, fabric, cardboard, plywood, or other light weight material without a frame, and designed or intended to be displayed for a short period of time.
- (v) **Time and Temperature Device.** Any mechanism that displays the time and/or temperature, but does not display any commercial advertising or identification.
- (w) **Wall Sign.** Any sign posted or painted upon, suspended from, or otherwise affixed to a wall, fascia, canopy, or marquee in an essentially vertical position or with exposed face of the sign in a place approximately parallel with the wall or fascia upon which it is attached.
- (x) **Wind Sign.** Any propeller, whirligig, or similar commercial device which is designed to flutter, rotate, or display other movement under the influence of wind. This definition shall not include pennants, flags, or banners.

3.29 Design Review

The Mantua Town Council and the Mantua Planning Commission, which advises the Council on zoning matters, have determined that the various aspects of architectural design have a significant impact on the character and value of Mantua's rural agricultural neighborhoods and business districts and that preserving and enhancing this character requires the existence of a certain harmony and compatibility in these aspects, from one building to the next and throughout the particular neighborhood or district. They have also determined that preserving and enhancing the visual character of certain entryways to the Town, and areas of unique historical and/or architectural significance furthers the economic and cultural well-being of the community.

These minimum design standards address valuable design relationships and site planning principles. They are standards that could apply to any area of the Town. However, the requirements of this section shall only apply to areas of the Town for which the design review process has been

designated by the Planning Commission and Town Council. How they apply in any given district or zone will depend on the characteristics of that particular area. To that end, the Town Council and Planning Commission will adopt, from time to time, district guidelines based on existing design characteristics and needs commonly observed in those districts and/or zones. Those specific guidelines shall be referenced in the particular zone for which the design review process has been designated.

The intent of these standards is to identify a range of design options which will encourage development compatible with the existing character of a district and which will discourage introduction of incompatible features. If the Planning Commission wishes, they may recommend to the Town Council that a design review committee be formed to assist the Planning Commission in the administering of the section.

3.29.1 Design Review Committee

In accordance with the duties and powers of the Planning Commission outlined in Chapter 4, the Planning Commission may recommend persons to serve on a Design Review Committee when one is needed to help implement this section. Those recommended shall be representative of the following groups: the Planning Commission, the Staff, design professionals, development community, and property owners from the affected district. Members of the committee shall be appointed by the Mayor with the advice and consent of the Town Council. The Design Review Committee shall organize by-laws or administrative procedures and operate under the Authority of this section. The committee may adopt design standards as appropriate that meet those guidelines or enhance upon those listed below. The committee shall meet at such times and places and as often as they or the Planning Commission shall deem necessary to review the applications.

The administrative procedures adopted shall apply to all requests for a Certificate of Appropriateness. For purposes of these procedures, the Design Review Committee shall be considered staff to the Planning Commission. Unless the Planning Commission shall otherwise direct, an applicant for a Certificate of appropriateness may in writing consent to the Committee's recommendation and waive further design action(s) by the Planning Commission. If the applicant waives further action by the Planning Commission, the Committee recommendation shall be considered approved by the Planning Commission and the Certificate of Appropriateness may be issued. Any appeal from the Committee's decision shall be reviewed by the full Planning Commission. If necessary, the decision of the Commission may then be appealed to the Appeal Authority, and ultimately to the courts.

3.29.2 Types of Certificates of Appropriateness

The Planning Commission and its design review committee will be reviewing five different kinds of "construction" activity that need certificates of appropriateness, and each kind will need a slightly different application of the guidelines below and additional standards as may

be adopted:

- (a) For the construction of new buildings and parts of buildings, the focus of the guidelines is on the compatibility of new construction with the existing character of the district without dictating style or taste.
- (b) For reconstruction, remodeling, and repair of existing structures, the guidelines seek to guide and encourage rehabilitation in line with the original character of the structure.
- (c) For relocation of buildings to sites within the district, the guidelines seek to insure that buildings moved to sites within the district are compatible with the surrounding buildings and are suitably situated on the lot.
- (d) For the demolition or removal of all or parts of existing buildings, the focus of the guidelines is to find feasible alternatives to the demolition, or at least compatible replacement.
- (e) For sign permits, the guidelines seek to insure that the sign is designed as an integral architectural element of the building and site to which it relates, and is compatible with the overall character of the district.

3.29.3 Harmony of Design Guidelines

- (a) To preserve the design character of the existing development, to protect the rural, country side visual pattern of the community, and to promote harmony in the visual relationships and transitions between new and older buildings, new buildings should be made sympathetic to scale, form, and proportion of existing development. This can be done by repeating building lines and surface treatment and by requiring some uniformity of detail, scale, proportion, textures, materials, color, and building form.
- (b) The use of unusual shapes, color, and other characteristics that cause new buildings to call excessive attention to themselves and create a jarring disharmony shall be avoided, or reserved for structures of broad public significance.
- (c) The height and bulk of new buildings shall be related to the prevailing scale of development to avoid overwhelming or dominating existing development.
- (d) Building additions should be designed to reflect existing buildings in scale, materials, and color. Facade renovations should include as few different materials as possible.

- (e) The architectural style of new or redeveloped structures shall be compatible with the predominant architectural themes of the district. Contemporary design for new buildings in old neighborhoods and additions to existing buildings or landscaping should be discouraged if such design is not compatible with the size, scale, color, material, and character of the neighborhood, building, or its environment. Rural, agricultural or mountain type living designs should be implemented when ever possible.
- (f) Adjacent buildings of different architectural styles shall be made compatible by such means as materials, rhythm, color, repetition of certain plant varieties, screens, sight breaks, etc.
- (g) The construction of additions to existing buildings should be generally discouraged in yards adjoining public streets and should instead be confined to side and rear yards which are generally out of public view.
- (h) To preserve the continuity prevailing along each block face, the orientation of the building's principal facade shall complement that of the majority of buildings in the same block face. (Either parallel or perpendicular to the street)
- (i) The open expanse of front lawns or meadows/open spaces and the quantities of planting within them of new or redeveloped structures shall be comparable to that of existing structures.

3.29.4 Building Details

- (a) Rehabilitation work should not destroy the distinguishing qualities or character of the property and its environment. The removal or alteration of architectural features should be held to the minimum, consistent with the proposed use.
- (b) Distinctive stylistic features or examples of skilled craftsmanship which characterize older structures and often predate the mass production of building materials, should be treated and/or preserved with sensitivity.
- (c) Wherever possible, new additions or alterations to buildings should be done in such a manner that if they were to be removed in the future, the essential form and integrity of the original building would be unimpaired.

3.29.5 Signs

Signs should complement the architectural style and scale of the building and should be designed as an integral architectural element of the building and site to which it principally

relates. As an architectural element, the sign should reflect the period of architecture and be in harmony with building character and use. It must not interfere with architectural lines and details. Each sign shall be compatible with signs on adjoining premises and shall not compete for attention. The number of graphic elements on a sign shall be held to the minimum needed to convey the sign's major message and shall be in proportion to the area of the sign face.

3.29.6 Demolition

Except for building condemnation proceedings for health and safety reasons, no demolition permit will be issued until plans have been submitted, reviewed, and approved for a replacement structure or appropriate landscaping. This is to assure that vacant lots are not created in the district, and to make sure the new structure is compatible with its surroundings.

3.30 Technical Review

The Mantua Town Council and the Mantua Planning Commission, which advises the Council on zoning matters, have determined that the various aspects of the Permitted and Conditional Review process, as well as the infrastructure review and environmental impact review process of sensitive lands require certain expertise in dealing with special or unique technical situations. These situations may be better dealt with through the formation of a technical review committee made up of experts in the field to review the permit and make recommendations to the Planning Commission and/or Town Council regarding conditions of approval. The members shall be appointed by the Planning Commission, with input of the Town Council when necessary and the members shall act as staff to the Planning Commission.

The Committee may review a project as directed by the planning commission and submit a certificate of review with findings and/or concerns to the Planning Commission prior to their adoption of conditions to the permit. Any appeal from the Committee's decision shall be reviewed by the Planning Commission. If necessary, the decision of the Commission may then be appealed to the Appeal Authority, and ultimately to the courts.

This Committee may be formed on a case-by-case basis as the need may arise and may consist of the same members or additional and replacement members as necessary. The Committee may adopt administrative procedures as appropriate and the Committee derives its Authority to meet and act under this section of the Code.

3.31 Right to Farm Provisions

Since Mantua Town is an agricultural community and because the Town Council places such a high value on the protection and preservation of agricultural land uses, the Town has adopted the following right to farm provisions of this code.

All Subdivisions and Master Planned Developments that; (a) border an agricultural area or border, or; (b) contain within them an agricultural or irrigation right-of-way or easement, or: (c) will contain an agricultural open space or preservation, shall have additional requirements imposed upon the developer in the form of an analysis to be reviewed and implemented as part of the conditional use process, MPD review process or subdivision process. This impact analysis shall be used to determine the impact(s) on associated farming and/or livestock operations affected by the development, and implement remediation and protection designs in the development to alleviate conflicts with the affected agricultural operations.

The developer is responsible for the performance of the analysis with the input and review by the Town. The Planning Commission and developer shall use the following review guidelines or issues in determining the impact on farming operations of the development, and will apply appropriate conditions during the approval process to insure that the farm or ranch affected is assured a right to farm without undue burden of residential or commercial growth and complaints by neighbors. All rights to farm are preserved to the best ability of the Town, taking into consideration practical land use applications and private property rights and concerns.

The following factors shall be used as guidelines or issues in the preparation and review of the agricultural impact analysis. Impact solutions may be developed as permit conditions and restrictive covenants or agreements:

- (a) Protection of irrigation access and maintenance of ditches and canals.
- (b) Safety and protection of the public from ditches, canals, ponds and drainage systems.
- (c) Livestock movement corridor protections and safety concerns.
- (d) Fencing safety (i.e. electrical, barbwire) and design.
- (e) Private property protection issues.
- (f) Hunting protection, access and livestock safety concerns.
- (g) Protection of farm equipment ingress and egress.
- (h) Erosion and soil protection and conservation concerns.
- (i) Drainage of the subdivision and designs to minimize the discharge or impact on agricultural lands and soils.

- (j) Noxious weeds, pests and pet (dog) controls in the subdivision.
- (k) Provisions, acknowledgments and understandings by new property owners (including hold harmless agreements if necessary) that farm work hours run late and begin early and that farm operations may contribute to noises and odors objectionable to some subdivision residents.
- (i) Screening provisions and landscaping designs to reduce noise or visual impacts on surrounding or conflicting land uses.
- (m) Any other provisions or concerns that the Planning Commission deems necessary to protect the rights to farm on adjoining or appurtenant properties.

3.32 Landscape Provisions

3.32.1 Purpose

The purpose of this section is to establish minimum required standards for provision, installation, and maintenance of landscaping in order to achieve a healthy, beautiful, and safe community by the following means:

- 3.32.1.1 Water conservation through Xeriscape principles.** Promote the conservation of potable and non-potable water by encouraging the preservation of existing plant communities, encouraging the planting of natural or uncultivated areas, encouraging the use of site-specific plant materials, and establishing techniques for the installation and maintenance of landscape materials and irrigation systems.
- 3.32.1.2 Aesthetics.** Improve the appearance of all areas through the incorporation of open space into development in ways that harmonize and enhance the natural and built environment.
- 3.32.1.3 Environmental quality.** Improve environmental quality by recognizing the numerous beneficial effects of landscaping upon the environment, including:
 - 3.32.1.3.1** Improving air and water quality through such natural processes as photosynthesis and mineral uptake;
 - 3.32.1.3.2** Maintaining permeable land areas essential to surface water management and aquifer recharge;
 - 3.32.1.3.3** Reducing and reversing air, noise, heat, and chemical

- pollution through the biological filtering capacities of trees and other vegetation;
- 3.32.1.3.4 Promoting energy conservation through the creation of shade, reducing heat gain in or on buildings or paved areas;
- 3.32.1.3.5 Reducing the temperature of the microclimate through the process of evapotranspiration; and
- 3.32.1.3.6 Encouraging the conservation of limited fresh resources through the use of site-specific plants and various planting and maintenance techniques.
- 3.32.1.4 **Land values.** Maintain and increase the value of land by requiring landscaping to be incorporated into development, thus becoming by itself a valuable capital asset.
- 3.32.1.5 **Human values.** Provide direct and important physical and psychological benefits to human beings through the use of landscaping to reduce noise and glare, and to break up the monotony and soften the harsher aspects of urban development.
- 3.32.1.6 **Preservation of vegetation.** Preserve existing natural vegetation and the incorporation of native plants, plant communities, and ecosystems into landscape design, where possible.
- 3.32.1.7 **Removal of nuisance species.** Eradicate or control certain exotic plant species that have become nuisances because of their tendency to damage public and private works, that have a negative effect upon public health, or to disrupt or destroy native ecosystems.
- 3.32.1.8 **Improved design.** Promote innovative and cost-conscious approaches to the design, installation, and maintenance of landscaping, encouraging water and energy conservation.
- 3.32.1.9 **Improved administration and enforcement.** Establish procedures and standards for the administration and enforcement of this ordinance.
- 3.32.2 **Definitions**
- 3.32.2.1 **Antitranspirant:** A protective coating, generally applied to plant

materials prior to or immediately after transplanting, that reduces water loss through the leaf surface.

- 3.32.2.2 Buffer, perimeter landscape:** A continuous area of land set aside along the perimeter of a lot in which landscaping is used to provide a transition between and to reduce the environmental, aesthetic, and other impacts of one type of land use upon another.
- 3.32.2.3 Cultivated landscape area:** Planted areas that are frequently maintained by mowing, irrigating, pruning, fertilizing, etc.
- 3.32.2.4 Development:** Any proposed material change in the use or character of the land, including, but not limited to, land clearing or the placement of any structure or site improvements on the land.
- 3.32.2.5 Drip line:** A vertical line extending from the outermost branches of a tree to the ground.
- 3.32.2.6 Ecosystem:** A characteristic assemblage of plant and animal life within a specific physical environment, and all interactions among species, and between species and their environment.
- 3.32.2.7 Ground cover:** Plants, other than turf grass, normally reaching an average maximum height of not more than 24 inches at maturity.
- 3.32.2.8 Hedge:** A landscape barrier consisting of a continuous dense planting of shrubs.
- 3.32.2.9 Incompatibility of land uses:** An issue arising from the proximity or direct association of contradictory, incongruous, or discordant land uses or activities, including the impacts of noise, vibration, smoke, odors, toxic matter, radiation and similar environmental conditions.
- 3.32.2.10 Irrigation system:** A permanent, artificial watering system designed to transport and distribute water to plants.
- 3.32.2.11 Landscaping:** Any combination of living plants (such as grass, ground cover, shrubs, vines, hedges, or trees) and nonliving landscape material (such as rocks, pebbles, sand, mulch, walls, fences or decorative paving materials).

- 3.32.2.12 Mulch:** Nonliving organic and synthetic materials customarily used in landscape design to retard erosion and retain moisture.
- 3.32.2.13 Open space:** Open space shall be interpreted to mean:
- 3.32.2.13.1** All areas of natural plant communities or area replanted with vegetation after construction, such as revegetated natural areas; tree, shrub, hedge or ground cover planting areas; and lawns; and
- 3.32.2.13.2** Other areas allowed to be counted as open space in the Town Code.
- 3.32.2.14 Plant community:** A natural association of plants that are dominated by one or more prominent species, or a characteristic physical attribute.
- 3.32.2.15 Plant species, controlled:** Those plant species which tend to become nuisances because of their undesirable growth habits, but which, if properly cultivated may be useful or functional as elements of landscape design.
- 3.32.2.16 Plant species, prohibited:** Those plant species which are demonstrably detrimental to native plants, native wildlife, ecosystems, or human health, safety, and welfare.
- 3.32.2.17 Preserve area:** Vegetative areas required to be preserved by law.
- 3.32.2.18 Shrub:** A self-supporting woody perennial plant of low to medium height characterized by multiple stems and branches continuous from the base, usually not more than 10 feet in height at its maturity.
- 3.32.2.19 Site-specific planting:** The selection of plant material that is particularly well suited to withstand the physical growing conditions that are normal for that location.
- 3.32.2.20 Shade tree, small:** A self-supporting woody plant or species normally growing to a mature height of at least 20 feet and a mature spread of at least 15 feet in this area. Clusters of more than one tree may be used when it is demonstrated that the grouping of trees will, at maturity, surpass the 15-foot diameter requirement and that the grouping of trees is suitable for the proposed location.

3.32.2.21 Substantial change in land use:

3.32.2.21.1 A change in land use that increases the intensity of land use; or

3.32.2.21.2 A change in land use that creates an incompatibility or increases the incompatibility of adjacent land uses; or

3.32.2.21.3 An increase in the total floor area of multiple dwellings or nonresidential buildings that results in increased traffic generation.

3.32.2.22 **Tree:** Any self-supporting woody perennial plant which has a diameter at breast height (DBH) of two inches or more and which normally attains an overall height of at least 15 feet at maturity, usually with one main stem or trunk and many branches. It may appear to have several stems or trunks as is the case of some species.

3.32.2.23 **Understory:** Assemblages of natural low-level woody, herbaceous, and ground cover species which exist in the area below the canopy of the trees.

3.32.2.24 **Vegetation, native:** Any plant species with a geographic distribution indigenous to all or part of the state of Utah. Plant species which have been introduced by man are not native vegetation.

3.32.2.25 **Viable:** When referring to a tree, shrub, or other type of plant, is a plant that, is capable of sustaining its own life processes, unaided by man, for a reasonable period of time.

3.32.2.26 **Xeriscape:** Landscape methods which conserve water through the use of drought tolerant plants and planting techniques.

3.32.3 Applicability

The General Landscape Design Standards of this ordinance shall apply to the entire town while the Xeriscape principles shall apply only to those areas designated in this code. No department shall issue a permit provided for herein in violation of the regulations set forth herein

3.32.4 Conflicts

If the provisions of this ordinance conflict with other ordinances or regulations, the more stringent limitation or requirement shall govern or prevail to the extent of the conflict.

3.32.5 General Landscape Design Standards

The following standards shall be considered the minimum requirements for the installation of all plant materials within the Town of Mantua.

3.32.5.1 Minimum tree and shrub planting or preservation requirements.

3.32.5.1.1 General: Trees shall not be placed where they interfere with site drainage or where they shall require frequent pruning or order to avoid interference with overhead power lines. Trees shall not be planted where they will obstruct trails, walkways, or cause damage to other public property.

3.32.5.2 Standards for Landscape Materials.

3.32.5.2.1 Quality of plants: All plant materials shall be healthy and disease free.

3.32.5.2.2 Landscaping the Interior of Nonresidential Off-Street Parking Areas:

3.32.5.2.3 Landscaping the interior of off-street parking areas is required.

3.32.5.2.4 Not less than 10 percent of the interior of off-street parking areas shall be landscaped and maintained following the Xeriscape principles in section 3.32.6 of this ordinance. Off street parking is defined as total lot area minus any buildings.

3.32.5.3 Maintaining safe sight distance in intersections and points of access.

3.32.5.3.1 Vegetation at intersections and other points of access shall not interfere with safe vision at such locations for safety reasons.

3.32.5.3.2

3.32.5.4 Curbing and encroachment of vehicles in to landscape areas.

- 3.32.5.4.1 Curbs will be installed in specific areas to prevent vehicle access into otherwise protected areas.

All landscaped areas at the front line of off-street parking spaces may be protected from encroachment or intrusion of vehicles through the use of wheel stops. Wheel stops shall not be placed in locations of anticipated intense pedestrian traffic.

3.32.5.5 Maintenance Standards for Cultivated Landscape Areas

- 3.32.5.5.1 **General:** The owner or assigns of land subject to this ordinance shall be responsible for the maintenance of the said land in good condition so as to present a healthy, neat, and orderly landscape area.
- 3.32.5.5.2 **Use requirements for maintenance of mulch layers:** The required mulch layer shall be maintained on all landscape projects.
- 3.32.5.5.3 **Replacement requirements:** Vegetation that is required to be planted or preserved shall be replaced with equivalent vegetation if it is not living within one year of planting.
- 3.32.5.5.4 **All required plants shall be maintained in a healthy, pest-free condition:** Within six months of a determination by the Town that a plant is dead or severely damaged or diseased, the plant shall be replaced by the property owner or owners in accordance with the standards specified in this ordinance.
- 3.32.5.5.5 **Tree Removal:** It shall be the responsibility of each private property owner to remove any dead, diseased, or dangerous trees or shrubs, or parts thereof, which overhang or interfere with traffic control devices, public sidewalks, rights-of-way, or property owned by the Town. The Town shall have the Authority to order the removal of any such trees or shrubs at the owner's expense.
- 3.32.5.9 **Elimination of overthrow onto non-pervious areas.** Landscape irrigation systems shall be designed so that, to the greatest extent practical, water being applied to non-pervious areas is eliminated.
- 3.32.5.9.1 **Impervious Areas:** Sprinkler heads shall be placed as required to reduce direct overthrow onto non-pervious areas.
- 3.32.5.9.2 **Wind Control:** The use of low-trajectory-spray nozzles is encouraged in order to reduce the effect of wind velocity on the spray system.

3.32.5.10 Maintenance of natural plant communities

- 3.32.5.10.1 General:** All open space areas that are preserved as natural plant communities shall be trimmed at least once a year; of all exotic vegetation, lawn grasses, trash, or other debris.
- 3.32.5.10.2 Natural plant communities:** All natural plant communities shall be managed in order to maintain the plant community for the purpose it was preserved.
- 3.32.5.10.3 Required Management Plan:** When applicable, the Town shall make periodic inspections of the natural areas to verify the owner's adherence to the approved management plan.

3.32.5.11 Landscape Requirements

- 3.32.5.11.1** The required front setbacks and side setbacks adjacent to a dedicated street shall be landscaped except for permitted driveways, and shall not be used for parking.
- 3.32.5.11.2** All common areas and residential lots shall be permanently landscaped with trees, shrubs, lawn, ground cover or approved xeriscape and maintained in accordance with good landscaping practices, unless the area to be designated as natural open space.

3.32.5.12 Landscaping Around Public Utilities

- 3.32.5.12.1** Trees, shrubs or permanent hard surface may not be planted or installed within five (5) feet of any water meter barrel or fire hydrant. Furthermore, any tree, shrub or hard surface that is considered to be a nuisance, invasive or a threat to maintain and functionality of a water meter service or fire hydrant may be prohibited or restricted in addition to the above requirements. This also includes the growth of any foliage etc. not to encroach within the prescribed setback area. Any fees, charges or damages incurred or accrued from removal or repair will be the responsibility of the perspective owner.

3.32.6 Xeriscape Principles

The following standards shall be considered the minimum requirements for the installation of all plant materials within the required Xeriscape zones as outlined.

Required Xeriscape zones

- 1 - Off-street public, quasi-public, commercial, and multi-family parking areas

It is the intent of this ordinance to assist the town in achieving water conservation through proper plant selection, installation, and maintenance practices in required areas. The following Xeriscape principles serve as the primary means of achieving water conservation:

- 3.32.6.1** Appropriate planning and design;
- 3.32.6.2** Limiting turf to locations where it provides functional benefits;
- 3.32.6.3** Efficient irrigation systems;
- 3.32.6.4** Use of soil amendments to improve water-holding capacity of the soil;
- 3.32.6.5** Use of mulches, where appropriate;
- 3.32.6.6** Use of drought-tolerant plants;
- 3.32.6.7** Appropriate and timely maintenance of vegetation and
- 3.32.6.8** Use of pervious paving material including but not limited to pavers and landscape rock.
- 3.32.6.9 Xeriscape Plan Required**
 - 3.32.6.9.1** **General:** Prior to the issuance of any building permit or final plat in the case of a subdivision or MPD, a landscape plan shall be submitted to, reviewed by, and approved by the Town.
 - 3.32.6.9.2** **Nature of required plan:** A landscape plan for each lot or landscape theme in the case of a subdivision or MPD shall be prepared and approved by the Town.
 - 3.32.6.9.3** **Contents of Landscape Plan:** The landscape plan shall:
 - 3.32.6.9.3.1** Be drawn to scale, including dimensions and

distances;

3.32.6.9.3.2 Designate by name and location the plant material to be installed or preserved in accordance with the requirements of this ordinance.

3.32.6.9.3.3 Identify and describe the location and characteristics of all other landscape materials to be used;

3.32.6.9.3.4 Show all landscape features, including areas of vegetation required to be preserved by law, in context with the location and outline of existing and proposed buildings and other improvements on the site, if any;

3.32.6.9.3.5 Include a tabulation clearly displaying the relevant statistical information necessary for the Town to evaluate compliance with the provisions of this ordinance. This includes gross acreage, area of

preservation areas, number of trees to be planted or preserved, square footage of paved areas, and such other information as the Town may require; and

3.32.6.9.3.6 Delineate the existing and proposed parking spaces, or other vehicular areas, access aisles, driveways, and similar features;

3.32.6.9.3.7 Contain such other information that may be required by the Town that is reasonable and necessary to determine that the landscape plan meets the requirements of this ordinance.

3.32.6.10 Use of site-specific planting materials. Trees and other vegetation that are prohibited from use in meeting the landscape requirements of this ordinance should not be used. Trees and other vegetation shall be planted in soil and climatic conditions which are appropriate for their growth habits. Plants to be used in the landscape design shall to the greatest extent be:

3.32.6.10.1 Plants listed in Water Zones 0-2 in the Plant Selection Guide of Document EC 458 (January 1995) Water-wise

landscaping Utah State University Extension may be used. Other plants which meet the requirements of Water Zones 0-2 may be approved.

- 3.32.6.10.2 Appropriate to the conditions in which they are to be planted
 - 3.32.6.10.3 Have noninvasive growth habits;
 - 3.32.6.10.4 Encourage low maintenance, high-quality design;
 - 3.32.6.10.5 Be otherwise consistent with the intent of these guidelines.
- 3.32.6.11 **Use of adapted plant materials:** The use of plant materials adapted to the vicinity of the development is required in order to reduce water consumption, general maintenance, and the dependence of fertilizers and insecticides.
- 3.32.6.12 **Plant Material and Installation Standards**
- 3.32.6.12.1 **Antitranspirants:** In order to reduce the transpiration rate of plant material during the installation process, antitranspirants shall be used. Antitranspirants reduce the amount of water loss through the leaves of plant material during installation, thereby reducing the amount of water required for the survival of the plants. Antitranspirants shall be used on all permitted landscape installation projects.
 - 3.32.6.12.2 **Use of planting soil:** All required landscape materials shall be installed using planting soil or a type appropriate to the individual plant material and the soil conditions in which the planting is occurring.
 - 3.32.6.12.3 **Use of organic mulches:** The use of organic mulches reduces the growth of weeds and adds nutrients to the soil as well as retains moisture over the root zones of plant materials.
 - 3.32.6.12.3.1 **Application Specifications:** When appropriate, a minimum of three inches of organic mulch shall be placed over all newly installed tree, shrub and ground cover planting areas.

- 3.32.6.12.4 **Requirements for the Installation of Organic Mulch.** The required mulch layer shall be installed on all landscape projects.
- 3.32.6.12.5 **Minimum Requirements for Living Plant Material.** A minimum of 35% or the required Xeriscape zones must be landscaped using living plant materials
- 3.32.6.12.6 **Weed Barrier Requirements.** Ground cloth must be used and covered in all Xeriscape zones in order to prevent unwanted weed growth.

3.33 Outdoor Lighting:

The residents of Mantua value the town's rural qualities, including the ability to view the stars against a dark sky. They recognize that inappropriate and poorly designed or installed outdoor lighting causes unsafe and unpleasant conditions, limits their ability to enjoy the nighttime sky, and results in unnecessary use of electric power. On the other hand, it is also recognized that some outdoor lighting is appropriate in areas such as town centers. To ensure appropriate lighting while minimizing its undesirable side effects the following regulations are established.

- 3.33.1 **Permit Required:** On all properties except those of one- and two-family residential structures and active farms, the installation or replacement of any outdoor lighting fixtures shall require a zoning permit. Said permit may not be issued unless the proposed installation is found (by the Planning Commission or the Zoning Administrator) to conform to all applicable provisions of this section.
- 3.33.2 **Creation of Lighting Districts:** For the purposes of this section, the zoning districts established elsewhere in these regulations are consolidated into lighting districts, as follows:
 - 3.33.2.1 Lighting District 1 shall consist of the industrial districts and the high-density commercial districts.
 - 3.33.2.2 Lighting District 2 shall consist of the low-density commercial districts.
 - 3.33.2.3 Lighting District 3 shall consist of the higher-density residential districts.
 - 3.33.2.4 Lighting District 4 shall consist of the low-density residential districts, the rural and agricultural districts, and the forestry or conservation districts.

3.33.3 General Requirements:

- 3.33.3.1** When the outdoor lighting installation or replacement is part of a development proposal for which site plan approval is required under these regulations, the Planning Commission shall review and approve the lighting installation as part of its site plan approval.
- 3.33.3.2** Outdoor lighting installations involving the installation or replacement of two or fewer lighting fixtures (free standing or facade mounted) may be approved by the Zoning Administrator, provided that no single lamp (bulb) exceeds 150 watts, and that the total wattage of all bulbs in all fixtures does not exceed 300. All other installations must be approved by the Planning Commission.
- 3.33.3.3** The applicant shall submit to the Town sufficient information, in the form of an overall exterior lighting plan, to enable the Town to determine that the applicable provisions will be satisfied. The lighting plan shall include at least the following:
- 3.33.3.3.1** A site plan, drawn to a scale of one inch equaling no more than twenty (20) feet, showing buildings, landscaping, parking areas, and all proposed exterior lighting fixtures;
 - 3.33.3.3.2** Specifications for all proposed lighting fixtures including photometric data, designation as Illuminating Engineering Society of North America (IESNA) "cut-off" fixtures, Color Rendering Index (CRI) of all lamps(bulbs), and other descriptive information on the fixtures;
 - 3.33.3.3.3** Proposed mounting height of all exterior lighting fixtures;
 - 3.33.3.3.4** Analyses and illuminance level diagrams showing that the proposed installation conforms to the lighting level standards in this section; and
 - 3.33.3.3.5** Drawings of all relevant building elevations showing the fixtures, the portions of the walls to be illuminated, the illuminance levels of the walls, and the aiming points for any remote light fixtures.
- 3.33.3.4** Wherever practicable, lighting installations shall include timers, dimmers, and/or sensors to reduce overall energy consumption and eliminate unneeded

lighting.

- 3.33.3.5 When an outdoor lighting installation is being modified, extended, expanded, or added to, the entire outdoor lighting installation shall be subject to the requirements of this section.
- 3.33.3.6 Expansions, additions, or replacements to outdoor lighting installations shall be designed to avoid harsh contrasts in color and/or lighting levels.
- 3.33.3.7 Electrical service to outdoor lighting fixtures shall be underground unless the fixtures are mounted directly on utility poles.
- 3.33.3.8 Proposed lighting installations that are not covered by the special provisions in this section may be approved only if the Commission finds that they are designed to minimize glare, do not direct light beyond the boundaries of the area being illuminated or onto adjacent properties or streets, and do not result in excessive lighting levels.
- 3.33.3.9 For the purposes of these regulations, the mounting height of a lighting fixture shall be defined as the vertical distance from the grade elevation of the surface being illuminated to the bottom of the lighting fixture (i.e. luminaire).
- 3.33.3.10 Holiday lighting during the months of November, December, and January shall be exempt from the provisions of this section, provided that such lighting does not create dangerous glare on adjacent streets or properties.
- 3.33.3.11 The Planning Commission may modify the requirements of this section if it determines that in so doing, it will not jeopardize achievement of the intent of these regulations.

3.33.4 Parking Lot Lighting:

Parking lot lighting shall be designed to provide the minimum lighting necessary to ensure adequate vision and comfort in parking areas, and to not cause glare or direct illumination onto adjacent properties or streets.

- 3.33.4.1 All lighting fixtures serving parking lots shall be cut-off fixtures as defined by the Illuminating Engineering Society of North America (IESNA).
- 3.33.4.2 Alternatives: The design for an area may suggest the use of parking lot

lighting fixtures of a particular "period" or architectural style, as either alternatives or supplements to the lighting described above.

3.33.4.2.1 If such fixtures are not "cut-off" fixtures as defined by IESNA, the maximum initial lumens generated by each fixture shall not exceed 2000 (equivalent to a 150-watt incandescent bulb).

3.33.4.2.2 Mounting heights of such alternative fixtures shall not exceed fifteen (15) feet.

3.33.4.3 Parking area lighting standards in the various lighting districts are as shown in Table 3.33.1 (Note: The table is a prototype. District names and actual values should be determined by each town.)

3.33.4.4 Parking area lighting in the low-density rural district: Parking areas in the low-density rural district shall not be illuminated unless there exist specific hazardous conditions which make illumination necessary. In such cases, the lighting shall meet the standards for the next higher lighting district.

	District 1	District 2	District 3	District 4
Mounting Height * (Maximum)	25 ft	20 ft	20 ft	Discourage
Minimum Illumination Level (at darkest spot on the parking area)	no less than 0.3 fc no more than 0.5 fc	no less than 0.2 fc no more than 0.3 fc	no less than 0.2 fc no more than 0.3 fc	Discouraged
Uniformity Ratio **	4:1	4:1	4:1	Discouraged
Minimum CRI ***	20	65	70	Discouraged

TABLE 3.33.1: PARKING LOT LIGHTING STANDARDS

* Mounting height is the vertical distance between the surface being illuminated and the bottom of the lighting fixture.

** Uniformity ratio is the ratio of average illumination to minimum illumination.

*** CRI is the Color Rendering Index.

3.33.5 General Street Lighting Standards:

3.33.5.1 General standards for mounting height, spacing, maximum initial lumens per fixture, and minimum Color Rendering Index, for the various lighting districts, shall be as set forth in Table 2.

3.33.5.2 Fixtures

All street lighting fixtures shall be "cut-off" fixtures as defined by IESNA. If necessary, fixtures shall include "house side shields" to minimize light directed to the rear of the fixtures.

Alternatives: The design for an area may suggest the use of street lighting fixtures of a particular "period" or architectural style, or there may be existing historical fixtures to be retained. In such cases, the non-cut-off fixtures may be used either as alternatives or supplements to street lighting described above.

3.33.5.2.1 For fixtures that do not meet the "cut-off" criteria, the maximum initial lumens generated by each fixture shall not exceed 2,000 (equivalent to a 150-watt incandescent bulb).

3.33.5.2.2 Mounting heights of such fixtures shall not exceed fifteen (15) feet for new fixtures. Where historic fixtures are being retained (and/or extended) mounting height shall be that of the existing fixtures and every effort shall be made to use brackets that match existing brackets.

3.33.5.3 Location

3.33.5.3.1 Streetlights shall be located in the public right-of-way.

3.33.5.3.2 If the street has a sidewalk along one side, the streetlights shall generally be located on the sidewalk side of the street.

	District 1	District 2	District 3	District 4
Mounting Height (Maximum)*	30 ft	30 ft	30 ft	Discouraged
Spacing	600 ft and at intersections	Main Street: 300 ft Elsewhere: 600 ft and at intersections	At intersections only	Discouraged
Maximum Initial Lumens**	15,000	15,000	15,000	Discouraged
Minimum CRI***	20	65	70	Discouraged

TABLE 3.33.2: STREET LIGHTING STANDARDS

* Mounting height is the vertical distance between the surface being illuminated and the bottom of the lighting fixture.

** Maximum of 15,000 initial lumens is the equivalent of a 175-watt metal halide lamp, a 250-watt mercury vapor lamp, or a 150-watt high pressure sodium lamp.

*** CRI is the Color Rendering Index.

3.33.6 Lighting of Gasoline Station/Convenience Store Aprons and Canopies:

Lighting levels on gasoline station/ convenience store aprons and under canopies shall be adequate to facilitate the activities taking place in such locations. Lighting of such areas shall not be used to attract attention to the businesses. Signs allowed under the appropriate section of these regulations shall be used for that purpose.

3.33.6.1 Areas on the apron away from the gasoline pump islands used for parking or vehicle storage shall be illuminated in accordance with the requirements for parking areas set forth elsewhere in this section. If no gasoline pumps are provided, the entire apron shall be treated as a parking area.

3.33.6.2 Areas around the pump islands and under canopies shall be illuminated so that the minimum horizontal illuminance at grade level is at least 1.0 foot-candle and no more than 5.5 foot-candles. The uniformity ratio (ratio of average to minimum illuminance) shall be no greater than 4:1, which yields an average illumination level of no more than 22.0 foot-candles.

- 3.33.6.3** Light fixtures mounted on canopies shall be recessed so that the lens cover is recessed or flush with the bottom surface (ceiling) of the canopy and/or shielded by the fixture or the edge of the canopy so that light is restrained to no more than 85 degrees from vertical, as shown in Figure 33.3.1.

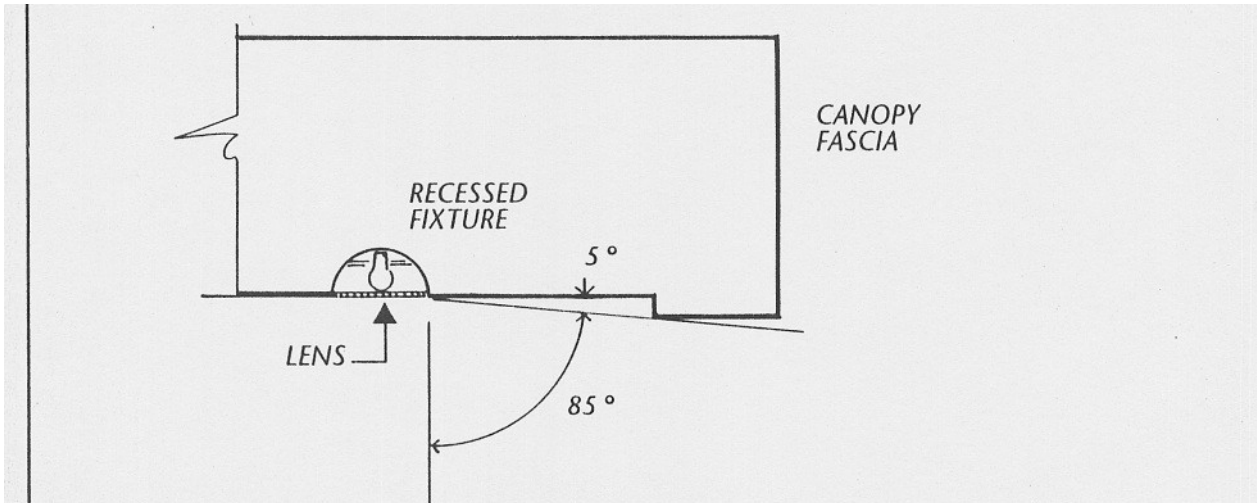


Figure 3.33.1 Gas pump canopy

- 3.33.6.4** As an alternative (or supplement) to recessed ceiling lights, indirect lighting may be used where light is beamed upward and then reflected down from the underside of the canopy. In this case light fixtures must be shielded so that direct illumination is focused exclusively on the underside of the canopy.
- 3.33.6.5** Lights shall not be mounted on the top or sides (fascia's) of the canopy, and the sides (fascia's) of the canopy shall not be illuminated.

3.33.7 Lighting of Exterior Display/Sales Areas:

Lighting levels on exterior display/sales areas shall be adequate to facilitate the activities taking place in such locations. Lighting of such areas shall not be used to attract attention to the businesses. Signs allowed under the appropriate section of these regulations shall be used for that purpose. The applicant shall designate areas to be considered display/ sales areas and areas to be used as parking or passive vehicle storage areas. This designation must be approved by the Planning Commission.

- 3.33.7.1** Areas designated as parking or passive vehicle storage areas shall be

illuminated in accordance with the requirements for parking areas suggested elsewhere in this section.

- 3.33.7.2** Areas designated as exterior display/sales areas shall be illuminated so that the average horizontal illuminance at grade level is no more than 5.0 foot-candles. The uniformity ratio (ratio of average to minimum illuminance) shall be no greater than 4:1. The average and minimum shall be computed for only that area designated as exterior display/sales area.
- 3.33.7.3** Light fixtures shall meet the IESNA definition of cut-off fixtures, and shall be located, mounted, aimed, and shielded so that direct light is not cast onto adjacent streets or properties.
- 3.33.7.4** Fixtures shall be mounted no more than twenty-five (25) feet above grade, and mounting poles shall be located either inside the illuminated area or no more than ten (10) feet away from the outside edge of the illuminated area.

3.33.8 Lighting of Outdoor Performance Facilities:

Outdoor nighttime performance events (concerts, athletic contests, etc.) have unique lighting needs. Illumination levels vary, depending on the nature of the event. The regulations in this section are intended to allow adequate lighting for such events while minimizing sky glow, reducing glare and unwanted illumination of surrounding streets and properties, and reducing energy consumption.

- 3.33.8.1** Design Plan: A lighting design plan shall be submitted which shows in detail the pro-posed lighting installation. The design plan shall include a discussion of the lighting requirements of various areas and how those requirements will be met.
- 3.33.8.2** Dual System: The main lighting of the event (spotlighting or floodlighting, etc.) shall be turned off no more than forty-five (45) minutes after the end of the event. A low level lighting system shall be installed to facilitate patrons leaving the facility, cleanup, nighttime maintenance, etc. The low level lighting system shall provide an average horizontal illumination level, at grade level, of no more than 3.0 foot-candles with a uniformity ratio (average to minimum) not exceeding 4:1.

- 3.33.8.3** Primary Playing Areas: Where playing fields or other special activity areas are to be illuminated, lighting fixtures shall be specified, mounted, and aimed so that their beams fall within the primary playing area and immediate surroundings, and so that no direct illumination is directed off the site.
- 3.33.8.4** Parking Areas: Lighting for parking areas shall meet the requirements suggested elsewhere in this section.
- 3.33.8.5** Pedestrian Areas: Areas intended solely-for pedestrian circulation shall be provided with a minimum level of illumination of not less than 0.1 foot-candles and no more than 0.2 foot-candles. A uniformity ratio of average illumination to minimum illumination shall not exceed 4:1.
- 3.33.8.6** Security Lighting: Security lighting shall meet the requirements suggested elsewhere in this section.

3.33.9 Security Lighting:

The purpose of and need for security lighting (i.e. lighting for safety of persons and property) must be demonstrated as part of an overall security plan which includes at least illumination, surveillance, and response, and which delineates the area to be illuminated for security purposes. To the extent that the designated area is illuminated for other purposes, independent security lighting installations will be discouraged.

- 3.33.9.1** In addition to the application materials set forth in the general provisions of this section, applications for security lighting installations shall include a written description of the need for and purposes of the security lighting, a site plan showing the area to be secured and the location of all security lighting fixtures, specifications of all fixtures, the horizontal and vertical angles in which light will be directed, and adequate cross-sections showing how light will be directed only onto the area to be secured.
- 3.33.9.2** All security lighting fixtures shall be shielded and aimed so that illumination is directed only to the designated area and not cast on other areas. In no case shall lighting be directed above a horizontal plane through the top of the lighting fixture, and the fixture shall include shields that prevent the light source or lens from being visible from adjacent properties and roadways. The use of general floodlighting fixtures shall be discouraged.
- 3.33.9.3** Security lighting may illuminate vertical surfaces (e.g. building facades and

walls) up to a level eight (8) feet above grade or eight (8) feet above the bottoms of door-ways or entries, whichever is greater.

- 3.33.9.4** Security lighting fixtures may be mounted on poles located no more than ten (10) feet from the perimeter of the designated secure area.
- 3.33.9.5** Security lights intended to illuminate a perimeter (such as a fence line) shall include motion sensors and be designed to be off unless triggered by an intruder located within five (5) feet of the perimeter.
- 3.33.9.6** Security lighting standards in the various lighting districts are as shown in Table 3.33.3.
- 3.33.9.7** Security lighting in low-density residential and rural areas: Security lighting shall be allowed in low-density residential and rural areas only if unusual hazardous conditions make it necessary. In such cases, indirect and reflected lighting techniques shall be used to provide soft lighting under canopies, entry porches, or soffits. Lighting levels shall not exceed the standards established for the next higher density residential area.

	District 1	District 2	District 3	District 4
Mounting Height (Maximum)*	25 ft	20 ft	20 ft	Discouraged
Average Horizontal Illumination Level on Ground	No more than 1.5 foot-candles	No more than 1.0 foot-candle	No more than 0.5 foot-candle	Discouraged
Average Illumination Level on Vertical Surface	No more than 1.5 foot-candles	No more than 1.0 foot-candle	No more than 0.5 foot-candle	Discouraged
Minimum CRI**	20	65	70	Discouraged

Table 3.33.3 Security Lighting Standards

* Mounting height is the vertical distance between the surface being illuminated and the bottom of the lighting fixture.

** CRI is the Color Rendering Index.

3.33.10 Lighting of Building Facades and Landscaping:

With the exception of structures having exceptional symbolic (i.e. churches and/or public buildings) or historic significance in the community, exterior building facades shall not be illuminated. When buildings having symbolic or historic significance are to be illuminated, a design for the illumination shall be approved by the Planning Commission and the following provisions shall be met:

- 3.33.10.1** The maximum illumination on any vertical surface or angular roof surface shall not exceed 5.0 foot-candles.
- 3.33.10.2** Lighting fixtures shall be carefully located, aimed, and shielded so that light is directed only onto the building facade. Lighting fixtures shall not be directed toward adjacent streets or roads.
- 3.33.10.3** Lighting fixtures mounted on the building and designed to "wash" the facade with light are preferred.
- 3.33.10.4** To the extent practicable, lighting fixtures shall be directed downward (i.e. below the horizontal) rather than upward.
- 3.33.10.5** When landscaping is to be illuminated, the Commission shall first approve a landscape lighting plan that presents the purpose and objective of the lighting, shows the location of all lighting fixtures and what landscaping each is to illuminate, and demonstrates that the installation will not generate excessive light levels, cause glare, or direct light beyond the landscaping into the night sky.

3.33.11 Illuminated Signs:

Signs may be illuminated only during those hours that the business being advertised is open for business. It is the intent of this section to allow illuminated signs but to ensure that they do not create glare or unduly illuminate the surrounding area. The applicant shall provide the Planning Commission with sufficient technical and design information to demonstrate that the following provisions are met.

- 3.33.11.1** Externally Illuminated Signs:
 - 3.33.11.1.1** The average level of illumination on the vertical surface of the sign shall not exceed 3.0 foot-candles, and the uniformity

ratio (the ratio of average to minimum illumination) shall not exceed 2:1.

- 3.33.11.1.2** Lighting fixtures illuminating signs shall be carefully located, aimed, and shielded so that light is directed only onto the sign facade. Lighting fixtures shall not be aimed toward adjacent streets, roads, or properties.
- 3.33.11.1.3** Light fixtures illuminating signs shall be of a type such that the light source (bulb) is not directly visible from adjacent streets, roads, or properties.
- 3.33.11.1.4** To the extent practicable, fixtures used to illuminate signs shall be top mounted and directed downward (i.e. below the horizontal).

3.33.12 Internally Illuminated Signs:

Internally Illumination Signs are not permitted.

3.33.13 Lighting of Walkways/Bikeways and Parks:

Where special lighting is to be provided for walkways, bikeways, or parks, the following requirements shall apply.

- 3.33.13.1** The walkway, pathway, or ground area shall be illuminated to a level of at least 0.3 foot-candles and no more than 0.5 foot-candles.
- 3.33.13.2** The vertical illumination levels at a height of five (5) feet above grade shall be at least 0.3 and no more than 0.5 foot-candles.
- 3.33.13.3** Lighting fixtures shall be designed to direct light downward, and light sources shall have an initial output of no more than 1000 lumens.
- 3.33.13.4** In general, lighting shall be consistent with the guidelines presented in the IESNA *Lighting Handbook*, 8th Edition

3.34 Public Utility Easements (PUE's)

3.34.1 General Requirements

The following requirements shall apply to all public utility easements.

- 3.34.1.1 All new construction and improvements easements shall require a permit obtained through the Town.
- 3.34.1.2 All contractors must be registered with the Town prior to commencing any work in a public utility easement.
- 3.34.1.3 All utility improvements inside a public utility easement shall be approved by the Town.
- 3.35.1.4 All cuts and fills must be compacted and restored to the current Town Standards and approved by the Town upon completion.
- 3.35.1.5 Contractor is responsible for site restoration and cleanup upon completion.
- 3.34.1.6 Contractors shall be held liable for any damage to other utilities caused by their construction.
- 3.34.1.7 Contractors shall make an effort to limit damage to landscaping in public utility easements.
- 3.34.1.8 All damages to landscaping, fences, or other private structures within the boundaries of the public utility easement are the responsibility of the landowner.
- 3.34.1.9 **Fee.**
All applications for a permit shall be accompanied by a review fee and surety deposit in accordance with the adopted Fee Ordinance of Mantua.
- 3.34.1.10 Private construction such as driveways, sidewalks, mailboxes, etc. are exempt from the preceding requirements of this section and shall be approved by the zoning administrator.
- 3.34.1.11 No building shall be built over a utility easement

- 3.34.1.12 All emergency work inside a public utility easement shall be exempt from the requirements of this section.

3.35 Public Right of Ways

3.35.1 General Requirements

The following requirements shall apply to all public right of ways.

- 3.35.1.1 All new construction and improvements easements shall require a permit obtained through the Town.
- 3.35.1.2 All contractors must be registered with the Town prior to commencing any work in a public right of way.
- 3.35.1.3 All utility improvements inside a public right of way shall be approved by the Town.
- 3.35.1.4 All cuts and fills must be compacted and restored to the current Town Standards and approved by the Town upon completion.
- 3.35.1.5 Contractor is responsible for site restoration and cleanup upon completion.
- 3.35.1.6 Contractors shall be held liable for any damage to other utilities caused by their construction.
- 3.35.1.7 Contractors shall make an effort to limit damage to landscaping in public right of ways.
- 3.35.1.8 All damages to landscaping, or other private structures within the boundaries of the public right of way are the responsibility of the contractor and landscaping shall be restored at a minimum to the condition it was in prior to construction.
- 3.35.1.9 **Fee.**
All applications for a permit shall be accompanied by a review fee and surety deposit in accordance with the adopted Fee Ordinance of

Mantua.

- 3.35.1.10** Private construction such as driveways, sidewalks, mailboxes, etc. are exempt from the proceeding requirements of this section and shall be approved by the zoning administrator.
- 3.35.1.11** All emergency work inside a public utility easement shall be exempt from the requirements of this section.

Chapter

4 PLANNING COMMISSION

The regulations set forth in this chapter describe the Planning Commission and its membership, function and responsibilities in administering and interpreting the Mantua Town Land Management and Development Code.

4.1 Planning Commission Created

There is hereby created a Town Planning Commission to consist of seven (7) members. Members shall be appointed by the Mayor with advice and consent of the Council.

4.2 Terms and Eligibility of Members

Members of the Planning Commission shall serve terms of four years. Members shall be appointed every other year in December of the year of the expiration. The terms shall be staggered so that four members shall be appointed together and then three members on the following appointment December, two years following. Terms may expire on the last day of the year, but members on the Planning Commission shall continue to serve until their successors are appointed and qualify. The Mayor shall appoint a new Planning Commission member to fill vacancies that might arise and such appointments shall be to the end of the vacating member's term. Members of the Planning Commission shall be residents of or land/property owners within Mantua, and have resided or owned property within the Town for at least ninety (90) days prior to being appointed. Members are deemed to have resigned when they move their residences outside the Town limits.

4.3 Absence Deemed Resignation or Grounds for Removal

Any Planning Commission member who is absent from two (2) consecutive regularly scheduled meetings, or a total of four (4) regularly scheduled meetings per calendar year may be called before the Town Council and asked to resign or be removed for cause by the Council.

4.4 Community Members

Appointments to the Planning Commission shall be made on a basis which fairly represents the interests of all residents of the community of Mantua.

4.5 Powers

The Planning Commission shall have all necessary powers conferred on Planning Commissions pursuant to Chapter 9 of Title 10, Utah Code Annotated, 1953, as amended, and such other powers as are conferred on it by the Town Council.

4.6 Chair

The Planning Commission shall on or before the last Thursday in January every other year elect a Chair who shall serve a term of two years, but may be re-elected for any succeeding consecutive terms. A person may not serve more than four consecutive terms as Chair of the Planning Commission. The Chair will direct all commission meetings and may participate in any discussions, but shall have no vote except in case of a tie vote by the members of the Commission. The chair must vote if only 4 Planning Commission members are present (including the chair) at any given meeting.

4.7 Staff

In order to assist the Planning Commission in carrying out its duties, the Planning Commission may request the assistance of other employees, committees or agents of the Town. The Mantua Town Staff or Zoning Administrator shall assist the Commission with technical matters and Zoning Administrator the Town Building Official will attend Commission meetings to assist and advise the Commission when necessary. The Town Council may appoint a secretary to keep minutes and post agendas of meetings and/or hearings for the Planning Commission. The secretary may be paid for services rendered as agreed upon by the Town Council.

4.8 Purposes

The Planning Commission is intended to act as a non-political, long range planning body for the Town. Review of specific projects shall be limited to those matters specifically requiring their consideration, and to the monitoring and reviewing of the decisions of the Town Staff, constantly making sure that all development decisions in the Town conform to the General Plan of the Town as adopted and/or revised by the Planning Commission and Town Council. The Planning Commission shall review those matters designated in this Land Management and Development Code and interpret and enforce this code to the best of their ability. The Planning Commission may also have joint meetings with the Town Council to advise or be advised on development matters as they may arise from time to time.

4.9 Meetings and Hearings

The Planning Commission shall establish procedures for its own meetings and hearings governing presentations of projects and public responses, and public impact or comment on specific projects or general issues. Planning Commission meetings are open to the public and will conform to the Utah Open Meetings Act. Notice will be provided for as per section 1.6 for hearings and an annual meeting schedule will be posted and published at least once a year in a newspaper of general circulation in Mantua Town.

4.10 Minutes

The Planning Commission shall keep official minutes of its meetings, which shall be permanently stored with the Town Recorder and available for public inspection.

4.11 Decisions

All decisions of the Planning Commission shall be included in the minutes. Where written findings are required, the findings may be prepared separately, but shall be incorporated into the minutes.

4.12 Quorum Requirement

The Commission shall not conduct any business at a meeting unless a quorum is present. A quorum shall consist of a majority of the appointed members of the Commission, including the Chairman for computation purposes. The Chair must vote if only 4 Planning Commission members are present (including the Chair) at any given meeting.

4.13 Voting

Actions of the Commission pass with 4 affirmative votes. The Chair votes to break a tie;. The Chair votes when only four members including the Chair are present; and Chair may vote to remove an item from the consent agenda . The Commissioner elected Vice Chair votes at all times including when acting as Chair. Voting to remove an item from the consent agenda shall require four (4) affirmative votes including the Chair's vote. The majority of those members present may vote to close any meeting.

4.14 Review by Planning Commission

General planning and review of specific development projects by the Planning Commission shall be divided into the following functions:

- (a) Town Comprehensive planning and zoning review,
- (b) subdivision approval,
- (c) Master Planned Development approval,
- (d) ratification of Planning Department actions,
- (e) review of decisions from the Town Staff on appeal,
- (f) plat approval,
- (g) termination of inactive applications and
- (h) sensitive lands review.

The scope of review for each of these functions is as follows:

4.14.1 Town Comprehensive Planning and Zoning Review

The Planning Commission shall have the primary responsibility to initiate long-range master planning for the Town, including planning for adequate streets, parks, trails, and recreation facilities, long-range zoning objectives, and periodic review of existing plans to amend them or keep them current. The Commission shall review proposed annexation to the Town and recommend action and zoning on land to be annexed. The Commission shall initiate or recommend zone changes and review the development standards within zones. The Commission

shall hear all requests for zone changes.

4.14.2 Subdivision Approval

The Planning Commission shall review all applications for subdivisions under the provisions of any applicable Mantua Subdivision Codes and regulations and this Code, namely chapter 8.

4.14.3 Master Planned Developments Approval

All proposals for Master Planned Development approval shall be reviewed by the Planning Commission. An application must be filed with the Planning Commission in a form as described in Chapter 9. In reviewing requests for Small and Large Scale Master Planned Development approval, the Commission shall consider the overall planning for the proposed project, including:

- (a) Site planning for the project;
- (b) Traffic circulation within the project and on the adjoining streets, both existing and proposed;
- (c) Land uses within the proposed project area including the mixture of commercial and residential;
- (d) Density of development;
- (e) Identification of development parcels within the larger tract, and the order in which development is proposed or should be permitted to allow for the orderly and economic expansion of Town services and infrastructure;
- (f) Compatibility with surrounding land uses;
- (g) Other pertinent planning and land use issues that are affected by the project, such as the effects on schools, fire protection, water, sewer and utility services, drainage, and similar on and off site issues; and geologic or other natural hazards;
- (h) Compatibility with the General Plan adopted by the Town;
- (i) Utility capacity;
- (j) Emergency vehicle access;
- (k) Location and amount of off-street parking;
- (l) Prior to approval of any new subdivision in whole or in phases approval from the local Postmaster will be necessary pertaining to mail delivery. IF group mailboxes are required no building permits will be issued until the required mailboxes are installed. Mantua strongly recommends Postmaster approval for mail delivery for single home development as well.

- (m) Internal circulation system;
- (n) Fencing, screening, and landscaping to separate the use from adjoining uses;
- (o) Building mass, bulk, and orientation, and the location of buildings on the site;
- (p) Usable open space and open space conservation alternatives;
- (q) Signage and lighting;
- (r) Physical design and compatibility with surrounding structures in mass, scale, style, design, and architectural detailing, and general architectural theme;
- (s) Noise, vibration, odors, steam, smoke, or other mechanical factors that affect people and property offsite;
- (t) Control of delivery and service vehicles, loading and unloading zones, and screening of trash or re-cycling pick-up or storage areas;
- (u) Expected ownership and management of the project as primary residences, condominiums, time interval ownership, nightly rental, or commercial tenancies;
- (v) Sensitive Lands issues and delineation (if needed) and mitigation measures if necessary or applicable;
- (w) Right to farm issues and impacts as per 3.32 of this code;
- (x) Review of Design Standards compliance.

4.14.3.1 Nature of Approval

Upon review and consideration of the proposal, the Planning Commission may approve, disapprove, or modify and approve the request for Master Planned Development approval. The approval process shall establish the following items:

- (a) Designation of land uses within the project area;
- (b) Designation of identifiable development parcels within the total project area. These development parcels are not required to be divided or platted as subdivision lots, but may be designated on maps as a part of the approval with a final legal description of the parcels to be required at the time each is developed or sold, leased, or otherwise transferred or separated from the whole

tract.

- (c) Designation of the land use or mixture of uses for each development parcel;
- (d) Designation of density ranges in Unit Equivalents for each development parcel identified;
- (e) Designation of the order of development, including concurrence plans and issues to ensure economical and efficient expansion of Town services and infrastructure;
- (f) Designation of specific conditions to the development of any parcels which are by their nature more subject to development constraints than the typical parcel in the proposed development;
- (g) Designation of density transfers from one parcel to another, if any;
- (h) Whether or not there will be commercial uses on all or some of the development parcels identified, and if so, the specific parcels that will include commercial uses;
- (i) The general architectural or design theme and character of the overall development.
- (j) Adequate protection of rights to farm in adjacent agricultural areas.
- (k) Sensitive Lands protection and/or mitigation measures.

4.14.3.2 Length of Approval

The Master Planned Development approval granted by the Planning Commission shall be effective so long as construction is proceeding in accordance with the approved phasing plan. Approval will lapse after two years of inaction, unless extended for up to two years by the Planning Commission. Zone changes occurring while the approval is in effect shall not affect the approval. Changes in the Master Plan requested by the developer will be reviewed and approved as a revision to the Master Plan by the Planning Commission. A change will be defined as any change in concept, unit type, configuration or number. At that time, the Planning Commission shall review the entire MPD, even if only one parcel or phase is involved in the modification under the regulations in effect at the time of review. Modification shall act as an extension of the approval.

4.14.3.3 Record of Approval

When a Master Planned Development approval is granted, the approval shall be noted in a recordable document stating the legal description of the property involved, and at least the general nature of the approval. The notice shall direct interested persons to the Town to review the actual master plan. The purpose of the recording is to put prospective purchasers on notice that the land has been included within a master plan that has established density ranges and land uses that might be more or less restrictive to individual parcels than the underlying zoning regulations might imply.

4.14.3.4 Development on Planned Parcels

Development proposals for each approved development parcel within the Master Plan Development approval is reviewed by the Planning Commission under the conditional use process, regardless of the size or nature of the development.

4.14.4 Ratification of Departmental Actions

The Planning Commission shall review all actions of the Zoning Administrator on the approval of conditional use applications. Conditional use approvals shall be placed on the Planning Commission agenda under a section designated as the consent agenda, with such supporting material as the Zoning Administrator and the Commission Chair determine is appropriate or necessary for the information of the Commission members. All items on the consent agenda shall be passed or denied by a single motion at the Commission meeting, unless a motion to remove a specific item is made. Motions to remove specific items from the consent agenda shall state the reasons for the removal, referring to specific planning issues or Code sections which the Commissioner making the motion does not think have been satisfactorily resolved or complied with. Motions to remove items from the consent agenda shall be passed by a vote of five (5) of the Commission members present and voting on the issue, including the Chair. When an item is removed from the consent agenda, it shall be acted on at the same meeting at which the removal occurs, unless the developer requests the item to be tabled in order to prepare additional information to respond to the Commission's concerns. The following items may be placed on the consent agenda as the Chair may direct:

- (a) Conditional use permits;
- (b) Development on approved Minor Master Planned Developments;
- (c) Final Plat approvals for either of the above, or plat approvals for condominiums or other projects, and subdivisions;
- (d) Requests for extensions of conditional use approvals, Minor Master Planned Development approvals, or Master Planned Development approvals;
- (e) Other items of a perfunctory or ratification nature which the Chair directs be

place on the consent agenda for action.

4.14.5 Review of Staff Actions

At any time, the developer or any non-owner as defined in this code may request that staff actions on a project be reviewed by the Planning Commission. The scope of review by the Planning Commission shall be the same as the scope of review at the staff level on the matters at issue.

4.14.6 Plat Approval

The Commission shall review all plats to be recorded affecting land within the Town limits or annexations to the Town. The scope of review on plat approval is limited to finding substantial compliance with the provisions of the State Statute on recording of plats, and that all previously imposed conditions of approval, whether imposed by the staff or the Commission, have been satisfied. The Plat must also comply with all the regulations and procedures contained in this code. Upon finding that the plat is in compliance with the State Statute and this code, and that conditions of approval have been satisfied, the plat must be approved. No new conditions may be imposed at the plat approval stage. The Town Engineer, Town Recorder, Town Council, and Mayor shall all review the plat as required by statute before recording. Plats may be approved on the consent agenda.

4.14.7 Inactive Projects

See Termination of Projects in Chapter 1.

4.14.8 Sensitive Lands Review

Any project falling within the Sensitive Lands Overlay Zone or containing designated sensitive lands, may be subject to additional requirements and regulations as outlined in the Sensitive Lands Regulations contained in chapter 10 of this code.

4.14.9 Right to Farm Review

Any project falling within the purview or scope of section 3.31 of this code, may be subject to additional requirements and regulations as outlined in the Right to Farm provision of that section of this code.

Chapter

5

APPEAL AUTHORITY

The regulations set forth in this chapter describe the Appeal Authority. Its function and responsibilities as defined in State Law and the Mantua Town Land Management and Development Code.

5.1 Establishment of an Appeal Authority

In order to avail the Town of the powers provided in Chapter 9a of Title 10 of the Utah Code (1953, as amended), there is hereby created an Appeal Authority, which shall consist of a person. Who shall be appointed by the Mayor with the advice and consent of the Town Council. The Appeal Authority's appointment shall be based on the issues that arises from time to time. The Council may fix per diem compensation for the Appeal Authority by resolution, based on necessary and reasonable expenses.

5.2 Term of Office

The Appeal Authority shall serve for time required to resolve the issues at hand at the time of appointment.

5.3 Resignation or Grounds for Removal

The Appeal Authority may resign by letter to the Town. If the Appeal Authority fails to perform in a reasonable time period, they may be called before the Town Council and asked to resign or be removed for cause by the Council.

5.4 Hearings Before the Appeal Authority

The Appeal Authority is created to hear four (4) classifications of cases as follows:

5.4.1 Variance Applications

Whenever any application or permit has been stayed or denied by the Planning Commission or Town staff on the basis that approval of the requested permit or application would violate the provisions of this code relating to set back, building height, side yard, lot size, site requirements, parking requirements, or some similar provision of the Code that has the effect of depriving the applicant of the reasonable use of his property, when others similarly situated are entitled to make such use of their property, the Appeal Authority may hear the matter, and grant a variance from the strict enforcement of this Code. A variance is defined in greater detail in Utah Code, section 10-9a-702, as amended.

5.4.2 Modifications of Non-Conforming Uses

The Appeal Authority shall have the power to rule on all requests for enlargements, modifications, or changes in the character of any non-conforming use, and to have hearings to determine whether the use in question is in fact a non-conforming use, as opposed to a violation of the ordinance or an allowable use within the zone. Non-conforming uses are addressed in Chapter 1 of this Code.

5.4.3 Appeals

The Appeal Authority shall hear and decide appeals where any party with standing as defined in Chapter 1 of this Code alleges that there is an error in any order, requirement, decision or determination made by the Planning Commission in the enforcement of, Chapter 9a, Title 10 of the Utah Code (1953, as amended), or any Town ordinance adopted pursuant thereto.

5.4.4 Special Exceptions

The Appeal Authority may hear applications for special exceptions to the terms of this Code which apply to variances, modifications of non-conforming uses, appeals and other matters upon which the Appeal Authority is required to pass judgment under this Code.

5.5 Variance

Variances from the provisions of the Code may be granted by the Board as per Utah Code, section 10-9a-702, as amended, whenever a strict or literal application of the provisions of this Code would create a hardship on the owner of the subject property that is unique to that property. Because of the development of Town of Mantua over a long period of time before development codes were enacted by Box Elder County or the Town, which has resulted in a number of irregularities, the Appeal Authority may exercise discretion in accordance with section 10-9a-702 in acting on variances to assure the public and the owners of property on which variances are requested that substantial equity.

(1) Any person or entity desiring a waiver or modification of the requirements of a land use ordinance as applied to a parcel of property that he owns, leases, or in which he holds some other beneficial interest may apply to the applicable appeal Authority for a variance from the terms of the ordinance.

(2) (a) The appeal Authority may grant a variance only if:

- (i) literal enforcement of the ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the land use ordinances;
- (ii) there are special circumstances attached to the property that do not generally apply to other properties in the same zone;
- (iii) granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone;
- (iv) the variance will not substantially affect the general plan and will not be contrary to the public interest; and
- (v) the spirit of the land use ordinance is observed and substantial justice done.

(b) (1) In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship under Subsection (2)(a), the appeal Authority may not find an unreasonable hardship unless the alleged hardship:

(A) is located on or associated with the property for which the variance is sought; and
(B) comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood.

(ii) In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship under Subsection (2)(a), the appeal Authority may not find an unreasonable hardship if the hardship is self-imposed or economic.

(c) In determining whether or not there are special circumstances attached to the property under Subsection (2)(a), the appeal Authority may find that special circumstances exist only if the special circumstances:

(i) relate to the hardship complained of; and

(ii) deprive the property of privileges granted to other properties in the same zone.

(3) The applicant shall bear the burden of proving that all of the conditions justifying a variance have been met.

(4) Variances run with the land.

(5) The appeal Authority may not grant a use variance.

(6) In granting a variance, the appeal Authority may impose additional requirements on the applicant that will:

(a) mitigate any harmful affects of the variance; or

(b) serve the purpose of the standard or requirement that is waived or modified.

5.6 Time to Appeal

An affected party shall have ten calendar days to appeal to the appeal Authority a written decision issued by a land use Authority.

5.7 Application for Variance Review

A letter of application for variance review must be filed with the Town Clerk, and the required fee paid in advance within ten calendar days of the written decision of a land use Authority. The application shall state the nature of the hardship and the nature of the variance requested. If the request for a variance is a result of a denial of any building permit or conditional use approval, the application shall so state, and all documents on file concerning the matter shall be forwarded to the Board for review as a part of the request. The applicant or the Town may present any information as might be reasonably required by the

Appeal Authority in evaluating the request.

5.8 Hearing

The Appeal Authority shall, upon receipt of the letter of application for a variance, schedule a date for hearing on the matter. The hearing date shall be no less than fifteen (15) days, nor more than thirty (30) days from the date of application. Notice shall be given to adjoining land owners in the manner described in Chapter 1 of this Code, and in addition, notice of hearing shall be published at least once prior to the date of the hearing in a newspaper having general circulation in the Town.

5.9 Persons Entitled to Appear

At the hearing on any matter before the Appeal Authority, any person aggrieved or interested in the matter may appear in person or through his attorney to testify on the matter. The applicant shall have the right to respond to testimony offered in opposition to the application.

5.10 Decision

In exercising the above-mentioned powers the Appeal Authority may, in conformity with the provisions of the Code, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the official or board from whom the appeal is taken.

5.11 Judicial Review of Appeal Authority Decision

The Town or any person aggrieved by any decision of the Appeal Authority may have and maintain a plenary action for relief therefrom in the District Court in Box Elder County provided petition for such relief is presented to the court within thirty (30) days after the filing of such Appeal Authority written decision with the Town Recorder. The Town Board may not over-ride a decision made by the Appeal Authority.

ZONING ADMINISTRATION and ENFORCEMENT

This chapter details zoning enforcement guidelines, as well as descriptions of some of the main duties of the Zoning Administrator and Town Building Official. Building and occupancy permits, inspections, enforcement issues as well as violations of this code are described.

6.1 Administration and Enforcement

6.1.1 The Zoning Administrator

The provisions of this Ordinance or Code shall be administered by the Zoning Administrator, acting under the supervision of the Mayor, or the Mayor in the absence of the Zoning Administrator. The Zoning Administrator shall, when deemed appropriate, recommend legal action to the Town Council in order to enforce this Code or other land use related ordinances or regulations. The Zoning Administrator, under the supervision of the Town Mayor shall determine when violations exist, when a development is in substantial compliance with this Code, or when strict compliance should be demanded, or other enforcement actions taken. The Zoning Administrator shall also advise the Town and developers as to application, submission, compliance and procedural matters as related to this code as well as the interpretation of this codes provisions to the best of his/her ability.

6.1.2 The Town Building Official (Building Inspector)

The Town Building Official (Building Inspector) shall operate under the direction of the Mayor as well and is charged with other related enforcement duties of this code, as well as issuance, revocation and administration of building and occupancy permits as per this code and International Building Codes in effect. The Building Official is also in charge of building or use inspections, and all building inspectors shall work under his/her direction. Applications for permitted uses shall be evaluated by the Building Official to determine if approval can be given as a permitted use or if questionable, the use may be conditional or require further study or attention. In the latter case, the application shall be referred to the Planning Commission for further clarification or processing.

Both the Zoning Administrator and the Building Official shall work with and advise the Planning Commission and Town Council on all zoning or land use matters as applied for and acted on by the Town of Mantua.

The failure of any person to properly interpret or apply this Code or any provision of it shall not operate to waive or estop the Town from subsequent enforcement action. Permits issued in

violation of this Ordinance shall have no force or effect and persons knowingly or negligently building or subdividing under improperly issued permits or approvals do so at their own risk.

6.2 Zoning and Building Permits

Construction, alteration, repair, or removal of any building or structure or any part thereof, as provided for or as restricted in this ordinance and the International Building Code, shall not be commenced except upon clearance by the Town staff for compliance with this Code and issuance of a building permit by the Town Building Official. Building permits are not required for repairs that do not require inspection under the International Building Code. Landscape elements do not require building permits except for new building and new fences. Buildings and structures that do not require a building permit under the International Building Code must meet other zoning requirements and must be approved by the Zoning Administrator.

6.3 Occupancy Permit

Land, buildings, or premises in any district shall hereafter be used only for a purpose permitted in such a district and in accordance with the appropriate regulations. A permit of occupancy shall be issued by the Building Official to the effect that the use, building, or premises conform to provisions of this and all related ordinances, regulations, and requirements prior to occupancy, for any building erected, enlarged or altered structurally for the occupancy or use of any land. Such a permit is needed whenever use or character of any building or land is to be changed.

6.4 Inspection

The Town, through its designated officials, shall, upon presentation of evidence of his/her Authority, have the right of access to any premises at any reasonable hour for the purpose of inspecting all buildings and structures during the course of their construction, modification, or repair, and to inspect land uses to determine compliance with the provisions of this Code.

6.5 Site Plan Required

Apart from any project or building plans required to be submitted to the Town, a detailed site plan, drawn to scale, shall be filed with the Zoning Administrator, as part of any application for a building permit for a permitted use. The site plan shall show where pertinent:

- (a) Scale and north arrow.
- (b) Lot lines and their dimensions.
- (c) Adjacent streets, roads, rights-of-way, ditches, easements and land uses.
- (d) Location of all existing structures on subject property and adjoining properties

(completely dimensioned, including utility lines, poles, fences, etc.).

- (e) Existing utility line locations and sizes
- (f) Existing and proposed grading, drainage, and landscaping plans.
- (g) Location of proposed construction and improvements, including location of all landscape elements, retaining walls, drainage works, and signs.
- (h) Motor vehicle access, including individual parking stalls, circulation patterns, curb, gutter, and sidewalk and trail location.
- (i) Necessary explanatory notes.
- (j) Name, address, and telephone number of builder and owner.
- (k) Other information which may be requested by the Town Building Official, Town Staff or in this Code.

6.6 Time Limit

Unless there is actual construction and a permit issued within a period of 180 days from the date of plan approval by the Zoning Administrator and/or Building Official, the plan approval for a permitted use shall expire.

ZONE DISTRICTS and REGULATIONS

The regulations set forth in this chapter detail each of the Zone Districts and describe the various uses, both permitted and conditional as well as uses prohibited in each zone. Overlay Zones are also detailed in this chapter.

7.1 Residential Zones

7.1.1 Purpose, Scope and Objectives

The Following Residential Zones are hereby created under this Code and may be collectively referred to as the "Residential Zones" or the R-Zones:

7.1.1.1 R1-20 Zone

The Single-Family Residential Zone [hereinafter referred to as the "R1-20 Zone"] is established to provide areas for the encouragement and promotion of an environment for family life by providing for the establishment of one-family detached dwellings on individual lots and associated uses as hereinafter defined. This zone is characterized by attractively landscaped or naturally rural lots with lawns and shrubs and natural open spaces.

7.1.1.2 R2 Zone

The Light Multiple Residential Zone [hereinafter referred to as the "R2 Zone"] is established to provide areas of the community which shall be characterized by low density multiple family developments. This zone is intended to provide an attractive setting for multiple-family, four-family through single-family dwellings, and associated uses as hereinafter defined, but not exceeding four dwellings per acre. Multifamily apartments and condominiums would fall under the regulation of this zone. Multifamily developments must be a least 1000 feet apart measured from the property line of the lots on which the multifamily developments are located. Developments in an R-2 zone must be a submitted and approved as a Master Planned Development under this code and must have a minimum of 1 acre. Minimum lot size is 20,000 sq. ft. per Equivalent Residential Unit. A density between 1 and 2.18 units per acre will be determined in the MPD review process in chapter 9 of this code. Design Requirements see Section 7.1.17.

7.1.1.3 MU-5 Zone

The Rural Residential Zone [hereinafter referred to as the "MU-5 Zone"] is established to provide areas where single family residential use and associated uses, as hereinafter

defined, may be harmoniously integrated with incidental agricultural pursuits. This zone is intended to allow the keeping of a higher number and/or density of farm animals and fowl in conjunction with single-family dwelling units. It is intended, at the same time, to retain land in parcels large enough to provide efficient and attractive development or as clustered developments to encourage natural or agricultural open spaces. The MU-5 Zone is also intended to accommodate residential developments which are oriented to an equestrian life style. This would allow the design of a residential community which could contain non-commercial stables, training areas and equestrian or pedestrian trails as an integral part of the development.

7.1.2 Permitted and Conditional Uses

Those general uses or categories of uses listed below may be conducted in the Residential Zone. Uses are listed as designated in this Code. Detailed permitted uses and conditional uses as well as prohibited uses are listed in the Zone District Land Use Table in Appendix A at the end of this code.

7.1.2.1 Permitted Uses

The following characteristic uses of land, are permitted in the Residential Zone as indicated by the following, also shown with each classification is the zone that the classification is applied to:

- a) Single-Family Dwellings Detached R1-20, MU-5
- b) Modular Home R1-20, R2, MU-5
- c) Two-Family Dwellings R2
- d) Multiple-Family Dwellings over two (2) R2
- e) Residential facilities for elderly persons subject to the conditions found in Utah Code, Section 10-9-501 et.seq., as amended R2
- f) Residential facilities for handicapped persons, subject to the conditions found in Utah Code, Section 10-9a-601 et seq., as amended R2
- g) Residential Accessory Structures R1-20, R2, MU-5
- h) Home Occupations as regulated by this Code (see Supplementary Regulations) and by the business license Ordinances of Mantua

- a. R1-20, R2, MU-5
 - i) Pre-schools, day nurseries and child care activities within a residential dwelling unit involving 6 or fewer children including those residing in the dwelling R1-20, R2, MU-5
 - j) Parks R1-20, R2, MU-5
 - k) Field and Seed Crops (Commercial) R1-20, R2, MU-5
 - l) Truck Crops (Commercial) R1-20, R2, MU-5
 - m) Orchards and Vineyards (Commercial) R1-20, R2, MU-5
 - n) Horses and Beef Cattle - as limited in the Other Requirements section of this Residential Section R1-20, R2, MU-5
 - o) Small fenced area for livestock R1-20, R2, MU-5
 - p) Goats and Sheep - as limited in the Other Requirements section of this Residential Section R1-20, R2, MU-5
 - q) Animal Specialties except chinchillas, minks, ostriches and wild or exotic animal species as limited in the Other Requirements section of this Residential Section R1-20, R2, MU-5
 - r) Household pets, not to exceed 3 pets of each specie over the age of 4 months per dwelling R1-20, R2, MU-5
 - s) Pasture and Rangeland R1-20, R2, MU-5
 - t) One Accessory Apartment per Detached Single Family Dwelling R1-20, R2, MU-5

7.1.2.2 Conditional Uses

- (a) The Planning and Zoning Commission may authorize the issuance of a Conditional Use Permit for the following uses of land in the Residential Zones indicated as indicated by the following use classifications listed below, also shown with each classification is the zone that the classification is applied to:
 - (b) Temporary Mobile Homes R1-20, R2, MU-5

- (c) Residential facilities for elderly persons, subject to the conditions found in Utah Code, Section 10-9-501 et.seq., as amended R2
- (d) Residential facilities for handicapped persons, subject to the conditions found in Utah Code, section 10-9-601 et.seq., as amended R2
- (e) Guest House MU-5
- (f) Sanitariums, Convalescent, and Rest home services R2,
- (g) Nursery, primary and secondary and higher education, including child care (preschools and day-care in single family dwellings for 7 to 12 children, including those residing in the dwelling; preschools and day-care in non-residential dwelling unit) R1-20, R2, MU-5,
- (h) Religious Activities R1-20, R2, MU-5
- (i) Golf Courses - Private or Public MU-5
- (j) Large Playgrounds and Athletic Areas R1-20, R2, MU-5

7.1.3 Lot Area and Density

The minimum area of any single lot or parcel or the density as related to homes per acre, (whichever is used) of land in Residential Zones shall be as indicated with the R1-20, R2, or MU-5 designation. The following is a list of the current residential zones and densities if subdivision MPD clustering is used, that is currently allowed:

	LOT SIZE		DENSITY
1.	R1-20 1 home per ½ Acre	(or)	2 homes/Acre
2.	R2 1 home per ½ Acre	(or)	2 home/Acre
3.	MU-5 1 home per 5 Acres	(or)	0.2 homes/Acre

7.1.4 Density of Residential Housing Developments

To encourage the preservation of agricultural and natural open space, enhance its profitability,

minimize the cost of public services, reduce yard sizes to conserve water and improve landscaping quality and to discourage evenly spaced development running along public streets, clustered residential housing may be developed on parcels or combined lots in an approved Subdivision that is a Master Planned Development.

7.1.4.1 Density in Developments

Clustering will only be allowed if the total density of housing in the proposed development does not exceed the density of homes per acre without clustering. The unit per acre density may still qualify for bonus adjustment in a Master Planned Development. If the development spans several different types of zones or sub-zones, the total residential density per acre of the project shall not exceed the total of all residential densities combined in each zone or sub-zone allowed by this code. Or in other words, the total density shall equal the sum of the individual densities of each zone. Minimum lot sizes per residential unit for each zone must also be adhered to, even if this results in different sizes of residential lots in the same development.

7.1.4.2 Minimum Lot Sizes and Open Space

When clustering units in the residential zones, the minimum lot size for any residential unit shall not be less than 20,000 sq ft. All other acreage beyond that necessary to satisfy the minimum lot sizes for the residential development will be declared as permanent open space for preservation, recreational or agricultural type uses on the subdivision or MPD plat and appropriate deed restrictions or conservation easements in a form acceptable to the Town shall be provided by the owner.

7.1.4.3 Lot Frontage

Each lot or parcel of land located in Residential Zones shall abut along the right-of-way line of a public street for a minimum distance of 120 feet. Frontage is measured at the thirty (30) foot setback of the property line at the farthest point into the lot.

7.1.5 Zone Depth Along Roads and Highways

If a residential zone borders or runs along a public or private street with a different zone or sub-zone of lower residential density or larger minimum lot size placed behind it, a second appended code may be added to that zone or sub-zone to designate the depth of the zone in feet from the right of way line of the street. If no depth is specified the zone will be assumed to border a property line, road, major geographic feature or a section, quarter section or quarter-quarter section line or other legally surveyed boundary. This depth code may only be used in some instances on the official zone map to help clarify certain zone district boundaries.

7.1.6 Prior Created Lots of Record

Lots or parcels of land which legally existed or were created by a preliminary or final plat approval prior to the application of this zone shall not be denied a building permit solely for reason of non-conformance with the parcel requirements of this Chapter and are declared a non-conforming use under this Code.

7.1.7 Panhandle or Flag Lots

Panhandle or Flag lots are not permitted.

7.1.8 Lot Area per Dwelling

Not more than one single-family dwelling may be placed on a lot or parcel in the Residential Zones, except in the R2 Zone which allows two-family dwellings to four-family dwellings per acre according to this Section and must be a Master Planned Development as Regulated by this Code. Single caretaker facilities or single secondary accessory apartments may be allowed.

7.1.9 Yard Requirements - Dwellings and Main Buildings

The following yard set-back requirements shall apply on all lots in Residential Zones:

- (a) **Front yard - interior and corner lots.** The minimum front yard setback for all buildings in Residential Zones shall be 30 feet. Required front yards on flared lots shall be measured from the point on the front property line farthest into the lot.
- (b) **Side yards - interior lots.** The minimum side yard for all buildings on interior lots in Residential Zones (except in multi-family residential developments) shall be 15 feet.
- (c) **Side yards - corner lots.** The minimum side yards for all buildings on corner lots in Residential Zones (except in multifamily residential developments) shall be 15 feet on the side adjoining another lot and 30 feet on the side adjoining the street (for corner lots).
- (d) **Rear yard - interior and corner lots.** The minimum rear yard for all buildings in Residential Zones except in multifamily residential developments) shall be 25 feet; except, that on corner lots, the rear yard may be reduced to a minimum of 10 feet.
- (e) **Easements.** No dwelling or main building shall be located within a platted easement area of any kind.

7.1.10 Yard Requirements - Accessory Buildings

Accessory buildings such as garages and sheds may be located on lots in Residential Zones according to the following requirements but only in conjunction with an existing dwelling or main building on the same lot:

- (a) **Side yard accessory building.** An accessory building shall be located in a side yard no closer than 15 feet from the side property line and no closer than 10 feet from the dwelling or main building; except, that an accessory building may not be located in the required street side yard of a corner lot.
- (b) **Rear yard accessory building.** An accessory building may be located in a rear yard no closer than 10 feet from the dwelling or main building and not closer than 3 feet from the side or rear property lines. An accessory building may be located at or near the side or rear property lines, provided that all requirements of the adopted International Building Code are met and that the accessory building is equipped with facilities for the discharge of all roof drainage onto the lot upon which said accessory building is located.
- (c) **Additional setback requirement.** In addition to the side yard and rear yard requirements, accessory buildings exceeding 10 feet in height shall be located so that the horizontal distance measured from the property line to any point of the structure shall be 30% or more of the height of the structure at that point (horizontal distance/height=30% or more).
- (d) **Accessory buildings for animals.** Accessory buildings used for the housing or shelter of animals shall be located a minimum distance of 40 feet from any dwelling and 4 feet from any property line.
- (e) **Easements.** No permanent accessory building shall be located within a platted easement area of any kind.
- (f) **Detached Noncombustible/Metal Carport** – Noncombustible/metal carport with a roof and no more than two (2) sides may be located within three (3) feet of the existing dwelling or main building. Carport floor surfaces shall be of approved noncombustible material. The carport may be located at or near the side or rear property lines, provided that all requirements of the Utah State adopted International Building Code are met and that the carport is equipped with facilities for the discharge of all roof drainage onto the lot upon which the carport is located. *Amended by Ordinance 2022-12-01*

7.1.11 Projections into Yards

The following structures may be erected on or projected into any required yard:

- (a) Fences and walls in conformance with this Code and other Town codes or ordinances.
- (b) Landscape elements including trees, shrubs, agricultural crops and other plants.
- (c) Necessary appurtenances for utility service.

The structures listed below may project into a minimum front or rear yard not more than 4 feet and into a minimum side yard not more than 3 feet. See the Supplemental Regulations for more detailed regulations:

- (a) Cornices, eaves, belt courses, sills, buttresses or other similar architectural features.
- (b) Fireplace structures and bays, provided that they are not wider than 8 feet measured generally parallel to the wall of which they are a part.
- (c) Stairways, balconies, door stoops, fire escapes, awnings, porches and patio covers.
- (d) Planting boxes not exceeding 24 inches in height.

7.1.12 Height and Building Location

No lot or parcel of land in the Residential Zones shall have a building which exceeds a height of 30 feet. The total height of the building shall be measured as the highest point of the roof. The centerline of the house or other structure at the original grade of the property before development activity is the reference point to determine height.

7.1.13 Permissible Lot Coverage

In the Residential Zones the area of the lot or parcel of land covered by buildings and structures shall not exceed 35 percent.

7.1.14 Parking and Access

Each lot or parcel on which a single-family dwelling is located shall have on the same lot or parcel a minimum of 2 off-street parking spaces. Required parking spaces shall not be provided within a required front yard, including driveways. Said spaces shall be paved with asphaltic cement or concrete and shall be provided with a paved access from a public street or graveled access on lots in the MU-5 Zone. Fully enclosed two-car attached garages which have a minimum outside dimension width of 20 feet as measured from outside of foundation to outside of foundation and have at least 400 square feet of area shall satisfy the off-street parking requirement. All platted subdivision lots shall meet the parking requirements in effect when the subdivision was platted.

When a driveway is used for access to a rear parking area in a R2 Zone or for a non-residential use having less than 5 parking spaces, the side yard shall be wide enough to accommodate an unobstructed 10 feet paved driveway. When used for access to a garage, carport or parking area

having 6 or more parking spaces, the side yard shall be wide enough to provide for an unobstructed 12 foot paved driveway for one-way traffic, or a 24 foot paved driveway for two-way traffic.

7.1.15 Site Plan Approval

The Land Management and Development Code and International Building Code shall be satisfied prior to the issuance of a building permit. A site plan shall be submitted and approved prior to the issuance of any permit.

7.1.16 Other Requirements

7.1.16.1 Animal Limitations

(a) The maintenance and keeping of animals and fowl on a lot or parcel of land in a R1-20, R2, or MU-5 Zone, where such use is permitted, shall be limited to a total of 2 animal points per 1000 sq. ft. Lots less than 20,000 sq. feet shall be restricted to a maximum of 20 animal points. Animal points shall be determined from the chart below.

(b) Horses and Cattle 20 Points

(c) Sheep, Goats and Emus 10 Points

(d) Turkeys 6 Points

(e) Chickens, ducks, geese, pigeons,
i. rabbits, and other small animals. 2 Points

(f) Roosters and Peacocks are limited to 1 Rooster or Peacock per lot

(g) Pigs 15 Points
i. Pigs must be housed on cement. Wallows are not permitted.

All animals allocated on a lot or parcel of land must be contained upon said lot or parcel.

7.1.16.1 Landscaping

All open disturbed areas in Residential Zones, except driveways, parking areas, walkways, utility areas, improved decks, patios, porches, shall be maintained with suitable landscaping of plants, shrubs, trees, grass or other landscaping materials including xeriscaping within the dates and upon the terms stated in Sections 8D.2.11.3 and 8D.2.15 of this Code; including the submission of an agreement in writing and a cash escrow, letter of credit or performance guarantee prior to the issuance of a certificate of

occupancy, if required.

7.1.16.3 Fences, Walls and Landscape Elements

- (a) Notwithstanding the setback, yard and height requirements for structures otherwise stated in this Title, fences, walls, hedges, shrubs, berms and other unroofed landscaping appurtenances may be located on the property line, or adjacent to the sidewalk, or in the yard between the building setback line and the property line or sidewalk, provided that the maximum height above natural grade for a fence, wall, hedge, berm or similar unroofed landscape feature is:
 - (b) Four (4) feet where such fence or other feature is located in front of the front building line of the dwelling or main building.
 - (c) Six (6) feet where such fence or other feature is located behind the front building line of the dwelling or main building or 30 feet from the front property line.
 - (d) Three (3) feet where such fence or other feature is sight obscuring and is located within the clear vision area of a corner lot (the area within the triangle 25 feet on each property line and the line connecting those points), except for trees from which the lower branches are pruned to provide a minimum 7 feet high clear sight area below the tree. Shrubs are permitted in this area which are trimmed to a height of 3 feet or less.
 - (e) Four (4) feet where such fence or other feature is sight obscuring and is located in an area that is within 10 feet of a driveway and 20 feet of a street.

7.1.16.2 Barbed Wire

Barbed wire fences or any fence with barbed wire strands shall not be allowed in R1-20 or R2 residential zones along or adjacent to streets, nor as a division fence between adjoining lots or parcels of land which are ½ acre or less in size and occupied as a place of residence. Any barbwire fence so erected or maintained is hereby declared a nuisance, except when used for security reasons around a public utility site.

7.1.16.3 Location of boats, trailers, campers, and motor homes

Boats, trailers, campers and motor homes may not be stored in the required front yard of any lot or in the street side yard of a corner lot in excess of 24 hours, except that a vehicle owned by a guest of the resident may be stored in a required front yard or street side yard (on corner lots) for up to 7 consecutive days per calendar quarter. A motor

home or RV may be occupied by a guest or guests of the resident for up to 7 consecutive days per calendar quarter.

7.1.16.4 Storage of commercial vehicles

No trucks, motor vehicles or commercial trailers having a registered weight exceeding 12,000 pounds shall be stored or parked on any lot or parcel within any R1 or R2 residential zone, including contracting and/or earth-moving equipment. Notwithstanding the foregoing provisions, the tractor portion of a semi-truck may be parked or stored on a parcel or lot in a residential zone occupied by the driver provided said vehicle is parked or stored entirely within the boundaries of said lot or parcel and provided further that the vehicle shall not obstruct the public sidewalk or trail.

7.1.16.5 Temporary Mobile Homes

A Temporary Conditional Use Permit may be issued for a temporary mobile home which may be located on the rear portion of a residential lot during the construction of a permanent dwelling for not longer than 1 year. The Planning Commission may require that a bond or other guarantee be posted to insure that the temporary mobile home is removed by the expiration of the permit.

7.1.16.6 Trash and Waste Storage

No trash, used materials, or wrecked or non-operational or abandoned vehicles or equipment shall be stored in an open area or yard for more than ninety (90) days. All such materials must be screened from public streets and adjacent property located within the "R" zones with an opaque fence or wall, or must be stored within an enclosed building. All trash storage areas shall be screened and/or hidden from the public or adjoining residential area view by appropriate fencing and/or landscaping methods and placed in a rear area of the main building if possible except for standard residential garbage cans used throughout the Town. No hazardous materials or chemicals or oils/solvents shall be stored in areas that do not meet health department regulations or are accessible to the public. Trash storage plans must be presented to the Planning Commission for approval, prior to issuance of a building permit.

7.1.17 Multifamily Housing Design Standards

The following design standards apply to all general occupancy rental housing and condominiums. These standards are supplemental to basic standards established by International Building Code and other applicable regulations. Where two standards govern the same condition, conformance to the most restrictive standard is required.

7.1.17.1 Purpose: To ensure multifamily housing is decent quality, energy

efficient, functional, sustainable, and effective in reducing long-term maintenance costs.

7.1.17.2 Requirements:

7.1.17.2.1 Site

7.17.2.1.1 Parking/Drive Lanes/Garages

7.17.2.1.1.1 Parking shall comply with the following minimum requirements:

7.17.2.1.1.1.1 One and one quarter (1.25) parking space for each bedroom;

7.17.2.1.1.1.2 Parking spaces shall be at least 8'-6" wide except at designated handicapped parking space(s) which shall be in compliance with applicable codes.

7.17.2.1.1.2 Poured concrete curb and gutter at outer perimeter of onsite drive lanes and parking. (Not required for semi-private driveway leading up to attached garage.)

7.17.2.1.1.3 Private garages are required, they shall conform to the following:

7.17.2.1.1.3.1 No more than two attached or detached garage stall per dwelling unit;

7.17.2.1.1.3.2 Each stall shall be partitioned to the roof with solid material;

7.17.2.1.1.3.3 Minimum size requirements:
 Stall width: 10'-6" clear minimum (non-handicap)
 Overhead door: 9'-0" wide minimum
 Stall depth: 20'-0" clear minimum

7.1.17.2.2 Play Area/Play Equipment

7.1.17.2.2.1 Play area/play equipment is not required if any of the following conditions apply:

7.1.17.2.2.1.1 Development contains only 1-bedroom or smaller dwelling

units;

7.1.17.2.2.1.2 There is a public park with play equipment within 1,000 feet of the development (measured from the closest property line to the public park as straight line distance, not travel distance), unless they are separated by busy street; or

7.1.17.2.2.1.3 For rehabilitation and/or adaptive reuse projects where Town agrees with the Owner/Developer that it is not economically feasible or viable.

7.1.17.2.2.2 The size of the play area must be provided in proportion to the child population of the development. The child population for each unit shall be computed as follows:

Unit Type	Number of Children in Unit
Efficiency	0
One-Bedroom	0
Two-Bedroom	1.5
Three-Bedroom	3
Four-Bedroom	4.5
(Each additional Bedroom)	1.5 Children per Bedroom

Based on the type and number of units in the development, the total development child population can be computed, and the size of the play area should be determined as follows:

The minimum size of the play area must be 576 sq. ft. per child with a minimum size of 24'-0" x 24'-0".

7.1.17.2.2.3 The entire play area must be filled with natural or synthetic protective materials and equipped with reasonable play equipment for the size of the lot. The perimeter shall be designed to keep play area material from spilling, such as curb and/or sidewalk.

7.1.17.2.2.4 The play area and play equipment must be in compliance with

equipment manufacturer requirements. The play area does not have to be square or confined to one location as long as minimum play area size is complied with.

7.1.17.2.2.5 Lumber treated with chromate copper arsenate shall not be used for play equipment.

7.1.17.2.2.6 Avoid locating any play area(s) where children are required to cross-driveways.

7.1.17.2.2.7 Provide drain tile beneath all permeable play area surface materials with outlet to nearest storm sewer or drainage ditch.

7.1.17.2.2.8 Provide shade, seating, and trash receptacle near all play areas.

7.1.17.2.2.9 Rehabilitation/Adaptive Reuse: Any existing play area/play equipment scheduled to remain shall be in good repair and in compliance with all applicable safety regulations.

7.1.17.2.2.10 Play areas must be on an accessible route with accessible entrance point.

7.1.17.2.3 Signage

7.1.17.2.3.1 A temporary construction project sign shall be erected onsite at time of construction start. It shall contain development name, Equal Housing Opportunity logo, Equal Employment Opportunity logo, Owner's name, General Contractor's name, Architect's name, and leasing information/phone number. In compliance with Section 3.29 of this code.

7.1.17.2.3.2 A permanent development sign shall be provided and installed onsite. It shall provide name of development, Equal Housing Opportunity logo, and leasing information/phone number. In compliance with Section 3.29 of this code.

7.1.17.3 Building Design

The building design shall have the look of a single-family residence (maximum height is 30 feet). The building design or rehabilitation work scope shall be reasonably appropriate for the intended site, resident population, and anticipated market.

7.1.17.3.1 Laundry – Common laundry is required unless laundry equipment and hookups are provided in each dwelling unit.

If common laundry, one (1) washer and one (1) dryer must be provided for every four (4) dwelling units. Provide folding table and seating area.

If laundry equipment is provided in each dwelling unit, stackable equipment is acceptable, as is coin-operated equipment.

7.1.17.3.2 Dwelling Unit

7.1.17.3.2.1 Living Room

Least dimension shall be 11'-6" and appropriately sized for anticipated household size.

Must have window (or glass patio door) to exterior for natural lighting.

Exception: Efficiency Dwelling Unit /Single Room Occupancy (SRO)

7.1.17.3.2.2 Primary or Master Bedroom

Least Dimension shall be 10'-0"

Least square footage shall be 115 sq. ft..

Window to exterior for natural lighting.

Closet (5 lineal ft. of net rod/shelf length).

Door and walls to ceiling for privacy.

Exception: Efficiency Dwelling Unit/Single Room Occupancy (SRO)

7.1.17.3.2.3 Secondary Bedroom(s)

Least dimension 9'-6".

Least square footage shall be 100 sq. ft..

Window to exterior for natural lighting.

Closet (4 lineal ft. of net rod/shelf length)

Door and walls to ceiling for privacy.

Exception: Efficiency Dwelling Unit/Single Room Occupancy (SRO)

7.1.17.3.2.4 Kitchen

Kitchen countertop work area. Minimum length shall be 6'-0" measured along the front footage (excluding sink and appliances) for one bedroom dwelling units, 7'-0" for two and three bedroom dwelling units, and 8'-0" for larger dwelling units.

Snack bar or eat-in kitchen area. (Required in three bedroom and larger dwelling units.) Snack bar shall be 4'-0" long (minimum).

Range/oven in all dwelling units. All units with two or more bedrooms must be equipped with 30" wide range/oven. All other units shall be equipped with 24" (min.) range/oven. Avoid locating range in corner or at the end of the counter. A protective shield must be provided for the section of wall directly behind all ranges and on any abutting partition. Protective shields shall either be high-pressure plastic laminate, enameled steel or stainless steel.

Frost Free" **refrigerator/freezer** with 15" minimum wide counter on latch side. 14 cu. ft. (min.) for one bedroom and smaller dwelling units. Appropriately sized for intended household for larger dwelling units.

Hard-surface flooring.

7.1.17.3.2.5 Dining

Designated dining room/area distinct from living room is required in 2-bedroom and larger dwelling units. The dining room/area must be appropriately sized for the intended household size and accommodate the following:

Table w/ four (4) chairs: 2-bedroom dwelling units

Table w/ six (6) chairs: 3-bedroom dwelling units

Table w/ seven (7) chairs: 4-bedroom dwelling units or larger

Must have window or opening to living room.

Hard-surface flooring is strongly encouraged.

Exceptions:

An eat-in kitchen may be substituted for dining room/area as long as kitchen and dining area are appropriately sized for the intended household size plus two (2) guests.

A 4' long snack bar located on rear side of kitchen countertop may be used in lieu of designated dining room/area in 1-bedroom and smaller dwelling units.

7.1.17.3.2.6 Bathroom

Minimum requirements:

- (1) bathroom: 2-bedroom and smaller dwelling units
- (1 ½) bathrooms: 3-bedroom dwelling units
- (1 ¾) bathrooms: 4-bedroom and larger dwelling units

Definitions:

- Bathroom: (vanity, water closet, and tub w/ showerhead)
- (½) Bathroom or Powder Room: (vanity and water closet)
- (¾) Bathroom: (vanity, water closet, and shower)

Flooring:

Ceramic tile, seamless sheet vinyl flooring, or other water resistant/repellant flooring

Minimum Accessories:

Medicine cabinet (at least one per dwelling unit), towel bar(s), toilet paper holder, shower curtain rod (if applicable), and mirror.

7.1.17.3.2.7 Storage Space/closets

Entry coat closet is required for 1-bedroom or larger dwelling units.

Designated linen/towel storage space is required.

General storage space for household cleaning supplies, vacuum, etc. is

required.

Conventional, residential grade, bi-fold doors and hardware package are not acceptable in new construction. Swinging doors are preferred. (Rehabilitation: Swinging doors wherever economically feasible.)

7.1.17.3.2.8 Patio and Entrance Slabs

Stoop/footing frost protection required at all entrance slabs.

Where soils are frost susceptible, stoop/footing frost protection required at all patio slabs.

¼” per foot maximum slope.

Protect front entrance from rain/snow accumulation. (i.e.: overhang)

Patio slab shall be accessible in all dwelling units marketed as accessible/barrier free.

7.1.17.4 Mechanical and Electrical Systems

To discourage the waste of energy and to encourage conservation, the Town encourages use of EPA approved “Energy Star” products/practices and individual utility metering whenever possible.

7.1.17.4.1 Plumbing Systems

All kitchen sinks shall be double compartment (33”x 22” min.), 7” deep minimum. Exception: Efficiency dwelling unit/Single room occupancy (SRO) with dishwasher may have single compartment sink.

Disaster drain pan shall be provided under any water heater and clothes washer located above ground level.

Water softening is required where the hardness exceeds 14 grains except where special circumstances exist. The system must conform to the following:

Unsoftened water must be provided to all hose bibs and the cold water tap of each kitchen sink. All other water – hot and cold – is to be softened when water softening is required.

7.1.17.4.2 Heating, Ventilating, and Air-Conditioning Systems

Individual **exhaust fan** shall be provided in all bathrooms and common laundry rooms. All fans shall be rated low-sones (<=;1.5 sonos) and vented to outside. Exhaust fans shall operate when light is on.

Exhaust ductwork for clothes dryers shall be rigid type and vented to outside.

Ducted kitchen exhaust hood vented to outside. Exhaust hood may be non-ducted type if there is at least one (1) dual-speed bathroom exhaust fan continuously operating at low speed (low-sones) when bathroom light is off and at high speed when bathroom light is on. (Consult Mechanical Engineer prior to implementing.)

7.1.17.4.3 Electrical Systems

Ceiling or wall mounted light fixture in all bedrooms.

Hard-wired carbon monoxide (CO) detector located where audible from sleeping rooms in all dwelling units with a combustion appliance and/or attached garage.

Task lighting above kitchen range and sink.

Each dwelling unit shall be capable of receiving hi-speed Internet access.

Rehabilitation: Smoke detectors must meet the requirements of Underwriters Laboratories, Inc. or approved by the International Conference of Building Officials and shall be furnished and installed in all areas as required for new construction. At least one smoke detector in each dwelling unit shall be hardwired (equipped w/ battery backup) and audible from sleeping rooms. Ground-fault circuit-interrupter protection shall be provided for receptacles in locations as required by applicable regulations for new construction.

7.2 Commercial Zone

7.2.1 Purpose and Objectives

The Commercial (C-1) Zone is established to provide a district primarily for the accommodation of light and medium commercial uses and commercial areas which have been established in

locations within or close to the central core of the Town. Mantua is not to be an area of heavy commercial development, such uses are more compatible with other local communities. Though this zone may be applied to areas which have developed as "strip commercial" developments along Main Street, it shall not be used to promote or establish areas in which such development can be promulgated or encouraged in violation of good planning principles. The location of the C-1 zone should be close to major arterials to provide convenient access for higher traffic volumes without hazard and without traversing through a residential neighborhood. The C-1 zone shall not be applied to the internal areas of residential neighborhoods. Although the C-1 zone may be applied to existing commercial areas which have a variety of characteristics, the provisions contained herein should be used to encourage greater integrity and aesthetic improvements as these areas are redeveloped, expanded, and improved. Integrated and coordinated landscaping, parking, ingress, egress and signing and building design should be encouraged and regulated through the use of project plan approval procedures. New construction should be in harmony with the characteristics of the surrounding developed commercial and residential areas. The uses characteristic of this zone will be a wide range of small retail and service stores and shops.

7.2.2 Permitted Uses.

All permitted uses allowed under the C-1 zone are designated in the appendix A - Land Uses by Zone of this code which designates each use in the Standard Land Use Code format as published and maintained by the Planning Commission. Those uses or categories of uses as listed therein, and no others, are permitted in the C-1 zone. All such categories listed therein and all specific uses contained within them in the Standard Land Use Code will be permitted in the C-1 zone subject to the limitations set forth herein.

7.2.3 Permitted Accessory Uses

Accessory uses and structures are permitted in the C-1 zone provided they are incidental to, and do not substantially alter, the character of the permitted principal use or structure. Such permitted uses and structures include, but are not limited to, the following:

- (a) Accessory buildings such as garages, carports, equipment storage buildings and supply storage buildings which are customarily used in conjunction with and incidental to a principal use or structure permitted in the C-1 zone.
- (b) Storage of materials used for construction of buildings, including the contractor's temporary office provided that such use be located on the building site or immediately adjacent thereto, and provided further, that such use shall be permitted only during the construction period and thirty (30) days thereafter.

7.2.4 Conditional Uses

Certain uses and structures are permitted in the C-1 zone only after a Conditional Use Permit has

been issued, and subject to the terms and conditions thereof. All conditional uses allowed under the C-1 zone are designated in the appendix A - Land Uses by Zone of this code which designates each use in the Standard Land Use Code format as published and maintained by the Planning Commission. Those uses or categories of uses as listed therein, and no others, are conditional in the C-1 zone. All such conditional categories listed therein and all specific uses contained within them in the Standard Land Use Code will be conditional in the C-1 zone subject to the limitations set forth herein.

7.2.5 Lot Area

There shall be no minimum lot area requirements in the C-1 zone except as may be dictated by off-street parking requirements, adequate circulation, and property site utilization.

7.2.6 Commercial and Residential Area Requirements in Mixed Residential/Commercial Use Structures

In mixed residential/commercial use structures, the amount of commercial area shall not exceed fifty (50) percent of the total lot area unless there is a corresponding reduction of residential square footage on the basis of two (2) square feet of residential area reduced to one (1) square foot of commercial area added above fifty (50) percent of the total lot area.

7.2.7 Lot Width

There shall be a minimum requirement of 35 feet lot width, provided all requirements of necessary parking regulations can be satisfied.

7.2.8 Lot Frontage

Each lot or parcel of land in the C-1 zone shall have frontage on a public street for a minimum distance of thirty-five (35) feet.

7.2.9 Prior Created Lots

Lots or parcels of land which were created prior to the application of this zone, shall not be denied a building permit solely for reasons of non-conformance to the parcel requirements of this Chapter.

7.2.10 Area of Zone

Each single C-1 zone zoning district shall contain a minimum of two (2) acres except those existing, previously developed commercial facilities and areas to which the C-1 zone is applied.

7.2.11 Yard Requirements

The following maximum yard requirements shall apply in the C-1 zone:

- (a) **Front Yard.** Each lot or parcel of land in the C-1 zone shall have a front yard of not less than ten (10) feet, except that in areas developed prior to the establishment of this zone, the front yard shall be equal to the average of existing front yards on all parcels of property along the block face in which a building or structure is to be located.
- (b) **Side Yard.** Except as provided in subsections (c), (d), (e) and (f) below, each lot or parcel of land in the C-1 zone shall have a side yard of at least twenty (20) feet when located adjacent to a residential zone. There shall be no requirements in those instances where the side property line abuts a commercial or light manufacturing/industrial zone.
- (c) **Side Yard - Corner Lots.** On corner lots the side yard contiguous with the street shall be not less than ten (10) feet in width, and shall not be used for vehicular parking. Said area shall be appropriately landscaped except those portions devoted to access and driveway use.
- (d) **Side Yard - Driveway.** When used for access to any garage, carport, or parking area having less than five (5) parking spaces, a side yard shall be wide enough to accommodate an unobstructed twelve (12) foot paved driveway. When used for access to a garage, carport, or parking area having six (6) or more parking spaces, a side yard shall be wide enough to provide an unobstructed fifteen (15) foot paved driveway for one-way traffic, or a twenty (20) foot paved driveway for two-way traffic.
- (e) **Side Yard - Accessory Building.** An accessory building may be located on a side property line if, and only if, all of the following conditions are met:
 - (1) An accessory building has no openings on the side which is contiguous to the property line, and the wall of said building adjacent to the property line has a four (4) hour fire-retardant rating.
 - (2) The accessory building has facilities for the discharge of all roof drainage onto the lot or parcel on which it is erected.
- (f) **Rear Yard.** There shall be no rear yard requirements except as may be dictated by provisions of the International Building Code.
- (g) **Rear Yard - Accessory Building.** No requirement.

7.2.12 Projections into Yards

- (a) The following structures may be erected on, or project into, any required yard, except into a required driveway:
 - (1) Fences and walls in conformance with Town codes and ordinances;
 - (2) Landscaping elements including trees, shrubs, and other plants;
 - (3) Necessary appurtenances for utility service.
- (b) The structures listed below may project into a minimum front or rear yard not more than four (4) feet, and into a minimum side yard not more than three (3) feet, except that required driveways shall remain unobstructed from the ground upward.
 - (1) Cornices, eaves, belt courses, sills, buttresses, or other similar architectural features.
 - (2) Stairways, balconies, door stoops, fire escapes, awnings, and planter boxes or masonry planters not exceeding twenty-four (24) inches in height.
 - (3) Carports and loading docks in a side yard or rear yard, provided that such a structure is not more than one (1) story in height and is entirely open on at least three (3) sides, except for necessary supporting columns and customary architectural features.

7.2.13 Building Height

In the C-1 zone, the height of every building or structure hereinafter designed, erected, or structurally altered or enlarged shall be regulated by conformance to the requirements of the most recent edition of the International Building Code as adopted by action of the Town. After the effective date of this Chapter, all new structures exceeding two (2) stories in height shall be served with elevators or escalators in addition to the stairways otherwise required by law. Any building design of over 30 feet in height is not permitted.

7.2.14 Distance Between Buildings.

No requirements, providing all necessary parking regulations can be met.

7.2.15 Permissible Lot Coverage

No requirements except as may be dictated by yard requirements, landscape requirements, and compliance with off-street parking provisions. Permissible lot coverage for mixed residential/commercial uses, see 7.2.6.

7.2.16 Parking, Loading, and Access

- (a) Each lot or parcel in the C-1 zone shall have automobile parking sufficient to meet the requirements as set forth in Chapter 3 of this Code.
- (b) All parking spaces shall be paved with asphaltic cement or concrete, and shall be provided with adequate drainage which shall not run across a public sidewalk.
- (c) Parking spaces shall not be provided within a required front yard or side yard adjacent to a public street.

7.2.17 Project Plan Approval

Prior to the construction of any project in the C-1 zone, a project plan shall be submitted and approved. Said project shall be drawn to scale and shall contain all required information designated on the application and/or checklist.

7.2.18 Other Requirements

The following other requirements shall apply to developments within the C-1 zone:

7.2.18.1 Signs

All signs erected in the C-1 zone shall be in conformance with the sign provisions of Chapter 3 of this Code.

7.2.18.2 Uses Within Buildings

All uses established in the C-1 zone shall be conducted entirely within a fully enclosed building except those uses deemed by the Planning Commission to be customarily and appropriately conducted in the open. Such uses may include but would not be limited to, service stations, ice skating, miniature golf, plant nurseries, etc.

7.2.18.3 Landscaping

Each building or project in the C-1 zone shall be landscaped, which shall be pre-approved by the Planning Commission, subject to the following:

- (a) Required front yard areas and required side yard areas adjacent to a

public street, except those portions devoted to driveways shall be reasonably landscaped with plants shrubs, trees, grass, and similar landscaping materials, including a minimum of twenty-five (25) 1-1/2 to 2 inch caliper trees per acre, and with all shrubs having a minimum five (5) gallon size, [maintained with suitable landscaping of plants, shrubs, trees, grass, and similar landscaping materials.]

- (b) All landscaped areas shall have sprinkling and/or irrigation systems.
- (c) All parking areas shall be screened from public streets by a landscaped berm, decorative screening wall, planted hedge, or other reasonable methods.
- (d) The use of natural landscaping materials with strong visual impact shall be emphasized including the use of bedding areas with perennial shrubs where appropriate, clustering of trees and large sized plants.
- (e) Parking areas shall be landscaped where possible around the periphery and at the ends of parking rows in accordance with the landscaping plan approved as part of the project plan approval procedure.

7.2.18.4 Trash and Waste Storage

No trash, used materials, or wrecked or non-operational or abandoned vehicles or equipment shall be stored in an open area or yard. All such materials must be screened from public streets and adjacent property located within the C-1 zones with an opaque fence or wall, or must be stored within an enclosed building. All trash storage areas shall be screened and/or hidden from the public or adjoining residential area view by appropriate fencing and/or landscaping methods and placed in a rear area of the main building if possible. No hazardous materials or chemicals or oils/solvents shall be stored in areas that do not meet health department regulations or are accessible to the public. Trash storage plans must be presented to the Planning Commission for approval, prior to issuance of a building permit.

7.2.18.5 Walls and Fences

- (a) No wall, fence, or opaque hedge or screening material higher than thirty- six (36) inches shall be maintained within a required front yard in a C-1 zone.
- (b) ~~A decorative masonry wall six (6) feet in height shall be erected along all property lines which lie adjacent to a residential zone.~~ A six (6) foot decorative masonry wall or fencing of low maintenance or maintenance free material shall be constructed along all bordering residential property lines or zone boundary. Any proposed use of a parking area, road, or a driveway of a commercial, office or institutional nature shall have a three (3) foot above grade barrier type foundation incorporated into the design of the wall/fence or permanent parking stops installed around parking area, road, or driveway. All fences shall be approved by the Planning Commission. Amended by Ordinance 2022-12-01

7.2.18.6 Remodeling in Existing C-1 Zones

If the remodeling of a building in the C-1 zone causes the exterior of the building to be enlarged, the landscaping requirements of this section shall apply, with the following limitations:

- (a) The requirements of subsection 7.2.18.3 shall not apply where those requirements would conflict with parking requirements, be incompatible with the design of existing buildings or impair ingress or egress to existing buildings or parking areas.
- (b) The requirements of subsection 7.2.18.3 shall not be applied to require improvements which cost more than five (5) percent of the total remodeling project.

7.2.18.7 Storage Facilities

All commercial storage or warehousing facilities shall be enclosed by a fence or wall of a material and screening system that provides adequate security and is architecturally compatible with the commercial district or community that the facility is in.

7.3 Enhancement Corridor Overlay Zone

7.3.1 Objectives and Application

To protect the image of Mantua as an agricultural mountain community with sweeping, attractive mountain vistas and open fields and meadows, it is the intent of this section to maintain the visual character of all designated entry corridors into Mantua including open space and meadows located in the entry corridor protection areas, views of hillsides and ridge line areas, and natural areas such as streams, rivers, lakes or ponds, reservoirs and wetlands. This objective can be attained by eliminating or mitigating visually obtrusive development and ensuring that significant portions of open space remains intact.

This Overlay Zone is designated as areas along entry corridors of Mantua in the Land Use Map and Zoning District Map of the Town and is represented by the (EC) code. Land designated by this overlay zone possesses all the regulations of the underlying zone in addition to the regulations of this section as an enhancement thereto. Some entry corridors may be designated as a Sensitive Lands Overlay, and as such would be subject to the regulations of Chapter 10 of this Code instead of this section. If they are only designated as (EC), then the following regulations shall apply.

7.3.2 Applicability to property within existing Mantua Town limits

The regulations contained in this subsection shall apply to all structures on lots adjacent to or within two-hundred and fifty (250) feet of the nearest right-of-way of entry corridors within the existing boundaries of Mantua including all highway entries into the Town and designated on the Land Use Map and the Zoning District Map(s).

7.3.3 Applicability to future annexed properties

Upon submission of an annexation petition, the Planning Commission shall identify relevant entry corridors for designation by the Town Council and to the maximum extent feasible open vistas and meadows shall be maintained.

7.3.4 Access/traffic

Access points and driveways connecting directly to the entry corridor roadways shall be minimized. Access shall be from existing Town streets that join with the corridor roadways rather than direct roadway access. Common driveways between adjoining projects shall be encouraged. Whenever direct driveway access is necessary, it shall be located in such a manner to minimize interference with through traffic on the corridor roadway.

7.3.5 Setbacks:

- (a) A setback line shall be established by the Planning Commission or Town Staff based upon a visual assessment of the property. However, in no case shall the setback be less than one-hundred (100) feet from the nearest entry roadway right-of-way. In areas where open meadow vistas are considered important, the required setback may be increased significantly. The 100-foot standard is intended to be more appropriate for properties currently within the Town Limits. Upon Annexation request, the appropriate setback will be determined based upon a site-specific visual analysis.
- (b) Building setbacks shall vary from structure to structure within any one lot or development. Setbacks shall also vary from those on adjoining roadway-oriented property to avoid creating a walled effect. Buildings shall be located in such a manner to enhance and frame important views as determined by a visual assessment.
- (c) Agricultural or stock fences and irrigation systems shall be permitted in the setback areas.
- (d) Slope from road such that the house and accessory buildings cannot be seen from the corridor road.

7.3.6 Parking Lots

Parking lots shall be located to the rear or sides of buildings to the maximum extent feasible.

7.3.7 Berms/earthwork screening

All earthen berms and earthwork screening shall be graded and planted in such a manner so as to permit views of primary uses on the site from the adjacent entry corridor roadway. Additionally, berm crests shall be contoured and varied in height to avoid a straight-line barrier effect.

7.3.8 Fencing

In addition to the requirements contained in the Land Management and Development Code, all fences in the entry corridor shall be of one of the following styles:

- (a) Wooden rail types
- (b) Architecturally compatible solid wood and natural stone.
- (c) Wire type Stock fences
- (d) Various forms of steel fencing as determined by the Town, but not including chain link fencing.
- (e) Vinyl rail types

7.3.9 Height controls

No building shall exceed the following height limits

- (a) Twenty (20) feet if the entry corridor setback is less than one hundred fifty (150) feet.
- (b) Twenty-five (25) feet if the entry corridor setback is greater than one-hundred fifty (150) feet but less than two-hundred (200) feet.
- (c) Up to the maximum height allowed by the underlying zone if the setback is two-hundred (200) feet or greater.

In addition, buildings may be required to be stepped back to preserve and enhance important views defined in a visual assessment.

The reference point for determining setbacks are as follows:

- (a) The property line on the road right-of-way or;
- (b) The outermost edge of the dike around the reservoir or;
- (c) The 5440 contour line.

7.3.10 Pedestrian facilities

Trails and sidewalks shall be provided in all entry corridor subdivision developments in accordance with the Mantua Trails or Pedestrian Master Plan if they exist at the time.

7.3.11 Landscaping/vegetation protection

A landscaping plan shall be required for all entry corridor developments, and vegetation protection shall be undertaken pursuant to this Code as amended.

7.3.12 Design standards

All development within an entry corridor shall comply with the design standards contained in this Code, as amended.

7.4 Sensitive Lands Overlay Zone

The Sensitive Lands Overlay Zone is a special zone that may be placed over any other existing zone that is in an area designated or believed to possess lands that are sensitive due to excessive slopes, ridge line and hillside visual protection areas, unsuitable or sensitive soils for building, wetlands, stream protection areas, critical wildlife habitats or migration areas, fire hazards, flooding hazards and any other geologic type hazards. The designation of this overlay to a particular zone below it is accomplished by prefixing the zone with the (S-) designation. For example: S-A-40 would mean that the Agricultural 40 acre zone (A-40) would lie either partially or completely within the Sensitive Lands Overlay Zone. When used elsewhere as an abbreviation, the sensitive lands overlay zone will be referred to as (SLOZ).

The treatment of development proposals in this overlay zone are treated very critically to protect not only the residents of the development, but the developer, project owner(s) and Town residents from hazards, potential liability and/or property damage.

The regulations covering additional studies and treatment of these areas prior to any development may take place are detailed in Chapter 10 of this code. All regulations in Chapter 10 are in addition to any Zone Regulations in this chapter or any other studies, conditions or regulations in any other chapter of this Code, including but not limited to the Infrastructure review process outlined in Chapter 1, the right to farm provisions of chapter 3 and the subdivision and Master Planned Development (MPD) regulations of chapter 8 and 9 of this code.

If a property or lot is covered only partially by the Sensitive Lands Overlay Zone, all the conditions and regulations of chapter 10 will still apply to that portion, or all of the lot or parcel if the Overlay Zone covers over fifty (50) percent of the parcel. All types of development, including any necessary infrastructure needed to service the development are subject to the environmental impact review and remediation's or treatments of impacts derived therefrom, including density transfers, clustering, building(s) or facilities relocation or prohibitions from development.

All subdivision proposals within the Sensitive Lands Overlay Zone must be submitted and applied for as a Master Planned Development and as such all uses associated with the subdivision become a conditional use and are reviewed as outlined in Chapters 8, 9 and 10 of this Code.

Chapter

8

SUBDIVISION REGULATIONS

8A General Provisions

8A.1 Title

These regulations shall hereafter be known, cited and referred to as the Subdivision Regulations of Mantua, Utah or Chapter 8 of the Land Management and Development Code of Mantua Town.

8A.2 Policy

8A.2.1 Control and Jurisdiction

It is hereby declared to be the policy of Mantua to consider the subdivision of land and the subsequent development of the subdivided plat as subject to the control of Mantua pursuant to the official Comprehensive or General Plan of Mantua for the orderly, planned, efficient, and economical development of Mantua.

8A.2.2 Public Services and Health, Safety and Welfare Protection

Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, landslide, subsidence, geologic and natural hazards, or other menace, and land shall not be subdivided and developed until available public facilities and improvements exist (or adequate guarantees are in place) and proper provision has been made for drainage, water, sewerage, and capital improvements such as schools, parks and recreation facilities, streets and transportation facilities, and related improvements. If necessary and required public facilities, infrastructure and safety protections are not in place or can not be provided for, the subdivision and/or development will not be allowed.

8A.2.3 Conformance with Town Plans and Standards

The existing and proposed public improvements shall conform and be properly related to the proposals shown in the General Plan, Streets Master Plan, Official Zoning Map, and the capital budget and infrastructure improvement program of Mantua, and it is intended that these regulations shall supplement and facilitate the enforcement of the provisions and standards contained in the currently adopted International Building Code, the Land Management and Development Code, General Plan, Official Zoning Map, and capital budget and infrastructure improvement program(s) of Mantua Town as they may be adopted.

8A.3 Purposes

These regulations are adopted for the following purposes:

- (a) To protect and provide for the public health, safety, and general welfare of Mantua.
- (b) To guide the future growth and development of Mantua, in accordance with the Comprehensive or General Plan.
- (c) To provide for adequate light, solar access, open space, air, and privacy, to secure safety from fire, flood, landslides and other geologic and natural hazards, and other danger, and to prevent overcrowding of the land and undue congestion of population.
- (d) To protect the rural agricultural character (i.e. rights of farming) and the social and economic stability of all parts of Mantua and to encourage the orderly and beneficial development of all parts of the municipality.
- (e) To protect and conserve the value of land throughout the municipality and the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings.
- (f) To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewerage, schools, parks, playgrounds, recreation, streets, and other public requirements and facilities.
- (g) To provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic, throughout the municipality, having particular regard to the avoidance of congestion in the streets and highways, and the pedestrian traffic movements appropriate to the various uses of land and buildings, and to provide for the proper location and width of streets and building lines.
- (h) To establish reasonable standards of design and procedures for subdivisions and re subdivisions, in order to further the orderly layout and use of land; and to insure proper legal descriptions and monumenting of subdivided land.
- (i) To insure that public facilities are available and will have a sufficient capacity to serve the proposed subdivision.
- (j) To prevent the pollution or degradation of air, streams, and ponds; to assure the adequacy of drainage facilities; to safeguard the water table; to minimize site disturbance and the removal of native vegetation and soil erosion; and to encourage the wise use and management of natural resources throughout the municipality in order to preserve the integrity, stability, and beauty of the community and the value of the land.
- (k) To preserve the natural and rural agricultural beauty and topography of Mantua and to

insure appropriate development with regard to these valued natural and historical features.

- (l) To provide for open spaces through the most efficient design and layout of the land, including the use of flexible density or cluster type zoning in providing for minimum width and area of lots, while preserving the density of land as established in the Land Management and Development Code of Mantua.

8A.4 Authority

8A.4.1 State Law

By Authority of ordinance of the Town Council of Mantua (hereinafter referred to as "Town Council") adopted pursuant to the powers and jurisdictions vested through Chapter 9a, Title 10 of the Utah Code, Annotated (1953, as amended) and other applicable laws, statutes, ordinances, and regulations of the State of Utah, the Town Council hereby exercise the power and Authority to review, approve, and disapprove plats for subdivision land within the corporate limits of Mantua which show lots, blocks, or sites with or without new streets or highways.

8A.4.2 Existing Subdivisions

By the same Authority, the Town Council does hereby exercise the power and Authority to pass and approve development in subdivisions of land already recorded in the office of the County Recorder if such are entirely or partially undeveloped.

8A.4.3 Undeveloped Subdivision Definition

The subdivision shall be considered to be entirely or partially undeveloped if:

- (a) Said plat or subdivision has been recorded with the County Recorder's office without a prior approval by the Town Council, or
- (b) Said plat or subdivision has been approved by the Town Council where the approval has been granted more than three (3) years prior to granting a building permit, on the partially or entirely undeveloped land and the zoning regulations, either bulk or use, for the district in which the subdivision is located, have been changed subsequent to the original final subdivision approval.

8A.5 Jurisdiction

8A.5.1 Scope

These subdivision regulations shall apply to all subdivisions of land, as defined herein, located

within the corporate limits of Mantua.

8A.5.2 Requirements Prior to Subdividing

No land shall be subdivided within the corporate limits of Mantua until:

- (a) The sub divider or his agent shall submit a sketch plat of the parcel to the Planning Commission through the Mantua Planning Department;
- (b) Obtained written approval of the sketch plat and preliminary and final approval of the plat itself by the Planning Commission and Town Council; and,
- (c) The approved plat is filed with the County Recorder.

8A.5.3 Permits Issued upon Conformity

No building permit or certificate of occupancy shall be issued for any parcel or plat of land which was created by subdivision after the effective date of, and not in conformity with, the provisions of these subdivision regulations or approved under prior subdivision ordinance, and no excavation of land or construction of any public or private improvements shall take place or be commenced except in conformity with the applicable Town regulations.

8A.6 Enactment

In order that land may be subdivided in accordance with these purposes and policies, these subdivision regulations are hereby adopted.

8A.7 Interpretation Conflict, and Seperability

8A.7.1 Minimum Requirements

In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.

8A.7.2 Conflict with Public and Private Provisions.

- (a) **Public Provisions.** These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. Where any provision of these regulations imposes restriction different from those imposed by any other provision of these regulations or any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher standards shall control.

- (b) **Private Provisions.** These regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall govern. Where the provisions of the easement, covenant, or private agreement or restriction impose duties and obligations more restrictive, or higher standards than the requirements of these regulations, or the conditions of the Planning Commission or the municipality in approving a subdivision or in enforcing these regulations, and such private provisions are not inconsistent with these regulations or determinations thereunder, then such private provisions shall be operative and supplemental to these regulations and conditions imposed. Provided, however, that the Town is under no obligation to enforce private covenants.

8A.7.3 Seperability

If any part or provision of these regulations or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in all controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of these regulations or the application thereof to other persons or circumstances. The Town Council hereby declares that it would have enacted the remainder of these regulations even without any such part, provision, or application.

8A.8 Saving Provision

These regulations shall not be construed as abating any action now pending under, or by virtue of, prior existing subdivision regulations, or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm, or corporation, or as waiving any right of the municipality under any section or provision existing at the time of adoption of these regulations, or as vacating or annulling any rights obtained by any person, firm, or corporation, by lawful action of the municipality except as shall be expressly provided for in these regulations.

8A.9 Reservations and Appeals

Upon the effective date of these regulations according to law, the original Subdivision Ordinance of Mantua, Utah, as previously adopted and as amended, is hereby repealed, except as to any design or construction standards and specifications not included or updated in this code and any other such sections expressly retained herein.

8A.10 Amendments

For the purpose of providing the public health, safety, and general welfare, the Town Council may from time to time amend the provisions imposed by the subdivision regulations. Public hearings on all proposed amendments shall be held by the Planning Commission and Town Council in the manner prescribed by law and outlined in chapter 1 of this Code.

8A.11 Conditions

Regulation of the subdivision of land and the attachment of reasonable conditions to land subdivision is an exercise of valid police power delegated by the State to this Municipality. The developer has the duty of compliance with reasonable conditions for design, dedication, improvement, and restrictive use of the land so as to conform to the physical and economical development of Mantua and to the safety and general welfare of the future lot owners in the subdivision and of the community at large.

8A.12 Vacation, Alteration or Amendment of Plats

The Town Council may, on its own motion, or pursuant to a petition, consider proposed vacations, alterations or amendments of a subdivision plat, or any street, lot, alley or public use area contained in a subdivision plat, as provided in Section 10-9a-608 through 10-9a-609.5 of the Utah Code, Annotated (1953) as amended.

8A.13 Variances

8A13.1 Any person or entity desiring a waiver or modification of the requirements of a land use ordinance as applied to a parcel of property that he owns, leases, or in which he holds some other beneficial interest may apply to the applicable appeal Authority for a variance from the terms of the ordinance.

8A.13.2 The appeal Authority may grant a variance only if:

- (a) literal enforcement of the ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the land use ordinances;
- (b) there are special circumstances attached to the property that do not generally apply to other properties in the same zone;
- (c) granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone;
- (d) the variance will not substantially affect the general plan and will not be contrary to the public interest; and

- (e) the spirit of the land use ordinance is observed and substantial justice done.

In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship, the appeal Authority may not find an unreasonable hardship unless the alleged hardship:

- (a) is located on or associated with the property for which the variance is sought; and
- (b) comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood.
- (c) In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship under Subsection (2)(a), the appeal Authority may not find an unreasonable hardship if the hardship is self-imposed or economic.

In determining whether or not there are special circumstances attached to the property, the Appeal Authority may find that special circumstances exist only if the special circumstances:

- (a) relate to the hardship complained of; and
- (b) deprive the property of privileges granted to other properties in the same zone.

8A.13.3 The applicant shall bear the burden of proving that all of the conditions justifying a variance have been met.

8A.13.4 Variances run with the land.

8A.13.5 The appeal Authority may not grant a use variance.

8A.13.6 In granting a variance, the appeal Authority may impose additional requirements on the applicant that will:

- (a) mitigate any harmful affects of the variance; or
- (b) serve the purpose of the standard or requirement that is waived or modified.

8A.13.3 Procedures

A petition for any such variance shall be submitted in writing in accordance with the Land Management and Development Code and on a letter of application provided to the Town by the subdivider at the time the preliminary plat is filed or submitted. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner.

8A.14.2 Sale Restrictions

No owner, or agent of the owner, of any parcel of land located in a proposed subdivision shall transfer or sell any such parcel before a plat of such subdivision has been approved by the Planning Commission and Town Council in accordance with the provisions of these regulations, and filed with the County Recorder.

8A.14.3 Evasion and Adjustments

The subdivision of any lot or any parcel of land, by the use of metes and bounds description for the purpose of sale, transfer, or lease with the intent of evading these regulations, shall not be permitted. Except that the Town may approve metes and bounds descriptions for purposes of lot line adjustments, resolving conflicting boundary descriptions, and the recombination of old historically platted properties located within Mantua. All such described subdivisions shall be subject to all of the requirements contained in these regulations.

8A.14.4 Permitting Restriction

No building permit shall be issued for the construction of any building or structure located on a lot or plat subdivided or sold in violation of the provisions of these regulations.

8B Subdivision Application Procedure and Approval Process

8B.1 General Procedure

8B.1.1 Classification of Subdivisions

Whenever any subdivision of land is proposed, before any contract is made for the sale of any part thereof, and before any permit for the erection of a structure in such proposed subdivision shall be granted, the subdividing owner, or his authorized agent, shall apply for and secure approval of such proposed subdivision in accordance with the following procedure, which includes basically two (2) steps for a minor subdivision and three (3) steps for a major subdivision (see chapter 2 for detailed definitions of a major and minor subdivision):

- (a) **Minor Subdivision:** sketch plat and final subdivision plat.
- (b) **Major Subdivision:** sketch plat, preliminary plat, and final subdivision plat.

8B.1.2 Official Submission Dates

At its discretion, the Planning Commission May waive one or more of the steps in the approval process by allowing the sub divider to combine the requirements of both preliminary and final subdivision plats into a single submittal. For the purpose of these regulations, for both major and minor subdivisions, the date of the regular meetings of the Planning Commission at which the final plat application and all required documentation is reviewed shall constitute the official submittal date of the plat at which the statutory period required for formal approval or disapproval of the plat shall commence to run.

8B.1.3 Coordination of Master Planned Development Application with Subdivision Approval

8B.1.3.1 Concurrent Review

It is the intent of these regulations that subdivision review be carried out simultaneously with the review of Master Planned Developments. Required applications shall be submitted in a form to satisfy both the requirements of the subdivision regulations and master planned development provisions of the Town Land Management and Development Code. Any project falling within the Sensitive Lands Area Overlay Zone may be subject to additional requirements and regulations as outlined in the Sensitive Area Overlay Zone Regulations.

8B.1.3.2 General Requirement

All subdivisions and residential projects on contiguously owned property larger than five acres or more than 9 lots or residential units must be processed as a Master Planned Development, subject to the provisions outlined in Chapter 9. Subdivisions containing

fewer than 10 units, except for multifamily developments, would be exempt from this requirement, unless the applicant wishes to be reviewed as a minor MPD (see chapter 9). Whenever the Land Management Code authorizes Master Planned Development (MPD) applications which permit uses of land and density of buildings and structures different from those which are allowed as of right within the zoning district in which the land is situated, and/or the application entails the division of the land, vacant or improved, into two (2) or more lots, parcels, sites, units, plots, or interests for the purpose of offer, sale, lease, or development, either on the installment plan or upon any or all other plans, terms, or conditions, including re-subdivision, whether residential or nonresidential, subdivision approval of the application shall be required by the Planning Commission and Town council in addition to all other procedures and approvals required in the Land Management Code, whether or not such zoning procedures also require Town Council approval, review or recommendation.

8B.1.3.3 Procedure to be followed:

- (a) **Sketch Plan and Preliminary Plat Approval Required.** Whenever a Master Planned Development (MPD) application is submitted which involves a subdivision of land as set forth in this regulation, such application shall be submitted first to the Planning Department Staff authorized to accept such application under the Land Management and Development Code. The application shall be made on the forms required for a sketch plat as set forth in Section 8B.2 of these regulations and shall include all information required of a sketch plat application as set forth herein. The Planning Department shall thereupon refer the application to the Staff Review members and Planning Commission through sketch plat and preliminary plat approval. The Planning Department shall also, when applicable under the provisions of this Code, make such reviews of use, density, and bulk standards as required under the MPD zoning regulations.
- (b) **Referral Back for Zoning Approval.** The Planning Department and Town staff shall thereupon refer the sketch plat and preliminary plat with its recommendation of approval, conditional approval, or disapproval, together with such recommendations and reviews of use, density, and bulk standards as it was required to make under the Master Planned Development and Sensitive Area Overlay Zone regulations of the Land Management and Development Code, to the Planning Commission as authorized under the Land Management Code to approve the application. Application shall then be made to the Planning Commission and Town Council for final plat approval. No building permits or certificates of occupancy shall be issued for the project until

the zoning application for the MPD has been finally approved and final subdivision plat approval has been given and the subdivision plat is recorded with the County Recorder.

8B.1.3.4 Re subdivisions of Master Planned Developments

A Master Planned Development may be subdivided or re subdivided for purposes of sale or lease after the project plan has been finally approved and development completed or partially completed. If however, the subdivision or re subdivision of a Master Planned Development (MPD) will create a new lot line, the applicant shall make application to the Planning Department requesting Planning Commission approval of the subdivision or re-subdivision. The Planning Commission and Town Council shall approve the subdivision only if simultaneously an amended MPD application is approved for the development plan by the Planning Commission as having jurisdiction under the Land Management and Development Code for all provisions governing use, density, and bulk standards. The amended MPD application and plat must meet General Plan and zoning density standards (as adjusted for any density bonuses approved) or regulations for the zone in which the original MPD resides in.

8B.1.4 Phasing Plan Required.

8B.1.4.1 When a phasing plan is required

All residential subdivisions with 10 or more lots or condominiums shall include a phasing plan which specifies the timing of public improvements and residential construction. This plan must be submitted to the Planning Commission at or before the submission of the preliminary plat.

8B.1.4.2 Phasing plan requirements

A phasing plan shall include:

- (a) The number of units or parcels to be developed in each phase and the timing of each phase.
- (b) The timing on construction of public improvements and subdivision amenities to serve each phase whether on and/or off site.
- (c) The relationship between the public improvements in the current subdivision and contiguous land previously subdivided and yet to be subdivided.

8B.1.4.3 Phasing Consistency

If the subdivision is in an area covered by an approved Master Planned Development which has a phasing plan, the phasing plan for the subdivision shall be consistent with the phasing plan for the Master Planned Development.

8B.1.4.4 Revisions

A developer may request a revision of the phasing plan which may be necessary due to such conditions as changing market conditions, inclement weather or other factors.

8B.2 Sketch Plat

8B.2.1 Discussion of Requirements

Before preparing the sketch plat for a subdivision, the applicant should arrange for a pre application conference with the Planning Department or Planning Commission to discuss the procedure for approval of a subdivision plat and the specifications and requirements as to general layout of streets and for reservations of land, street improvements, drainage, water, sewerage, fire protection, mitigation of environmental impacts as determined, and similar matters, as well as the availability of existing services. Concurrent review of MPD requirements, if applicable may also be discussed at this time.

The Planning Department shall also advise the applicant, where appropriate, to discuss the proposed subdivision with those agencies who must eventually approve those aspects of the subdivision plat coming within their jurisdiction; such as, the Box Elder Fire District, Box Elder School District, and the various utility service providers. Neighbors of the planned project should also be consulted to get their views and/or concerns.

8B.2.2 Application Procedure and Requirements

Prior to any process or procedure for subdividing land as contained in this code, an owner of the land or his/her representative shall file an application for approval of a sketch plat. The application shall:

- (a) Form.** Be made on a form available at the office of the Planning Commission containing the following elements.
- (b) Holdings Disclosure.** Include all contiguous holdings of the owner, unless specifically waived by the Planning Commission, including land in the "same ownership," as defined herein, with an indication of the portion which is proposed to be subdivided, accompanied by an affidavit of ownership, which shall include the dates the respective holdings of land were acquired, together

with the book and page of each conveyance to the present owner as recorded in the County Recorder's office. The affidavit shall advise as to the legal owner of the property, the contract owner of the property, the date a contract of sale was executed, and, if any corporations are involved, a copy of the resolution legally empowering the applicant to make the application.

- (c) **Copies.** Be accompanied by a minimum of nine (9) copies of the sketch plat as described in these regulations and complying in all respects with these regulations.
- (d) **Delivery.** Be presented to and received by the Planning Commission Chair or Town Clerk/Recorder.
- (e) **Fee.** Be accompanied by a review fee in accordance with the adopted Fee Ordinance of Mantua in effect at the time the application is filed.
- (f) **Contact.** The application shall include an address and telephone number of an agent located within either the territory of Mantua or the State of Utah who shall be authorized to receive all notices required by these regulations.
- (g) **Surrounding Owners.** Be accompanied by a list of all property owners within one thousand (1000) feet of the proposed subdivision boundary (or 2500 feet if a re-zone is necessary).

8B.2.3 Classification

Tentative classification of the sketch layout shall be made by the staff review team, technical review committee and/or Planning Commission members as to whether the subdivision is a major or minor subdivision as defined in these regulations or must be also be submitted as a Master Planned Development. Subsequent to classification of the subdivision and its preliminary report, as required by these regulations, the Planning Department shall place the matter on the next available regular meetings agenda of the Planning Commission for formal approval of the sketch layout. After such approval by the Planning Commission, the applicant may proceed directly to the filing of a final subdivision plat as provided in these regulations if classified as a minor subdivision, and, if classified as a major subdivision, an application for approval of a preliminary plat, as provided in these regulations, before filing for a final subdivision plat approval.

8B.2.4 Review of Sketch Plat

The Staff Review members shall consider and render a report to the next regular meeting of the Planning Commission concerning the sketch plat. The Planning Department staff shall transmit the sketch plat for review to appropriate officials or agencies of the local government, adjoining

counties or municipalities, school, fire and other special service type districts, and other official bodies as it deems necessary or as mandated by law, including any review required by metropolitan, regional, or state bodies under applicable state or federal law. The Planning Department shall request that all officials and agencies, to whom a request for review has been made, submit their report to the staff review team within seven (7) calendar days after receipt of the request. The staff review members will consider all the reports submitted by the officials and agencies concerning the sketch plat and shall submit a report for proposed action to the Planning Commission for the next available regular meetings.

Once an application is received, the staff will work diligently to review the application, as quickly as time and workload allows. It is reasonable to expect that an application will appear before the Planning Commission with a recommendation within 90 days of receipt of the application. The scale or complexity of a project or staff workload may necessitate a longer processing period. In such cases, the staff will notify the applicant when an application is filed as to the projected time frame. If the work load is too great for processing by available Town Staff, the project review may be sent out to a consulting planner, engineer or architect approved by the Town. The developer would be responsible for all fees incurred in any plan or development review process undertaken by an outside agency or consultant.

8B.2.5 Planning Commission Review of Sketch Plat

The Planning Commission shall study the sketch plat and the report of the staff, taking into consideration the requirements of the Subdivision Ordinance and the best use of the land being subdivided. Particular attention will be given to the arrangement, location and width of streets, their relation to sewerage disposal, drainage, utilities, erosion, location of natural or geologic hazards, lot sizes and arrangement, the further development of adjoining lands as yet unsubdivided, and the requirements of the Official Zoning Map, General Plan, Land use map(s) and Streets Master Plan, as adopted by the Planning Commission and Town Council.

8B.2.6 Approval of Sketch Plat

After reviewing and discussing the sketch plat and report from the Staff Review team and other reports, as submitted by invited agencies and officials, the Planning Commission will advise the applicant of the specific changes or additions, if any, it will require in the layout, and the character and extent of required improvements and reservations which it will require as a prerequisite to the approval of the subdivision plat. The Planning Commission may require additional changes as a result of further study of the subdivision in final form. Said approval shall constitute authorization to prepare and submit a preliminary plat in the case of a major subdivision and a final subdivision plat in the case of a minor subdivision.

8B.2.7 Expiration

Approval of the sketch plat by Planning Commission shall expire within one year unless a

preliminary plat or a final plat in the case of a minor subdivision, in compliance with the following section, has been submitted for review.

8B.3 Preliminary Plat

8B.3.1 Application Procedure and Requirements

Based upon the approval of the Planning Commission of the sketch plat for a major subdivision, the applicant should file an application for approval of a preliminary plat. The application shall:

- (a) **Form.** Be made on a form available at the office of the Planning Department or in letter containing the following elements if approval to file by letter is granted by the Planning Commission.
- (b) **Surrounding Owners.** Include all land which the applicant proposes to subdivide and all land immediately adjacent extending one thousand (1000) feet therefrom, or of that directly opposite thereto, extending one thousand (1000) feet from the street frontage of such opposite land, with the names and addresses of the owners as shown on the County Assessor's tax files, together with a stamped, addressed envelope for each such owner. The mailing address information may be shown on a separate current tax map reproduction from the Assessor's Office showing the subdivision imposed thereon.
- (c) **Copies.** Be accompanied by a minimum of Nine (9) copies of the preliminary plat as described in these regulations.
- (d) **Prior Regulations.** Comply in all respects with the sketch plat as previously approved.
- (e) **Presentation.** Be presented to the Planning Department at least two (2) weeks prior to the Staff Review meetings and four (4) weeks prior to a regular meetings of the Planning Commission. The Planning Department may refer the proposed preliminary plat to the Staff Review and/or Technical Review Committee members or hold work sessions for their review, recommendations, and report. Such report shall be submitted in writing to the Planning Commission prior to the next regular meeting of the Planning Commission.

8B.3.2 Public Hearings

The Planning Commission or Town Council may call a Public Hearing on Preliminary or Final Plat on MPD's at the Town's discretion as deemed necessary.

8B.3.3 Preliminary Approval

After the Planning Commission has reviewed the preliminary plat and the report of the staff including any Town recommendations, the applicant shall be advised of any required changes and/or additions. One copy of the proposed preliminary plat shall be returned to the developer with the date of approval, conditional approval, or disapproval and the reasons therefore accompanying the plat. Before the Commission approves a preliminary plat showing land for public use (other than proposed public streets) proposed to be dedicated to the local government, the Planning Commission shall obtain preliminary approval of the park or land reservation from the Town Council. If the project involves a conservation type easement, the Commission must receive approval or comments from an approved Land Trust involved in the transaction.

8B.3.4 Public Improvements

The Planning Commission may require that all public improvements be installed and dedicated prior to the signing of the final subdivision plat by the Chairman of the Planning Commission. The final plat shall not be signed until all fees currently due to the Town for the review of the subdivision have been paid in full. If the Planning Commission elects not to require that all public improvements be installed and dedicated prior to signing of the final subdivision plat by the Chairman of the Planning Commission, the amount of the guarantee, in compliance with the requirements of the Land Management and Development Code, shall be established by the Planning Commission based upon the recommendation of the Town Engineer, which shall be submitted by the applicant at the time of application for final subdivision plat approval. The Planning Commission shall require the applicant to indicate on both the preliminary and final plat all roads and public improvements to be dedicated, all special districts for water, sewer, fire, and other utility improvements which shall be required to be established or extended, all Town approved street names and addresses, and any other special requirements deemed necessary by the Planning Commission in order to conform the subdivision plat to the Official Zoning Map and the Master Plans of Mantua.

8B.3.5 Effective Period of Preliminary Approval

The approval of a preliminary plat shall be effective for a period of one year at the end of which time final approval on the subdivision must have been obtained from the Planning Commission, although the plat need not yet be signed and filed with the County Recorder. Any plat not receiving final approval within the period of time set forth herein shall be null and void, and the

developer shall be required to resubmit a new application and plat for preliminary approval subject to all new review requirements, zoning restrictions and subdivision regulations that may be in effect.

8B.3.6 Zoning Regulations

Every plat shall conform to existing zoning regulations and subdivision regulations applicable at the time of proposed final approval, except that any plat which has received preliminary approval shall be exempt from any subsequent amendments to the Land Management and Development Code rendering the plat non-conforming as to bulk or use, provided the final approval is obtained within the one-year period.

8B.4 Final Subdivision Plat

8B.4.1 Application Procedure and Requirements

Following the approval of the sketch plat in the case of a minor subdivision, or of the preliminary plat in the case of a major subdivision, the applicant, if he wishes to proceed with the subdivision, shall file with the Planning Department an application for final approval of a subdivision plat. The application shall:

- (a) **Form.** Be made on a form available at the office of the Planning Department or in letter form containing the following elements if approval to file by letter is granted by the Planning Commission.
- (b) **Scope and Highway Access.** Include the entire subdivision, or section thereof, which derives access from an existing state, county or local government highway.
- (c) **Copies.** Be accompanied by a minimum of six (6) copies of the subdivision plat and the three (3) sets of construction plans, as described in these regulations.
- (d) **Compliance with Prior Submissions.** Comply in all respects with the sketch plat and/or preliminary plat, as approved, amended, or conditional - whichever is applicable, depending upon the classification of the subdivision.
- (e) **Submission Schedule.** Be presented to the Planning Department at least four (4) weeks prior to a regular meeting of the Planning Commission in order that a public hearing may be scheduled if required and the required notice given in accordance with chapter 1 of the Land Management Code and Development Code. The date of the regular meetings of the Planning Commission at which the plat application along with all required documentation is reviewed shall

constitute the official date of the plat for, the purposes of these regulations.

- (f) **Dedications.** Be accompanied by all formal irrevocable offers of dedication to the public of all required streets, Town of Mantua uses, utilities, parks, and easements, in a form approved by the Town Council; and the subdivision plat shall be marked with a notation indicating the formal offers of dedication as follows:

"The owner, or their representative, hereby irrevocably offers for dedication to the Town of Mantua all the streets, land for local government uses, easements, parks and required water and sewer utilities and easements shown on the subdivision plat and construction plans in accordance with an irrevocable offer of dedication."

If required by the Town Council, the applicant shall deliver a full covenant and warranty deed to all such lands in proper form for recording, together with a title policy for the Town of Mantua in the sum not less than Ten Thousand Dollars (\$10,000.00), which sum shall be determined by the Town Attorney and or Engineer before signing of the final subdivision plat.

- (g) **Performance Guarantee.** Be accompanied by the performance guarantee, if required, in a form satisfactory to the Town Council and in an amount established by the Planning Commission, in accordance with the provisions of the Land Management and Development Code, upon recommendation of the Town Engineer and shall include a provision that the principal of the guarantee shall comply with all the terms of the resolution of final subdivision plat approval as determined by the Planning Commission and shall include, but not be limited to, the performance of all required subdivision on-site and off-site improvements, and that all improvements and land included in the irrevocable offer of dedication shall be dedicated to the local government free and clear of all liens and encumbrances on the premises.
- (h) **Surrounding Owners.** Be accompanied by a list of owners of property immediately adjacent extending one thousand (1000) feet therefrom, or of that directly opposite thereto extending one thousand (1000) feet from the street frontage of such opposite property owners as are correct within the knowledge of the applicant as shown on the latest tax assessment roll, together with a stamped, addressed envelope for each such owner.
- (i) **Proof of Utility Service.** Be accompanied by an inspection fee in an amount to be determined on the basis of the provisions of these regulations, as established by ordinance, and by written assurance from the public utility companies and

improvement districts if applicable or extended, that necessary utilities will be installed and proof that the applicant has submitted petitions in writing for the creation or extension of any improvement districts as required by the Planning Commission upon preliminary plat approval.

- (j) **Outstanding Obligations.** Provide evidence that all property taxes are current and that no other Town debts or obligations are outstanding and now liens or encumbrances are placed on the property.
- (k) **Title Policy.** Provide a title report or commitment for title insurance from a licensed title company and no older than thirty (30) days.

8B.4.2 Notice of Public Hearing

Upon receipt of formal application and all accompanying material, the Planning Department shall schedule a public hearing if required for the next scheduled meeting of the Planning Commission for which adequate notice, in compliance with the noticing requirements contained in Chapter 1 of the Land Management and Development Code, can be given

8B.4.3 Determination

The Planning Commission shall, within thirty (30) days after receiving all necessary applications and required documentation approve, modify and approve, or disapprove the subdivision application by resolution which shall set forth in detail any conditions to which the approval is subject, or reasons for disapproval. In the final resolution the Town Council shall stipulate the period of time when the performance guarantee shall be filed or the required improvements installed, whichever is applicable. Provided, however, that no plats will be approved or released for recording until necessary guarantees have been established in accordance with the Land Management and Development Code. In no event shall the period of time stipulated by the Town Council for completion of required improvements exceed two (2) years from the date of the final resolution. One copy of the final subdivision plat shall be returned to the subdivider with the date of approval, conditional approval, or disapproval noted thereon, and the reasons therefore accompanying the plat.

8B.4.4 Submission and Review

Subsequent to the resolution of the Planning Commission, four (4) paper copies of the construction plans; and Three (3) copies of the original of the subdivision plat on reproducible Mylar; and four (4) copies of the subdivision plat on paper shall be submitted to the Planning Department for final review. No final approval shall be endorsed on the plat until the Towns review has indicated that all requirements of the resolution have been met.

8B.4.5 Vested Rights

Vesting for purposes of zoning occurs upon the filing of a complete application provided, however, that no vested rights shall accrue to any plat by reason of preliminary or final approval until the actual signing of the plat by the Chairman of the Planning Commission and the Mayor of Mantua. All requirements, conditions, or regulations adopted by the Planning Commission and Town Council applicable to the subdivision or to all subdivisions generally shall be deemed a condition for any subdivision prior to the time of the signing of the final plat by the Chairman of the Planning Commission and Mayor. Where the Planning Commission or Council has required the installation of improvements prior to signing of the final plat, the Planning Commission or Council shall not unreasonably modify the conditions set forth in the final approval.

8B.5 Signing and Recording of Subdivision Plat

8B.5.1 Signing of Plat

- (a) When a guarantee of improvements is required, the Chairman of the Planning Commission and Mayor shall endorse approval on the plat after the guarantee has been approved by the Town Council, and all the conditions of the resolution pertaining to the plats have been satisfied.
- (b) **When installation of improvements is required**, the Chairman of the Planning Commission and Mayor shall endorse approval on the plat after all conditions of the resolution have been satisfied and all improvements satisfactorily completed. There shall be written evidence that the required public facilities have been installed in a manner satisfactory to the Town as shown by a certificate signed by the Town Engineer and Town Mayor that the necessary dedication of public lands and improvements has been accomplished.

8B.5.2 Recording of Plat

- (a) The Chairman of the Planning Commission and the Mayor of Mantua will sign the reproducible Mylar original of the subdivision plat and two (2) sepia prints of the subdivision plat. The sepia prints will be returned to the applicant's engineer with the original given to the applicant's title company.
- (b) It shall be the responsibility of the developer's licensed title company to file the original Mylar plat with the County Recorder within thirty (30) days of the date of signature. Simultaneously with the filing of the plat, the licensed title company shall record the agreement of dedication together with such legal documents as shall be required to be recorded by the Town.

- (c) In addition to the formal subdivision plat requirements of the State of Utah and Town of Mantua, the Box Elder County Recorder requires that an assessor's map be submitted that is 18" x 18" square. Photographic or comparable reductions on sepia paper are adequate for their purposes.

8B.5.3 Sectionalizing Major Subdivision Plats

Prior to granting final approval of a major subdivision plat, the Planning Commission and Town Council may permit the plat to be divided into two or more sections and may impose such conditions upon the filing of the sections as it may deem necessary to assure the orderly development of the plat. The Planning Commission and Town Council may require that the performance guarantee be in such amount as is commensurate with the section or sections of the plat to be filed and may defer the remaining required performance guarantee principal amount until the remaining sections of the plat are offers for filing. The developer may also file irrevocable offers to dedicate streets and public improvements only in those sections submitted to be filed and defer filing offers of dedication for the remaining sections until such sections, subject to any additional conditions imposed by the Planning Commission, and offers shall be granted concurrently with final approval of the balance of the plat. The approval of all remaining sections not filed with the County Recorder shall automatically expire unless such sections have been approved for filing by the Planning Commission, all fees paid, all instruments and offers of dedication submitted and performance guarantees approved and actually filed with the County Recorder within one year of the date of final subdivision approval of the subdivision plat.

8C Assurance for Completion and Maintenance of Improvements

8C.1 Improvements and Performance Guarantee

8C.1.1 Completion of Improvements

Before the plat is signed by the Chairman of the Planning Commission and the Mayor, all applicants shall be required to complete, in accordance with the Planning Commission's decision and to the satisfaction of the Town Engineer, all the street, sanitary sewer, water and other improvements (i.e.: storm drainage, trails, sidewalk, curb, gutter, street signs, etc.), including lot improvements on the individual lots of the subdivision as required, specified in the final subdivision plat, and as approved by the Planning Commission and the Town Council, and to dedicate all applicable public improvements to the local government(s) involved in the project, including any water right transfers to the Town, conservation easements or dedications of public lands to Land Trusts, free and clear of all liens and encumbrances on the property and public improvements thus dedicated.

8C.1.2 Performance Guarantees

The Town Council in its discretion may waive the requirement that the applicant complete and dedicate all public improvements prior to the signing of the subdivision plat, and that, as an alternative, the applicant post an acceptable guarantee (in accordance with the supplementary regulations of this Code) at the time of application for final subdivision approval in an amount estimated by the Town Engineer, Planning Commission and Town Council as sufficient to secure to the municipality the satisfactory construction, installation, and dedication of the uncompleted portion of required improvements. The posting of guarantees are in lieu of actual construction and are therefore established for the benefit of and inure to the public at large and as such are not to be used for satisfying contractor or mechanics liens or other unrelated obligations. The performance guarantee shall also secure all lot improvements on the individual lots of the subdivision as may be required. Such performance guarantee shall comply with all statutory requirements and shall be satisfactory to the Town Council as to form, sufficiency, and manner of execution as set forth in the Land Management Code.

The period within which required improvements must be completed shall be specified by the Planning Commission and the Town Council in the resolution approving the final subdivision plat and shall be incorporated in the guarantee and shall not in any event exceed two (2) years from date of final approval. Such guarantee shall be approved by the Town Council with surety and conditions satisfactory to them. The Planning Commission may, upon proof of difficulty, recommend to the Town Council extension of the completion date set forth in such guarantee for a maximum period of one additional year. The Town Council may at any time during the period of such guarantee accept a substitution of principal or sureties. In the event the applicant's ability to post an acceptable guarantee is dependent upon prior recordation of the plat due to requirements of the Interstate Land Sales Act or other Federal law or regulations, the Town Council may authorize plat approval and recordation upon receipt from the applicant of an executed and acknowledged agreement signed by all owners of fee, leasehold, contract and security interests in the subject property, in the form of a restrictive covenant that the applicant will not sell, lease or otherwise convey any lot, parcel or portion of a lot of the subject property unless he shall first as a condition precedent thereto, satisfy the foregoing requirements of this Chapter as applicable. The agreement shall be in recordable form, shall specifically provide that the encumbrance created shall be deemed to be a covenant running with the land, binding on applicant's successors and assigns, to install or guarantee installation of all required improvements, and to pay all costs, including attorney's fees, which the Town may incur in enforcing the terms and provisions of the agreement, and shall contain the express irrevocable consent of all signers to vacation of the recorded plat if the guarantee requirements have not been complied with within a specified time determined by the Town Council of the date of recordation of the plat. The encumbrance posed by the agreement shall only be released upon compliance by the applicant or his successors with the provisions of this Code and the Agreement.

8C.1.3 Temporary Improvement

The applicant shall build and pay for all costs of temporary improvements required by the Planning Commission or Town Engineer and shall maintain the same for the period specified. Prior to construction of any temporary facility or improvement, the developer shall file with the Town a separate suitable guarantee, in accordance with this Code, for temporary facilities, which guarantee shall insure that the temporary facilities will be properly constructed, maintained, and removed.

8C.1.4 Costs of Improvements

All required improvements shall be made by the applicant, at their expense, without reimbursement by the Town or any improvement district therein, and in accordance with related codes, fee schedules, and ordinances.

8C.1.5 Other Governmental Units

Other Governmental units which develop within the Town, and to which these guarantees and contract provisions apply may file in lieu of said contract or guarantees a certified resolution or ordinance from officers or agencies authorized to act in their behalf, agreeing to comply with the provisions of this Code.

8C.1.6 Failure to Complete Improvement

For subdivisions for which no performance guarantee has been posted, if the improvements are not completed within the period specified by the Planning Commission and Town Council in the resolution approving the plat, the approval shall be deemed to have expired. In those cases where a performance guarantee has been posted and required improvements have not been installed within the terms of such performance guarantee, the local government may thereupon declare the guarantee to be in default and require that all the improvements be installed regardless of the extent of the building development at the time the guarantee is declared to be in default.

8C.1.7 Acceptance of Dedication Offers

Acceptance of formal offers of dedication of streets, public areas, easements, and parks shall be by ordinance of the Town Council. The approval by the Planning Commission of a subdivision plat shall not be deemed to constitute or imply the acceptance by the Town Council of any street, easement, or park shown on said plat. The Planning Commission may require said plat to be endorsed with appropriate notes to this effect.

8C.2 Inspection of Improvements

8C.2.1 General Procedure and Fees

The Planning Commission in consultation with or upon the advice of the Town Engineer or Zoning Administrator, shall provide for inspection of required improvements during construction and insure their satisfactory completion. The applicant shall, in accordance with the Town's fee ordinance, pay to the Town an inspection fee and the subdivision plat shall not be signed by the Chairman of the Planning Commission or Mayor unless such fee has been paid. These fees shall be due and payable upon demand of the Town and no building permits or certificates of occupancy shall be issued until all fees are paid. If the Town Engineer finds upon inspection that any of the required improvements have not been constructed in accordance with the Town's construction standards and specifications, the applicant shall be responsible for completing the improvements. Wherever the cost of improvements is covered by a performance guarantee, the applicant and the issuing company shall be severally and jointly liable for completing the improvements according to specifications. Prior to commencement of construction on any public improvement or private improvement required to be built to public standards, the developer shall first obtain a Notice to Proceed from the Planning Commission

8C.2.2 Release or Reduction of Performance Guarantee

8C.2.2.1 Certificate of Satisfactory Completion

Subject to maintenance provisions contained in this Code below, the Town will not accept dedication of required improvements, or release or reduce a performance guarantee, until the Town Engineer has submitted a certificate stating that all required improvements have been satisfactorily completed and until the applicant's engineer or surveyor has certified to the Town Engineer, through submission of detailed "as-built" survey plats of the subdivision, indicating location, dimensions, materials, improvements and other information required by the Planning Commission and Town Engineer, that the layout of the line and grade of all public improvements is in accordance with the Town approved construction plans for the subdivision and that a title insurance policy has been furnished to the Town and Town Engineer indicating that the improvements have been completed, are ready for dedication to the local government and are free and clear of any and all liens and encumbrances. Upon such approval and recommendation, the Town Council shall thereafter accept the improvements for dedication in accordance with the established policy and procedure.

8C.2.2.2 Reduction of Performance Guarantee

A performance guarantee may be reduced upon actual completion and/or acceptance of public improvements and then only to the ratio that the public improvement accepted bears to the total public improvements for the plat. In no event shall a performance guarantee be reduced below the twenty-five percent (25%) retainage of the principal amount until total completion.

8C.3 Escrow Deposits or Letters of Credit for Lot Improvements

8C.3.1 Acceptance of Escrow Funds

Whenever, by reason of the season of the year any lot improvements required by the subdivision regulations cannot be performed, the Building Official may, nevertheless, issue a temporary certificate of occupancy, provided there is no danger to health, safety, or general welfare, upon accepting a cash escrow deposit or letter of credit in an amount to be determined by the Town Engineer for the cost of said improvements. The performance guarantee covering such lot improvements shall remain in full force and effect.

8C.3.2 Procedures on Escrow Fund

All required improvements for which escrow moneys or letters of credit have been accepted by the Building Official at the time of issuance of a certificate of occupancy shall be installed by the developer within a period of nine (9) months from the date of deposit and issuance of the temporary certificate of occupancy. In the event that the improvements have not been properly installed, at the end of the time period the Building Official shall give two (2) weeks written notice to the developer requiring him to install same, and in the event that same are not installed properly in the discretion of the Building Official, the Building Official may request the Town Council to authorize the Town to proceed to contract out the work for the installation of the necessary improvements in a sum not to exceed the amount of the escrow deposit or letter of credit. At the time of the issuance of the certificate of occupancy for which escrow moneys/letters of credit are being deposited with the Building Official, the applicant shall obtain and file with the Building Official prior to obtaining the certificate of occupancy a notarized statement from the purchaser or purchasers of the premises authorizing the Building Official to install the improvements at the end of the nine-month period in the event that the same have not been duly installed by the developer.

8C.4 Maintenance of Improvements

8C.4.1 Prior to Completion

The applicant shall be required to maintain all improvements on the individual subdivided lots and provide for snow removal on streets and sidewalks until acceptance of said improvements by the Town Council. If there are any certificates of occupancy on a street not dedicated to the Town, the Town may on twelve (12) hours notice plow the street or effect emergency repairs and charge same to applicant. The Town will not normally accept water improvements or street improvements or assume responsibility for either general maintenance or snow removal until over 50 % of the lots within the subdivision are built upon.

8C.4.2 Warranty after acceptance and dedication

The applicant shall be required to file a maintenance guarantee with the Town, prior to acceptance, in an amount considered adequate by the Town Engineer and in a form satisfactory to the Town Council, in order to assure the satisfactory condition of the required improvements, including all lot improvements on the individual subdivided lots for a period of one year after the date of their acceptance by the Town and dedication of same to the local municipality.

8C.5 Waiver or Deferral of Required Improvements

8C.5.1 Waiver

The Planning Commission may recommend that the Town Council defer or waive at the time of final approval, subject to appropriate conditions, the provision of any or all such improvements as, in its judgment, are not requisite in the interests of the public health, safety, and general welfare, or which are inappropriate because of inadequacy or lack of connecting facilities.

8C.5.2 Deferral

Whenever it is deemed necessary by the Planning Commission to defer the construction of any improvement required herein because of incompatible grades, future planning, inadequate or lack of connecting facilities, or for other reasons, the applicant shall pay his share of the costs of the future improvements to the Town prior to the signing of the final subdivision plat, or the applicant may post a guarantee insuring completion of said improvements upon demand of the Town.

8C.6 Issuance of Building Permits and Certificate of Occupancy

8C.6.1 Dedication before Certificate of Occupancy

Where a performance guarantee has been required for a subdivision, no certificate of occupancy for any building in the subdivision shall be issued prior to the completion of the improvements and dedication of same to the Town, as required in the Planning Commission's and Town Council's final approval of the subdivision plat.

8C.6.2 Street Improvements Guarantee

The extent of street improvements shall be adequate for vehicular access by the prospective occupant and by police and fire equipment, prior to the issuance of any occupancy permit. The developer shall at the time of the dedication submit moneys in escrow or an acceptable letter of credit to the Town in a sum determined by the Town Engineer for the necessary final improvement of the street.

8C.6.3 Building Permits

No building permit shall be issued until all improvements required on the final plat are completed and the final plat has been signed. The requirements of the final seal coat to be installed one year after asphalt installation shall be exempt from this section.

8C.7 Consumer Protection Legislation and Conflicts of Interest Statutes

8C.7.1 Violations Prior to Permit Issuance

No building permit or certificate of occupancy shall be granted or issued if a developer or his authorized agent shall have violated any federal, state, or local law pertaining to consumer protection of real estate land sales, promotion, or practices, or any applicable conflicts-of-interest legislation with respect to the lot or parcel of land which is the subject of the permit or certificate, until so ordered by a court of competent jurisdiction.

8C.7.2 Revocation of Permits and Certificates of Occupancy

With respect to said lot or parcel of land, in the event a building permit or certificate of occupancy has been granted or issued, it shall be subject to revocation by the municipality until so ordered otherwise by a court of competent jurisdiction, provided that in no event shall the rights of intervening innocent third parties in possession of a certificate of occupancy be prejudiced by any such revocation.

8C.7.3 Penalties for Violation

Any violation of a federal, state, or local consumer protection law (including but not limited to: Postal Reorganization Act of 1970; the Federal Trade Commission Act of 1970; Interstate Land Sales Full Disclosure Act; the Truth in Lending Act; the Uniform Commercial Credit Code; State "Blue Sky" laws; State subdivision disclosure acts or conflicts of interest statute, law, or ordinance) shall be deemed a violation of these regulations and subject to all of the penalties and proceedings as set forth in this Code.

8D Requirements for Improvements, Reservations, and Design

8D.1 General Improvements

8D.1.1 Conformance to Applicable Rules and Regulations

In addition to the requirements established herein, all subdivision plats shall comply with the following law, rules, adopted policy statements and regulations, as currently adopted, unless otherwise approved by Town Council:

- (a) All applicable statutory provisions.
- (b) The Land Management and Development Code, Sensitive Lands Overlay Zone regulations, International Building and related Codes, Town design standards and specifications, and all other applicable laws of the appropriate jurisdictions.
- (c) The Official Streets Master Plan, Mantua Town General Plan, Official Zone Map, Trails Master Plan, Public Utilities plans, Land Use Maps and Capital Improvements Program of the Town or any other Local Government having jurisdiction in the development, including all streets, trails, drainage systems, and parks shown on the Official Map or General Plan as adopted or amended for the subdivision.
- (d) The special requirements of these regulations and any rules of the County Health Department, Box Elder Fire District, Box Elder School District and/or appropriate State or Federal Agencies that may have jurisdiction in the project. Compliance with these agencies regulations must be certified by letter to the Town or signature on the applicable plat(s) as provided for under this code.
- (e) The rules of the Utah Department of Transportation if the subdivision or any lot contained therein abuts a state highway or connection street.
- (f) The Mantua Design Standards. Construction Specifications. and Standard Drawings as may be in force and in effect and any other standards and regulations adopted by the Town Engineer and all Boards, Commissions, Agencies, and Officials of the Town of Mantua.
- (g) Plat approval may be withheld if a subdivision is not in conformity with the above guides or policy and purposes of these regulations established in these regulations.

8D.1.2 Self-Imposed Restrictions

If the owner places restrictions on any of the land contained in the subdivision greater than those required by this Code or these regulations, such restrictions or reference thereto may be required to be indicated on the subdivision plat, or the Planning Commission may require that restrictive covenants be recorded with the County Recorder in form to be approved by the Town Council.

8D.1.3 Plats Straddling Municipal Boundaries, Annexations

Whenever a subdivision is proposed across land under County jurisdiction, the Planning Commission may require the annexation of the property involved. In general, lot lines and/or

roads shall not be laid out so as to cross municipal boundary lines. The annexation may be enlarged at the discretion of the Town to avoid creating islands or peninsulas of incorporated territory that may be difficult to manage. All annexations must comply with the current annexation policy declarations in force at the time the annexation is proposed or a new annexation policy must be prepared and approved.

If the area in the County is not annexed, the Town and County shall work together in a cooperative arrangement or through an interlocal agreement, if necessary, to insure that the portion of development lying in the County is as compatible as possible with the Town codes, development regulations and General Plan.

8D.1.4 Monuments

The applicant shall place permanent reference monuments in the subdivision as required herein or as otherwise approved by the Town Engineer.

- (a) Monuments shall be constructed in accordance with the Mantua Design Standards, Construction Specifications and Standard Drawings and located on street right-of-way lines, at street intersections, angle points of curve and block corners. They shall be spaced so as to be within sight of each other, the sight lines being contained wholly within the street limits.
- (b) All monuments shall be properly set in the ground and approved by a Registered Land Surveyor prior to the time the Planning Commission recommends approval of the final plat unless a performance guarantee is established in accordance with the provisions of this ordinance.

8D.1.5 Character of the Land and Unsuitability

Land which the Planning Commission or Town Council finds to be unsuitable for subdivision or development due to natural hazards, flooding, improper drainage, fire, steep slopes, rock formations, geologic hazards, potentially toxic wastes, adverse earth formations or topography, wetlands, utility easements, wildlife habitats that cannot be reasonably mitigated, Native American archeological sites or other natural features, including ridge lines and hilltops, which will reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas, shall not be subdivided or developed.

The development and land use may be made suitable if adequate methods are formulated by the developer and approved by the Town, upon recommendation of a qualified planner or engineer hired by the developer and approval of the Town Engineer, to solve or remedy the problems created by the unsuitable land conditions. The burden of the proof shall lie with the developer to establish the viability of development in these sensitive or unsuitable areas. Unsuitable land shall be set aside or reserved for uses as shall not involve such a danger or severe environmental impact. Lands located in sensitive lands areas may be further regulated by chapter 10 of this code.

8D.1.6 Subdivision Name

The proposed name of the subdivision and all roadways contained therein shall not duplicate, or too closely approximate phonetically, the name of any other subdivision or street in the area

covered by these regulations or in Box Elder County, Utah. The Town Council shall have final Authority to designate the name of the subdivision and to select street names, both of which shall be determined at the time of sketch plat approval.

8D.1.7 Ridge Line and Hillside Development

Protection of ridges from development which would be visible on the skyline or from prominent areas or designated vantage points (as per chapter 10) in Mantua will be maintained. Hillside development which disturb the rural agricultural character of Mantua will be prohibited unless it can be shown that the development and improvements will be constructed or clustered in a way to minimize visual impacts on the Town.

8D.1.8 Open Space

Units must be clustered in the most developable and least visually sensitive portions of the site with common open space corridors separating clusters. This applies to both multi-family and single family as well as commercial projects. The open space corridors should be designed to coincide with significant vegetation and in many cases, should be left in the natural state. Open space areas will be the maintenance responsibility of the homeowners unless dedicated to the Town. Open space conservation easements dedicated in perpetuity to a Town qualified land trust are encouraged to prevent future development in valuable open space.

8D.1.9 Roads, Utility Lines and Concurrence

Roads and all utility lines should be designed to work with the existing grade and cut and fill slopes should be minimized. Roads and utilities should be placed so that disturbance of significant vegetation is minimized. All roads and utilities, whether on or off site must be installed concurrently with the development.

8D.1.10 Drainage Ways and Irrigation Ditches

Existing natural drainage and irrigation ditches or rights-of-ways should be maintained and designed around. Notification and/or Approval of Irrigation companies for development may be required in certain circumstances as determined by the Town if the development impacts irrigation works and/or access.

8D.1.11 Soil Conditions

Consideration must be given to soil conditions and ground water existence and may include appropriate setbacks and conservation requirements.

8D.1.12 Trails and Sidewalks

Trails and sidewalks should be provided to allow efficient internal circulation as well as links to adjacent trail systems on other properties. Existing trails should be maintained and incorporated into open space elements of the project. This may include trails for pedestrian, bicycle, or equestrian circulation. Construction of new trails will be required concurrently with the installation of other public improvements.

Although required trails may not link to adjacent trails immediately, each trail is a vital part of an overall circulation plan. In most cases, the homeowners will be required to maintain the trails.

8D.1.13 Limits of Disturbance/Vegetation Protection

A separate plan which addresses limits of disturbance and vegetation protection during construction and re vegetation of disturbed areas will be required. This shall include construction necessary for all project improvements such as roads and utilities.

8D.2 Lot Improvements

8D.2.1 Lot Arrangement

The lot arrangement shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits to build on all lots in compliance with the International Building Code, this Code, and in providing reasonable driveway access to buildings on such lots from an approved street.

In areas that are determined to be in high fire danger areas, the building sites shall be located or situated in areas of the development that are less hazardous or are naturally clear of the hazardous vegetation.

8D.2.2 Building Sites

Building sites or envelopes shall be designed which minimize disturbance of existing vegetation.

8D.2.3 Landscaping

The amount of common and private area available for formal landscaping may be restricted. Agricultural uses of open space will be encouraged using irrigation water for watering, not culinary water. Outside irrigation creates a significant water demand if using Town culinary water and these type of irrigated areas may be limited in the design of the subdivision.

8D.2.4 Limits of Disturbance/Vegetation Protection

Limits of disturbance or building pad lines shall be shown on the preliminary and final plats if

the staff determines that there is significant vegetation on the site or if it is important to clearly designate future building locations. "Significant vegetation" includes large trees of 6" caliper or greater, groves of 5 or more smaller trees, or clumps of trees, bushes or shrubs covering an area of 50 square feet to the drip lines. A plan for vegetation protection during construction and re-vegetation after construction will also be required. A security will be required to be posted to ensure compliance with the limits of disturbance plan. Guidelines are as follows:

- (a) All construction activity must be contained within the limits of disturbance line, with the balance of the parcel remaining undisturbed. Access to the limits of disturbance area should be along the planned driveway.
- (b) Building pad lines may be specified on some plats instead of limits of disturbance. If building pad lines are designated, no part of the new construction may lie outside of the building pad line; however, construction disturbance may extend as far as ten (10) feet beyond the building pad line. Access to the building pad should be along the planned driveway.
- (c) The Planning Commission has the Authority to vary the platted limits of disturbance or building pad line if such a variation results in less visual impact or more effective preservation of mature trees. In no case, however, should a variation in the limits of disturbance boundary result in an increase in the amount of buildable area.
- (d) Limits of disturbance or building pad lines with definitions as approved by the staff must be reflected on the final plat. Because limits of disturbance or building pad lines are sometimes varied by the Planning Commission, the plat may not reflect the final location of the limits.
- (e) Limits of disturbance must be designated in the field prior to commencement of excavation with fencing or other methods approved by the Planning Commission.

8D.2.5 Square Footage

Maximum dwelling or unit square footage will be required. Smaller parcels will be expected to limit building sizes significantly so that homes relate to the parcels upon which they are built. Limited building heights may also be required for visually sensitive areas. Both the limitations of building square footage's and building height will be required to be shown on recorded plats for the project.

8D.2.6 Architectural or Design Standards

Architectural or design standards may be required on large projects or developments which could have a significant effect on the small rural agricultural character of Mantua Town. These standards will be developed on a case by case basis by the Town or its design review committee (as outlined in chapter 3 of this code) which will result in compatible building design and materials within the development and the respective zone. Guidelines should include consistency of roof pitch, roofing materials, siding materials, colors, porch details, window types and similar provisions. These guidelines should also be compatible with adjacent developments. Buildings should be designed to blend and harmonize with the existing environment rather than compete with it. Development approval may be delayed a reasonable period of time while these standards are developed by the Town.

8D.2.7 Fire Sprinkling

Fire sprinkler systems may be required of all projects as determined by the Town Fire Department, whether single family or multi-family. This determination is based upon an analysis of the size of structures, vegetation surrounding the structures and location of the project as it relates to Fire Department response time.

8D.2.8 Staggered Front Set-Backs

In new subdivisions, front setbacks may be required to be staggered with consideration of existing site conditions. The minimum front setbacks shall be consistent with the zone in which the subdivision is proposed.

8D.2.9 Lot Dimensions

Lot dimensions shall comply with the minimum standards of the Land Management and Development Code. Where lots are more than double the minimum required area for the zoning district, the Planning Commission may require that such lots be arranged so as to allow further subdivision and the opening of future streets where they would be necessary to serve such potential lots, all in compliance with this Code and these regulations. In general, side lot lines shall be at right angles to street lines (or radial to curving street lines) unless a variation from this rule will give a better street or lot plan. Dimensions of corner lots shall be large enough to allow for erection of buildings, observing the minimum front-yard setback from both streets. Depth and width of properties reserved or laid out for business, commercial, or industrial purposes shall be adequate to provide for the off-street parking and loading facilities required for the type of use and development contemplated, as established in this Code.

8D.2.10 Double Frontage Lots and Access to Lots

- (a) Double Frontage Lots. Double frontage and reversed frontage lots shall be avoided except where necessary to provide separation of residential development from traffic arterials or to overcome specific disadvantages of topography and

orientation.

(b) Access from Major and Secondary Arterials. Lots shall not, in general, derive access exclusively from an arterial or collector street. Where driveway access from an arterial or collector street may be necessary for several adjoining lots, the Planning Commission may require that such lots be served by a combined access drive in order to limit possible traffic hazard on such street. Where possible, driveways shall be designed and arranged so as to avoid requiring vehicles to back into traffic on arterials or collectors.

8D.2.11 Soil Preservation, Grading, and Seeding

8D.2.11.1 Top Soil Preservation and Final Grading

All lots shall be recovered with top soil with an average depth of at least six (6) inches over the entire area of the lot, except that portion covered by buildings or included in streets, or where the grade has not been changed or natural vegetation damaged. Topsoil shall not be removed from residential lots or used as spoil, but shall be redistributed so as to provide at least six (6) inches of cover on the lots and at least four (4) inches of cover between the sidewalks and curbs, and shall be stabilized by seeding or planting. Slope stabilization and erosion control, as determined necessary by the Town Engineer, will also be required to be installed according to the approved specification.

8D.2.11.2 Lot Drainage

Lots shall be laid out so as to provide positive drainage away from all buildings in accordance with the International Building Code and individual lot drainage shall be coordinated with the general storm drainage pattern for the area. Drainage shall be designed so as to avoid concentration of storm drainage water from any lot to adjacent lots.

8D.2.11.3 Lawn-Grass Seed and Sod

All lots shall be top soiled and re-vegetated in accordance with this Code to avoid erosion and improve the visual quality of the development. If revegetation is required in a development and conventional landscaping is desired by the developer, at a minimum, lawn-grass seed shall be sown at not less than four (4) pounds to each one-thousand (1,000) square feet of land area. In the spring, the seed shall be sown between March 15 and May 15; and in the fall, the seed shall be sown between August 15 and September 30. All lots shall be seeded from the roadside edge of the unpaved right-of-way back to a distance of thirty (30) feet behind the principal residence on the lot. No final plat approval or certificate of occupancy shall be issued until re spreading of soil and seeding of lawn has been completed; except that between October 1 and March 15, May 15 and

August 15, the applicant shall submit an agreement in writing signed by the developer and/or the property owner, with a copy to the Building Official, that re spreading of soil and seeding of lawn will be done during the immediate following planting season as set forth in this section and leave a cash escrow or letter of credit for performance in such amount as shall be determined by the Building Official in accordance with this Code. Sod may be used to comply with any requirement of seeding set forth herein.

8D.2.12 Debris and Waste

Unless otherwise approved by the Town Engineer and Building Official, no cut trees, timber, debris, earth, rocks, stones, soil, junk, trash, rubbish, or other waste materials of any kind shall be buried in any land, or left or deposited on any lot or street at the time of issuance of a certificate of occupancy, and removal of same shall be required prior to issuance of any certificate of occupancy on a subdivision, nor shall any be left or deposited in any area of the subdivision at the time of expiration of the performance bond or dedication of public improvements, whichever is sooner.

8D.2.13 Fencing

Each sub divider and/or developer shall be required to furnish and install fences wherever the Planning Commission determines upon the recommendation of the Zoning Administrator that a hazardous condition may exist. The fences shall be constructed according to standards to be established by the Town Engineer and shall be noted as to height and material on the final plat. No certificate of occupancy shall be issued until said fence improvements have been duly installed.

8D.2.14 Water-Bodies and Water-Courses

If a tract being subdivided contains a water body or course, or portion thereof, lot lines shall be so drawn as to distribute the entire ownership of the water body among the fees of adjacent lots. The Planning Commission may approve an alternative plan whereby the ownership of and responsibility for safe maintenance of the water body is so placed that it will not become a Town responsibility. No more than twenty-five per cent (25%) of the minimum area of a lot required under the Land Management and Development Code may be satisfied by land which is under water. Where a watercourse separates the buildable area of a lot from the street by which it has access, provisions shall be made for installations of a culvert or other structure, of design approved by the Town Engineer.

8D.2.15 Performance Guarantee to Include Lot Improvements

The performance guarantee shall include an amount to guarantee completion of all requirements contained in this Chapter, the Supplemental Regulations Chapter of this code and in these

regulations including, but not limited to, soil preservation, final grading, lot drainage, landscaping, lawn-grass seeding, curb, gutter and sidewalk, removal of debris and waste, fencing, and all other lot improvements required by the Planning Commission. Whether or not a certificate of occupancy has been issued, at the expiration of the performance guarantee, the Town may enforce the provisions of the guarantee where the provisions of this section or any other applicable law, ordinance, or regulation have not been complied with.

8D.3 Roads

8D.3.1 Frontage on Improved Roads

No subdivision shall be approved unless the area to be subdivided shall have frontage on and/or access from an existing public street unless such street is:

- (a) An existing state or county highway; or
- (b) A street shown upon a plat approved by the Planning Commission and recorded in the County Recorder's office. Such street or highway must be suitably improved as required by the highway rules, regulations, specifications, or orders, or be secured by a performance guarantee required under these subdivision regulations, with the width and right-of-way required by these subdivision regulations or the Streets Master Plan. Wherever the area to be subdivided is to utilize existing road frontage, such road shall be suitably improved as provided herein above.
- (c) Whenever the area to be subdivided is to utilize existing road frontage and/or existing road access, such road shall be suitably improved from the closest street that meets Town's current public street standards, meaning such road shall be suitably improved to the standards provided in this Code and any other applicable standards, subject to the provisions of sections 3.4, 7.1.4.3 and 7.1.7, which shall apply in the event of a conflict between the provisions of said sections and any other sections of this Code.

8D.3.2 Grading and Improvement Plan

Roads shall be graded and improved and conform to the Mantua Design Standards Construction Specifications, and Standard Drawings as adopted and shall be approved as to design and specifications by the Town Engineer, in accordance with the construction plans required to be submitted prior to final plat approval. Prior to final plat approval the Town shall make the determination as to whether each street is to be public or private. Such status shall be shown on the plat.

8D.3.3 Topography and Arrangement.

- (a) Roads shall be related appropriately to the topography. Local roads may be curved to avoid conformity of lot appearance and to discourage through traffic. All streets shall be arranged so as to obtain as many as possible of the building sites at, or above, the grades of the streets. Grades of streets shall conform as closely as possible to the original topography with all cut and fill sections adequately stabilized and re vegetated. A combination of steep grades and curves as well as large cut and fill sections shall be avoided.

- (b) All streets shall be properly integrated with the existing and proposed system of thoroughfares and dedicated rights-of-way as established in the Streets Master Plan or Land Use Maps or Zoning Maps.
- (c) All thoroughfares shall be properly related to specific traffic generators such as industries, business districts, schools, churches, and shopping centers; to population densities; and to the pattern of existing, proposed, and future land uses.
- (d) Minor or local streets shall be laid out to conform as much as possible to the natural topography, to discourage use by through traffic, to permit efficient drainage and utility systems, and to require the minimum number of streets necessary to provide convenient and safe access to property.
- (e) The rigid rectangular gridiron street pattern shall be adhered to, and the use of curvilinear streets, or U-shaped streets shall be allowed only where topography requires as approved by the planning commission.
- (f) Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions, or unless in the opinion of the Planning Commission such an extension is not necessary or desirable for the coordination of the layout of the subdivision with the existing layout or the most advantageous future development of adjacent tracts.
- (g) In business and industrial developments, the streets and other access ways shall be planned in connection with the grouping of buildings, location of transportation facilities, and the provision of alleys, truck loading and maneuvering areas, and walks and parking areas so as to minimize conflict of movement between the various types of traffic, including pedestrian.
- (h) Subdivisions shall be designed to provide adequate emergency access to and from the development. The Planning Commission may require more than one point of ingress and egress to better facilitate emergency access and escape. The Fire Protection District must approve the street design on large subdivisions.

8D.3.4 Blocks

- (a) Blocks shall have sufficient width to provide for two (2) tiers of lots of appropriate depths. Exceptions to this prescribed block width shall be permitted in blocks adjacent to major streets, or waterways.
- (b) The lengths, widths, and shapes of blocks shall be such as are appropriate for the

locality and the type of development contemplated, but block lengths in residential areas should not exceed one thousand two hundred (1,200) feet or ten (10) times the minimum lot width required in the zoning district, whichever is greater, nor be less than four hundred (400) feet in length. Wherever practicable, blocks along major arterials and collector streets shall be not less than one thousand (1,000) feet in length.

- (c) In long blocks the Planning Commission may require the reservation of an easement through the block to accommodate utilities, drainage facilities, or pedestrian traffic.
- (d) Pedestrian ways or crosswalks, not less than ten (10) feet wide, may be required by the Planning Commission through the center of blocks more than eight hundred (800) feet long where deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation, trails, or other community facilities. Blocks designed for industrial or commercial uses shall be of such length and width as may be determined suitable by the Planning Commission for prospective use.

8D.3.5 Access to Highway, Arterial or Collector Streets

Where a subdivision borders on or contains an existing or proposed highway, arterial or collector, the Planning Commission may require that access to such streets be limited by one of the following means:

- (a) The subdivision of lots so as to back onto the highway, arterial or collector and front onto a parallel local street; no direct access shall be provided from the primary arterial or collector, and screening shall be provided in a strip of land along the rear property line of such lots.
- (b) A series of U-shaped streets, or short loops entered from and designed generally at right angles to such a parallel street, with the rear lines of their terminal lots backing onto the highway, arterial or collector roadway.

8D.3.6 Road Names

The sketch plat as submitted shall not indicate any names upon proposed streets. The developer, upon consent of the Planning Commission and Town Council, shall name all roads at the time of preliminary approval. Names shall be sufficiently different in sound and in spelling from other road names in Box Elder County or Mantua, Utah so as not to cause confusion. A road which is or is planned as a continuation of an existing road shall bear the same name.

8D.3.7 Road Regulatory Signs

The applicant shall erect or post acceptable guarantees ensuring each road sign required by the Town Engineer at all road intersections. All road signs shall be installed before issuance of certificates of occupancy for any residence on the streets approved. Street name signs are to be placed at all intersections within and abutting the subdivision, the type, design and location of which to be approved by the Town Engineer. Street signs shall be designed according to Town specifications and standards.

8D.3.8 Street Lights

Installation of street lights shall be required in accordance with Mantua Design and Specification Standards or as designated and located by the Planning Commission or planning staff and shall be approved by the Town Engineer.

8D.3.9 Reserve or Protection Strips

The creation of reserve or protection strips may be permitted adjacent to a proposed street in such a manner as to deny access from adjacent property to such street, provided such a strip is clearly shown on both the preliminary and final subdivision plat.

8D.3.10 Construction of Roads and Dead-End Roads

8D.3.10.1 Construction of Roads

The arrangement of streets shall provide for the continuation of principal streets between adjacent properties when such continuation is necessary for convenient movement of traffic, effective fire protection, for efficient provision of utilities, and where such continuation is in accordance with the Streets Master Plan. If the adjacent property is undeveloped and the street must be a dead-end street temporarily, the right-of-way shall be extended to the property line. A temporary turnabout shall be provided on all temporary Dead-End streets, with the notation on the subdivision plat that land outside the normal street right-of way shall revert to abutters whenever the street is continued. The Planning Commission may limit the length of temporary dead-end streets in accordance with the design standards of these regulations.

8D.3.10.2 Dead-End Roads (Permanent)

Permanent dead-end roads including Cul-de-sacs are not permitted.

8D.3.11 General Design Standards

In order to provide for roads of suitable location, width, and improvement to accommodate prospective traffic and afford satisfactory access to police, fire fighting, snow removal, sanitation, and road-maintenance equipment, and to coordinate roads so as to compose a convenient system

and avoid undue hardships to adjoining properties, the design standards for roads are hereby required to be in compliance with the Mantua Design Standards, Construction Specifications, and Standard Drawings, and the Streets Master Plan, as adopted or as may otherwise be determined by the Town Engineer and Planning Commission.

8D.3.11.1 Streets

- (a) All streets within a MPD shall have a paving width as provided by the Town Standards. Streets except arterial streets shall have a right-of-way of 66 ft. Arterial streets shall have a right-of-way of 80 ft. In the case of a MPD the right-of-way and street standards may be modified from the 66 foot standard if approved as part of the development agreement. The 66 foot right-of-way must be used when calculating the base density of the property. All setbacks shall be as if there was a 66 foot right-of-way.
- (b) All streets which are shown on the Mantua Town Master Street Plan if adopted or the land use/zoning maps, shall be developed according to the size and general location shown on the Street Plan. All streets developed in a MPD are to be dedicated to the Town as public streets.

8D.3.12 Road Surfacing and Improvement

After Sewer and Water and other applicable utilities have been installed by the developer, the applicant shall construct curbs and gutters (if required) and shall surface or cause to be surfaced roadways to the widths prescribed in the pertinent regulations. Said surfacing shall be of such character as is suitable for the expected traffic. Types of pavement shall be determined by the Town Engineer. Adequate provision shall be made for culverts, drains and bridges. All road pavement, shoulders, drainage improvements and structures, curbs, turnarounds, and sidewalks shall conform to all construction standards and specifications adopted by the Town and shall be incorporated into the construction plans required to be submitted by the developer for plat approval.

8D.3.13 Excess Right-of-Way

Right-of-Way widths in excess of the standards referenced in these regulations shall be required whenever, due to topography, additional width is necessary to provide adequate earth slopes. Such slopes shall not be in excess of three to one, unless specifically approved by the Town Engineer.

8D.3.14 Intersections

- (a) Streets shall be laid out so as to intersect as nearly as possible at right angles. A

proposed intersection of two (2) new streets at an angle within ten (10) degrees of perpendicular is required. An oblique street should be curved approaching an intersection and should be approximately at right angles for at least one hundred (100) feet therefrom. Not more than two (2) streets shall intersect at any one point unless specifically approved by the Planning Commission.

- (b) Proposed new intersections along one side of an existing street shall, wherever practical, coincide with any intersections on the opposite side of such street. Street jogs with center-line offsets of less than one hundred and fifty (150) feet shall not be permitted. Where streets intersect major streets, their alignment shall be continuous. Intersections of major streets shall be at least eight hundred (800) feet apart.
- (c) Minimum curb radius at the intersection of two (2) local streets shall be at least twenty (20) feet; and minimum curb radius at an intersection involving a collector street shall be at least twenty-five (25) feet. Alley intersections and abrupt changes in alignment within a block shall have the corners cut off in accordance with standard engineering practice to permit safe vehicular movement.
- (d) Intersections shall be designed with a flat grade wherever practical. In hilly or rolling areas, at the approach to an intersection, a leveling area shall be provided having not greater than a two percent (2%) slope for a distance of sixty (60) feet, measured from the nearest Right-of-Way line of the intersecting street.
- (e) Where any street intersection will involve earth banks or existing vegetation inside any lot corner that could create a traffic hazard by limiting visibility, the developer shall cut such ground and/or vegetation (including trees) in connection with the grading of the public Right-of-Way to the extent deemed necessary to provide an adequate sight distance.
- (f) The cross-slopes on all streets, including intersections, shall be three percent (3%) or less.

8D.3.15 Bridges

Bridges of primary benefit to the applicant, as determined by the Planning Commission, shall be constructed at the full expense of the applicant without reimbursement from the Town. The sharing of expense for the construction of bridges not of primary benefit to the applicant as determined by the Planning Commission, will be fixed by special agreement between the Town Council and the applicant.

8D.3.16 Road Dedications and Reservations

- (a) **New Perimeter Streets.** Street systems in new subdivisions shall be laid out so as to eliminate or avoid new perimeter half-streets. The Planning Commission may authorize a new perimeter street where the sub divider improves and dedicates the entire required street Right-of-Way width.

- (b) **Widening and Realignment of Existing Roads.** Where a subdivision borders an existing narrow road or when the Streets Master Plan, Land Use Maps or Zoning Maps indicate plans for realignment or widening a road that would require use of some of the land in the subdivision, the applicant may be required to improve and dedicate at his/her expense such areas for widening or realignment of such roads that are necessary and for the benefit of the subdivision. Such frontage roads and streets shall be improved and dedicated by the applicant at his own expense to the full width as required by these subdivision regulations.

8D.4 Drainage and Storm Sewers

8D.4.1 General Requirements

The Planning Commission shall not approve or recommend for approval any plat of subdivision which does not make adequate provision for storm or flood water runoff channels or catch basins in their opinion. For major subdivisions the drainage plan shall be such that the storm water remains within the subdivision until it can be reasonably accommodated through drain system. Plans shall be reviewed for compliance with the Mantua Design Standards, Construction Specifications, and Standard Drawings or other standards as may be adopted. The storm water drainage system shall be separate and independent of the sanitary sewer system. Storm sewers, where required, shall be designed by the Rational Method, or other methods as approved by the Town Engineer, and a copy of design computations shall be submitted along with plans. Inlets shall be provided so that surface water is not carried across or around any intersection, nor for a distance of more than six hundred (600) feet in the gutter. When calculations indicate that curb capacities are exceeded at a point, catch basins shall be used to intercept flow at that point. Surface water drainage patterns shall be shown for each and every lot and block.

8D.4.2 Location

The applicant may be required by the Planning Commission, upon the recommendation of the Town Engineer, to carry away by pipe or open channel any spring or surface water that may exist either previously to, or as a result of the subdivision. Such drainage facilities shall be located in the road Right-of-Way where feasible, or in perpetual unobstructed easements of appropriate width, and shall be constructed in accordance with the construction standards and specifications.

8D.4.3 Accessibility to Public Storm Sewers

- (a) Storm drainage systems shall be constructed throughout the subdivision and be conducted to an approved out-fall. Inspection of facilities shall be conducted by the Town Engineer.
- (b) If a connection to a public storm sewer will be provided eventually, as determined by the Town Engineer and the Planning Commission, the developer shall make arrangements for future storm water disposal by a public utility system at the time the plat receives final approval. Provision for such connection shall be incorporated by inclusion in the performance guarantee required for the subdivision plat.

8D.4.4 Accommodation of Upstream Drainage Areas

A culvert or other drainage facility shall in each case be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision. The developer shall hire a qualified engineer to determine the necessary size of the facility, based on the provisions of the construction standards and specifications assuming conditions of maximum potential watershed development permitted by this Code and the General or Master Plan. The Town Engineer must review and approve the design.

8D.4.5 Effect on Downstream Drainage Areas

The Town Engineer shall also require the developer's qualified engineer to study the effect of each subdivision on existing downstream drainage facilities outside the area of the subdivision. Town storm drainage studies together with such other studies as shall be appropriate, shall serve as a guide to needed improvements. Where it is anticipated that the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility, the Planning Commission may withhold approval of the subdivision until provision has been made for the improvement of said potential condition in such sum as the Planning Commission and Town Engineer shall determine. No subdivision shall be approved unless adequate drainage will be provided to an approved drainage watercourse or facility.

8D.4.6 Areas of Poor Drainage

Whenever a plat is submitted for an area which is subject to flooding, the Planning Commission upon recommendation of the Town Engineer, may approve such subdivision provided that the applicant fills the affected area of said subdivision to an elevation sufficient to place the elevation of streets and lots at a minimum of twelve (12) inches above the elevation of the maximum probable flood, as determined by the Town Engineer. The plat of such subdivision shall provide for an overflow zone along the bank of any stream or watercourse, in a width which shall be sufficient in time of high water to contain or move the water, and no fill shall be placed in the overflow zone nor shall any structure be erected or placed therein. The boundaries of the overflow zone shall be subject to approval by the Town Engineer. Development in areas of

extremely poor drainage will not be allowed.

8D.4.7 Flood Plain Areas

The Planning Commission may, upon recommendation of the Town Engineer and when it deems it necessary for the health, safety, or welfare of the present and future population of the area and necessary to the conservation of water, drainage, and sanitary facilities, prohibit the subdivision of any portion of the property which lies within the flood plain of any stream or drainage course. These flood plain areas should be preserved from any and all destruction or damage resulting from clearing, grading, or dumping of earth, waste material, or stumps, except at the discretion of the Planning Commission.

8D.4.8 Dedication of Drainage Easements

8D.4.8.1 General Requirements

Where a subdivision is traversed by a watercourse, drainage way, channel, river or stream, there shall be provided a storm water easement or drainage Right-of-Way conforming substantially to the lines of such watercourse, and of such width and construction or both as will be adequate for the purpose. Wherever possible, it is desirable that the drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume of flow.

8D.4.8.2 Drainage Easements

- (a) Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within road rights-of-way, perpetual unobstructed easements at least twenty (20) feet in width for such drainage facilities shall be provided across property outside the road lines and with satisfactory access to the road. Easements shall be indicated on the plat. Drainage easements shall be carried from the road to a natural watercourse or to other drainage facilities.
- (b) When a proposed drainage system will carry water across private land outside the subdivision, appropriate drainage rights must be secured and indicated on the plat.
- (c) The applicant shall dedicate, either in fee or by drainage or conservation easement of land on both sides of existing watercourses, to a distance to be determined by the Planning Commission and Town Engineer.
- (d) Low-lying lands along watercourses including the Box Elder Creek,

Maple Creek, Dam Creek, Big Creek, and spring drainages subject to flooding or overflowing during storm periods, whether or not included in areas for dedication, shall be preserved and retained in their natural state as drainage ways. Such land or lands subject to periodic flooding shall not be computed in determining the number of lots to be utilized for average density procedure nor for computing the area requirement of any lot.

8D.5 Water Facilities

8D.5.1 General Requirement

Necessary action shall be taken by the applicant to extend or create a safe water supply system for the purpose of providing a water-supply capable of providing domestic water use and fire protection. All improvements whether on or off site shall be constructed and paid by the developer. The impact of the development on the Towns water system must be determined by the impact analysis process as outlined in Chapter One of this code.

8D.5.2 Existing Systems

Where a public water main is accessible, the sub divider shall install adequate water facilities (including fire hydrants) subject to the specifications of the State and Town. All water mains shall be at least eight (8) inches in diameter.

8D.5.3 Approval

Water main extensions and Water facilities improvements shall be approved by the Town Engineer and the Town Council.

8D.5.4 Guarantees

To facilitate the above, the location of all fire hydrants, all water storage and supply improvements, and the boundary lines of proposed improvement districts, indicating all improvements proposed to be served, shall be shown on the preliminary plat, and the cost of installing the same, whether on or off the development shall be included in the performance guarantee to be furnished by the developer.

8D.5.5 Ownership of Facilities

Prior to approval of the Subdivision Plat by the Town Engineer, a determination shall be made by the Town Council and Planning Commission as to the location and extent of facilities to be maintained by Mantua. Private facilities are not permitted.

8D.5.6 Fire Hydrants

Fire hydrants shall be required for all subdivisions. Fire hydrants shall be located no more than four hundred and fifty (450) feet apart and shall be approved by the Fire Department and Town Engineer in accordance with International Fire Code or the more stringent code if a conflict exists between Town and International Fire Codes. In some instances, the Town may determine that due to wild-land fire potential, hydrants will be required to be located no more than three hundred (300) feet apart. To eliminate future street openings, all underground utilities for fire hydrants, together with the fire hydrants themselves and all other water supply improvements shall be installed before any final paving of a street shown on the subdivision plat.

8D.5.7 Dedication of Water

As a condition of approval of the subdivision, the city council shall require each developer to provide useable water for the development for outside and culinary use. The amounts and conditions as provided in the Town's water ordinance(s).

8D.6 Sewerage Facilities

8D.6.1 General Requirements

The applicant shall install sanitary sewer facilities in manner prescribed by the Town construction standards and specifications. All plans shall be designed in accordance with current Town, State and EPA rules, regulations, and standards. Necessary action shall be taken by the applicant to extend sanitary sewer service for the purpose of providing sewerage facilities to the subdivision. Off site requirements may be necessary to meet impacts imposed by the development on the Town's Sewer Facilities. The impact analysis required in chapter one of this code may be necessary for approval of the development by the Planning Commission.

8D.6.2 Residential and Non-residential Subdivisions

Sanitary sewerage facilities shall connect with the public sanitary sewer at sizes required by the Town and the Town Engineer. No individual disposal system or treatment plants (private or group disposal systems) shall be permitted in any part of the Town. Sanitary sewerage facilities (including the installation of laterals in the right-of-way and dedication of easements) shall be subject to the Town specifications, rules, regulations, and guidelines and this Code. All subdivisions are required to extend the system to their development. Septic tank and drain-field systems are not permitted.

8D.7 Sidewalks, Curbs, Hiking Trails, Bike Paths, Horse Trails

8D.7.1 Location

Sidewalks if required shall be included within the dedicated non-pavement right-of-way of all roads unless an alternate location has been specifically approved by the Planning Commission. In many cases pedestrian paths separate from the road right of way may be preferable due to snow removal or visual concerns.

8D.7.3 Improvements

Sidewalks shall be improved as required in these regulations and shall be designed to best facilitate their type of use and serve the public interest and safety.

8D.7.4 Pedestrian Paths

Trails, pedestrian paths, and bike paths shall be related appropriately to topography, require a minimum of site disturbance, permit efficient drainage, and provide safe access.

8D.7.5 Other Trails

Walking and hiking trails, bike paths, and horse trails shall be provided by the developer in accordance with the Town Trails Master Plan if adopted and/or where otherwise necessary as determined by the Planning Commission. Trails should connect traffic generators such as schools, recreation facilities, commercial areas, parks, and other significant natural features. Such trails shall be built to Town specifications and easements shall be dedicated for such trails. The trails shall be constructed at the time of road construction, unless the Planning Commission determines otherwise, in which case cash deposits shall be required pursuant to this code for improvements.

8D.8 Other Utilities

8D.8.1 Location

Utility facilities including but not limited to gas, electric power, telephone, and cable TV, shall be located underground in new subdivisions wherever underground location does not violate safety standards of the particular utility and where such underground location does not impose any potential additional maintenance burden on Mantua's streets and water/sewer personnel in the opinion of the Town Council. Underground service connections for water and sewer shall be installed to the street property line of each platted lot at the expense of the sub divider and shall be marked on the surface, as shall casings or conduits for all other underground utilities as determined by the Town Engineer.

8D.8.2 Easements

- (a) Easements centered on rear lot lines shall be provided for utilities (private and municipal); such easements shall be at least ten (10) feet wide. Proper

coordination shall be established by the sub divider between the applicable utility companies for the establishment of utility facilities and easements to adjoining properties.

- (b) Where topographical or other conditions are such as to make impractical the inclusion of utilities within the rear lot lines, perpetual unobstructed easements at least ten (10) feet in width shall be provided along side lot lines with satisfactory access to the road or rear lot lines. All easements shall be indicated on the plat.
- (c) Where necessary to ensure proper access and maintenance, easement widths shall be increased as required by the Town Engineer.

8D.9 Parks, Playgrounds, Recreation Areas and Other Public Uses

8D.9.1 Recreation Standards

The Planning Commission, in its review of each major subdivision, shall require that land be reserved and improvements installed for parks and playgrounds or other recreation purposes in locations designated on any Master Plans or otherwise where such reservations would be appropriate and the park would benefit the subdivision and its residents. Each reservation shall be of suitable size, dimension, topography, and general character and shall have adequate access for the particular purposes envisioned by the Planning Commission. The area shall be shown and marked on the plat, "Reserved for Park and/or Recreation Purposes." The developer will also be required to install improvements to the recreation areas. These improvements will be built to Town specifications. In the event the Town feels it would be in the best interest of the community, money in lieu of property for said park could be considered.

When recreation areas are required, the Planning Commission shall determine the number of acres to be reserved using the following formula as a minimum: providing one acre of recreation area for developments up to fifty (50) single family dwelling units and one acre for every fifty (50) units or fractions thereafter. This calculation equates to nine hundred seventy-one (971.2) square feet per single-family dwelling unit. The Planning Commission shall also determine the level of improvements required. All required improvements shall be built to Town specifications. The Planning Commission may refer such proposed reservations to the Town official or department in charge of operating parks and recreation for recommendation. The developer shall dedicate all such recreation areas and facilities to the Town as a condition of final subdivision plat approval.

8D.9.2 Minimum Size of Park and Playground Reservations

In general, land reserved for recreation purposes shall have an area of at least one acre. When the percentages from the above formula would create less than one acre, the Planning Commission may require that the recreation area be located at a suitable place on the edge of the subdivision

so that additional land may be added at such time as the adjacent land is subdivided. In no case shall an area of less than one-half (1/2) acre be reserved for recreation purposes if it will be impractical or impossible to secure additional lands in order to increase its area. This smaller amount will be accepted only when it is on the edge of the subdivision or when the staff feels that the reduced size will result in a functional and usable recreation site.

8D.9.3 Recreation Sites

Land reserved for recreation purposes shall be of a character and location suitable for use as a playground, play field, or for other recreation purposes, and shall be relatively level and dry; and shall be improved by the developer to the Town standards required by the Planning Commission, which improvements shall be included in the performance guarantee. The Planning Commission may refer any subdivision proposed to contain a dedicated park to the Town official in charge of parks and recreation for a recommendation. All land to be reserved for dedication to the Town for park purposes shall have prior approval of the Town Council and shall be shown marked on the plat "Reserved for Park and/or Recreation Purposes."

8D.9.4 Alternative Procedure for Subdivisions of Fewer than 25 Lots

Subdivisions, including commercial subdivisions, with fewer than 25 lots would result in a land area of less than one-half (1/2) acre to be reserved for recreation facilities. In this case the requirement will be waved and the Town will collect impact fees for the parks.

8D.9.5 Applicability to Land Utilizing Average Density

Any subdivision plat in which the principle of average density or flexible zoning has been utilized shall not be exempt from the provisions of this section, except as to such portion of land which is actually dedicated to the Town for park and recreation purposes. The Town must agree with the placement of required parks within the development. The development agreement document with the developer is proof of Town approval of park placement.

8D.9.6 Other Recreation Reservations

The provisions of this section are minimum standards. None of the paragraphs above shall be construed as prohibiting a developer from reserving other land for recreation purposes in addition to the requirements of this section.

8D.9.7 Other Public Uses

- (a) **Plat to Provide for Public Uses.** Except when an applicant utilizes a master planned development concept in which land is set aside by the developer as required by the provision of the Land Management and Development Code,

whenever a tract to be subdivided includes a school, recreation uses, or other public use as indicated on the Master Plan or any portion thereof, such space shall be suitably incorporated by the applicant into the sketch plat. After proper determination of its necessity by the Planning Commission and the appropriate Town official or other public agency involved in the acquisition and use of each such site and a determination has been made to acquire the site by the public agency, the site shall be suitably incorporated by the applicant into the preliminary and final plats.

- (b) **Referral to Public Body.** The Planning Commission shall refer the sketch plat to the public body concerned with acquisition for its consideration and report. The Planning Commission may propose alternate areas for such acquisition and shall allow the public body or agency 30 days for reply. The agency's recommendation, if affirmative, shall include a map showing the boundaries and area of the parcel to be acquired and an estimate of the time required to complete the acquisition.
- (c) **Notice of Property Owner.** Upon receipt of an affirmative report, the Planning Commission shall notify the property owner and shall designate on both the preliminary and final plats that area proposed to be acquired by the public body.

8D.10 Preservation of Natural Features and Amenities

Existing features which add Natural value or Historical amenities to the community shall be retained. Buildings shall be sited in a manner that preserves significant views. Ridges should be protected from development which would be visible on the sky line from prominent areas or vantage points (as defined in chapter 10) in Mantua. Existing vegetation should also be retained as much as possible. Vegetation protection shall be required during construction so that disturbance is limited. Existing features such as water courses, rivers, irrigation works, wetlands, historic sites, critical meadow lands, important vistas, and other irreplaceable assets shall be preserved in the design of the subdivision. All trees on the plat required to be retained shall be preserved, and all trees where required shall be welled and protected against change of grade. The sketch plat shall show the number, size, and location of existing trees as required by these regulations and shall further indicate all those marked for retention, and the location of all proposed trees along the street side of each lot. Any project falling within the Sensitive Lands Area Overlay Zone may be subject to additional requirements and regulations as outlined in the Sensitive Lands Regulations contained in chapter 10 of this code.

8D.11 Non-residential Subdivisions

8D.11.1 General

If a proposed subdivision includes land that is zoned for agricultural, commercial or industrial purposes, the layout of the subdivision with respect to such land shall make such provision as the Planning Commission may require. A nonresidential subdivision shall also be subject to all the requirements of site plan approval set forth in the Land Management and Development Code. Site plan approval and nonresidential subdivision plat approval may proceed simultaneously at the discretion of the Planning Commission. A nonresidential subdivision shall be subject to all the requirements of these regulations, as well as such additional standards as are required by the Planning Commission, and shall conform to the proposed land use and standards established in the General Plan, Streets Master Plan, Land Use Maps, Land Management and Development Code, and Mantua Design Standards, Construction Specifications, and Standard Drawings.

8D.11.2 Standards

In addition to the principles and standards in these regulations, which are appropriate to the planning of all subdivisions, the applicant shall demonstrate to the satisfaction of the Planning Commission that the street, parcel, and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed:

- (a) Proposed agricultural or industrial parcels shall be suitable in area and dimensions to the types of agricultural or industrial development anticipated.
- (b) Street rights-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be placed thereupon.
- (c) Special requirements may be imposed by the Town with respect to street, curb, gutter, and sidewalk design and construction.
- (d) Special requirements may be imposed by the Town with respect to the installation of public utilities, including water, sewer, and storm water drainage.
- (e) Every effort shall be made to protect adjacent residential areas from potential nuisance from a proposed commercial or industrial subdivision, including the provision of extra depth in parcels backing up on existing or potential residential development and provisions for a permanently landscaped buffer strip and/or fencing when necessary or required.
- (f) Streets carrying non-residential traffic, especially truck or equipment traffic, shall not normally be extended to the boundaries of adjacent existing or potential residential areas or uses.

8D.12 Erosion Control

8D.12.1 General Requirement

Developers shall be required to submit an erosion control plan to be approved by the Town Engineer for all construction projects either on or off site.

8D.12.2 Approval

Erosion Control Plans shall be approved by the Town Engineer.

8D.12.3 Guarantees

The performance guarantee shall include a line item for erosion control measures outlined in the Erosion Control Plan.

8E Specifications for Documents to be Submitted

8E.1 Sketch Plat

Sketch plats submitted to the Planning Commission, prepared in pen or pencil, shall be drawn to an engineers' scale of not more than one hundred (100) feet to an inch and shall show the following information. These requirements are the minimum, other information may be required by the Planning Commission as the need dictates.

8E.1.1 Name

- (a) Name of subdivision if property is within an existing subdivision.
- (b) Proposed name if not within a previously platted subdivision. The proposed name shall not duplicate the name of any plat previously recorded in Box Elder County, Utah.
- (c) Name of property if no subdivision name has been chosen. (This is commonly the name by which the property is locally known.)

8E.1.2 Ownership

- (a) Name and address, including telephone number, of legal owner or agent of property, a property report, and citation of last instrument conveying title to each parcel of property involved in the proposed subdivision, giving grantor, grantee, date, and land records reference.
- (b) Citation of any existing legal rights-of-way or easements affecting the property.
- (c) Existing covenants on the property, if any.
- (d) Name and address, including telephone number, of the professional person(s) responsible for subdivision design, for the design of public improvements, and for surveys.

8E.1.3 Description

Location of property by government lot, section, township, range and county, graphic scale, north arrow, and acres.

- (a) Location of property lines, existing easements, burial grounds, mine or known geologic hazards, railroad rights-of-way, water courses, and existing wooded areas or trees eight (8) inches or more in diameter, measured four (4) feet above ground level; location, width, and names of all existing or platted streets or other public ways within or immediately adjacent to the tract; names of adjoining property owners from the latest assessment rolls within one thousand (1000) feet of any perimeter boundary of the subdivision.
- (b) Location, sizes, elevations, and slopes of existing sewers, water mains, culverts, and other underground structures within the tract and immediately adjacent thereto; existing permanent building and utility poles on or immediately adjacent to the site and utility rights-of-way.
- (c) Approximate topography, at the same scale as the sketch plat with at least 5-foot contour intervals.
- (d) The approximate location and widths of proposed streets.
- (e) Preliminary proposals for connection with existing municipal water supply and sanitary sewage systems; preliminary provisions for collecting and discharging surface water drainage.
- (f) The approximate location, dimensions, and areas of all proposed or existing lots.
- (g) The approximate location, dimensions, and areas of all parcels of land proposed to be set aside for park or playground use or other public use, or for the use of property owners in the proposed subdivision.
- (h) The location of temporary stakes to enable the Planning Commission to find and appraise features of the sketch plat in the field.
- (i) Whenever the sketch plat covers only a part of an applicant's contiguous holdings, the applicant shall submit, at the scale of no more than two hundred (200) feet to the inch, a sketch in pen or pencil of the proposed subdivision area, together with its proposed street and trail system, and an indication of the probable future street and drainage system of the

remaining portion of the tract. This requirement is to assure the orderly development of the remaining property and adjoining properties.

- (j) A vicinity map showing streets and other general development of the surrounding area. The sketch plat shall show all school and improvement district Lines with the zoning districts properly designated.
- (k) A plan designating limits of disturbance for each parcel and for subdivision improvements, such as utilities and roads.

8E.2 Preliminary Plat

These preliminary plat requirements are the minimum, other information may be required by the Planning Commission as the need dictates.

8E.2.1 General

The preliminary plat shall be prepared by a licensed land surveyor at an engineers' scale not more than one inch equals one hundred (100) feet, may be prepared in pen, or pen and pencil, and the sheets shall be numbered in sequence if more than one sheet is used and shall be of such size as is acceptable for filing in the office of the County Recorder, but shall not be larger than 24" x 36". It should be noted that the map prepared for the preliminary plat may also become the final subdivision plat and, therefore, should be drawn on tracing cloth or reproducible Mylar.

8E.2.2 Features

The preliminary plat shall show the following:

- (a) The location of property with respect to surrounding property and streets, the names of all adjoining property owners of record or the names of adjoining developments, the names of adjoining streets.
- (b) The location and dimensions of all boundary lines of the property to be expressed in feet and decimals of a foot.
- (c) The location of existing streets, easements, water bodies, rivers, streams, and other pertinent features such as swamps, buildings, parks, cemeteries, drainage or irrigation ditches, bridges, or as determined by the Planning Commission.
- (d) The location and width of all existing and proposed streets and easements, alleys, trails, and other public ways, and easement and proposed street rights-of-ways and building setback lines.

- (e) The location, dimensions, and areas of all proposed or existing lots.
- (f) The location and dimensions of all property proposed to be set aside for park or playground use, or other public or private reservations and open space dedications, with designation of the purpose thereof, types, and conditions, if any, of the dedication, preservation or reservation.
- (g) The name and address of the owner or owners of land to be subdivided, the name and address of the sub divider if other than the owner, and the name of the land surveyor.
- (h) The date of the map, approximate true north point, scale, and title of the subdivision.
- (i) Sufficient data acceptable to the Town Engineer to determine readily the location, bearing, and length of all lines, and to reproduce such lines upon the ground, the location of all proposed monuments.
- (j) Names of the subdivision and all new streets, subject to the approval of the Planning Commission.
- (k) Indication of the use of any lot whether single-family, two-family, multi-family, agricultural, commercial, open space as well as all uses other than those specified that are proposed by the sub divider.
- (l) All lots in each block shall be consecutively numbered.
- (m) All information required on sketch plat should also be shown on the preliminary plat, and the following notation shall also be shown:
 - (1) Explanation of drainage easements, if any.
 - (2) Explanation of site easements, if any.
 - (3) Explanation of reservations and conservation easements.
 - (4) Owners dedication, if any, and Consent to Record as required by applicable State Law.
- (n) Form for endorsements by Planning Commission Chairman and Mayor, as well as signature blocks for the, Town Engineer, and.
- (o) Any restrictions or requirements necessary to ensure solar access shall be

defined as well as any view easements designated.

- (p) All utility facilities existing and proposed throughout the subdivision shall be shown on the preliminary plat or on accompanying engineering plans.
- (q) The lack of information under any item specified herein, or improper information supplied by the applicant, shall be cause of disapproval of a preliminary plat.
- (r) A plan designating limits of disturbance or building pads and utilities corridors and connections for each parcel and for subdivision improvements, such as utilities and roads.

8E.3 Construction Plans

Construction plans shall be prepared for all required improvements. Plans shall be drawn at a scale of no more than one inch equals fifty (50) feet, and map sheets shall be of the same size as the preliminary plat. These requirements are the minimum, other information may be required by the Planning Commission as the need dictates. The following shall be shown:

- (a) Profiles showing existing and proposed elevations along center lines of all roads. Where a proposed road intersects an existing road or roads, the elevation along the center line of the existing road or roads within one hundred (100) feet of the intersection shall be shown. Approximate radii of all curves, lengths of tangents, and central angles on all streets.
- (b) The Planning Commission may require, upon recommendation by the Town Engineer, where steep slopes exist, that typical cross-sections of all proposed streets be shown.
- (c) Plans and profiles showing the locations and typical sidewalks, drainage easements, irrigation ditches, servitude's, rights-of-way, manholes, and catch basins; the locations of street trees, street lights, and street signs; the location, size, and invert elevations of existing and proposed sanitary sewers, storm water drains, and fire hydrants, showing connections to any existing or proposed utility systems; and exact location and size of all water, gas, or other underground utilities or structures.
- (d) Location, size, elevation, and other appropriate description of any existing facilities or utilities, including, but not limited to, existing streets, sewers, drains, water mains, easements, water bodies or impoundment's, streams, and other pertinent features such as swamps, wetlands, buildings, features noted on the Official Zoning Map or Master Plans, at the point of connection to proposed facilities and utilities within the subdivision, and each tree with a diameter of eight (8) inches or more, measured four (4) feet above ground level. The water elevations of adjoining lakes or streams at the date of the survey,

and the approximate high- and low-water elevations of such lakes or streams. All elevations shall be referred to the Mantua Engineer's or U.S.G.S. datum plane. If the subdivision borders a lake, river, or stream, the distances and bearings of a meander line established not less than twenty (20) feet back from the ordinary high-water mark of such waterways.

- (e) Topography at the same scale as the sketch plat with a contour interval of two (2) feet, referred to sea-level datum. All datum provided shall be latest the applicable U.S. Geodetic Survey datum and should be so noted on the plat.
- (f) All other specifications, details, and references required by the Mantua Design Standards, Construction Specifications, and Standard Drawings if adopted, including a site-grading plan for the entire subdivision.
- (g) Notation of approval by the Owner, Town Engineer and Water/Sewer Department.
- (h) Title, name, address, signature, and seal of the professional engineer preparing the plans, and date, including revision dates.
- (i) A limits of disturbance and re-vegetation plan.
- (j) An erosion control plan

8E.4 Final Subdivision Plat

The final subdivision plat shall be presented in India ink on tracing cloth or reproducible Mylar at the same scale and contain the same information, except for any changes or additions required by resolution of the Planning Commission, as shown on the preliminary plat. The preliminary plat may be used as the final subdivision plat if it meets these requirements and is revised in accordance with the Planning Commission's resolution. These requirements are the minimum, other information may be required by the Planning Commission as the need dictates. All revision dates must be shown as well as the following:

- (a) Notation of any self-imposed restrictions, and locations of any building lines proposed to be established in this manner, if required by the Planning Commission in accordance with these regulations.
- (b) All monuments erected, corners, and other points established in the field in their proper places. The material of which the monuments, corners, or other points are made shall be noted at the representation thereof or by legend. The legend for metal monuments shall indicate the kind of metal, the diameter, length, and weight per lineal foot of the monuments.

8E.4.1 Final Plat Preparation

The final subdivision plat shall be prepared by a registered land surveyor licensed by the state of Utah and certified as to the same on the plat.

8E.4.2 Required signatures of Town Officers

The following signatures are required before an approved plate can be recorded: Mayor, Mantua Town Engineer, Fire Department Approval (Fire Department Chief, Mantua Town Planning Commission (Chairman)).

Chapter

9

MASTER PLANNED DEVELOPMENTS

The regulations set forth in this chapter detail the process and submission of Master Planned Developments to the Town. These type of developments offer more flexibility in the design and placement of structures and emphasize open agricultural space, maintaining the spirit of the Mantua Town General Plan

9.1 Purpose and Objectives

The purpose of the Master Planned Development (MPD) is to encourage imaginative and efficient utilization of land in residential development and to further the objectives of the Mantua Town General Plan.

By providing for greater flexibility in the location of buildings on the land, it also allows the consolidation of development and the vast expansion of permanent, common, recreational and agricultural type open spaces, the clustering of dwelling units and the efficient use of those public facilities required in connection with new residential development. These provisions are intended to create attractive and desirable environments within the residential and agricultural areas of the Town.

This chapter should be considered an enhancement to the regulations of chapter 8 as contained in this code, and more particularly, section 8D.1. These enhancements are negotiable between the developer and the Town. The effective and innovative application of these standards may result in bonuses to the density and structural placement regulations found in chapter 7 and elsewhere in this code. All MPD proposals must demonstrate also, that they can meet the minimum requirements or conditions of any underlying zone or other regulations contained in this code. An MPD cannot be used as an instrument or vehicle to accomplish a primary use that would have been prohibited if the project were to be submitted and applied for as a conventional subdivision.

The Planning Commission and/or Town Council may accept or reject a MPD proposal on the basis of the quality of materials used in the project, as well as the architectural design and serviceability of the project. All MPD developments shall be designed to "fit in" and protect the character of the neighborhood and rural atmosphere of the Town. In considering MPD applications, every effort will be made to see that the neighborhood and Town is enhanced by the project.

Any proposed subdivision project involving more than five (5) acres, or having more than 10 residential units or lots divided, must be submitted as an MPD, unless specifically exempted by an appeal to the Appeal Authority. Subdivisions containing fewer than 10 units (minor subdivisions) may be exempt from this requirement, unless the applicant wishes to be reviewed as a minor MPD as per this chapter.

Complete planning of the entire project in all of its phases is critical in the proper application of the

MPD process. All MPD regulations are in addition to the subdivision regulations of chapter 8 and the MPD may be processed concurrently with the subdivision approval if the applicant wishes. Also, refer to Chapter 4 of this code for Planning Commission MPD approval procedures and issues as well as those of this chapter.

9.2 Uses

A MPD may be allowed as a conditional use in all residential and agricultural zones as designated herein, and the MPD development plan shall become supplementary to the provisions of the zones in which the MPD is located, although the Town shall not be required to enforce any of the restrictive covenants recorded pursuant to this Article.

9.2.1 Zones Allowing Attached Units

Attached units shall be allowed in all residential zones.

9.2.2 Types of Developments

Master Planned Developments include cluster subdivisions, planned developments, twin homes, condominiums, planned developments using manufactured housing, combinations of housing types such as single units and multiple units.

9.2.3 Zone Use Limitations

Uses permitted in the MPD shall be limited to those uses permitted in the zone in which the MPD is allowed.

9.3 Density

The base density in lots and/or units per net acre as defined in this section of this Chapter for a MPD shall be as follows:

- | | | |
|-----|-------|----------------|
| (a) | R1-20 | 2 Units/Acre |
| (b) | R2 | 2 Units/Acre |
| (c) | MU-5 | 0.2 Units/Acre |

9.3.1 Base Density Exclusions

In determining the maximum base density of the project, the following areas shall not be included within the boundaries of any lot laid out or counted in determining the maximum base density, except as provided herein:

- (a) All road rights-of-way existing or to be dedicated to the town;

- (b) All acreage having a slope of fifteen percent (15%) or greater;
- (c) All acreage covered by natural streams, lakes or ponds;
- (d) All areas where native soils are classified by the United States Department of Agriculture, Soil Conservation Service, as having severe limitations as foundations for low buildings and all native soils having no interpretations. If the developer submits with his application an engineering report that defines the soils limitations and detailed engineering plans that will reduce the possible hazard to an acceptable standard to the Town, the Town Council may consider this area for inclusion in the maximum base density. These soils include areas with high water table, areas with high shrink-swell potential, areas subject to flooding, and areas having a high degree of slope.
- (e) All acreage required to be set aside and dedicated to the Town for parks.

9.3.2 Density Bonuses

The Town Council may, upon recommendation of the Planning Commission, grant an amenity density bonus and/or an impact density bonus, which may allow the developer of a MPD to exceed the maximum base density for the zone district.

9.3.2.1 Amenity Density Bonus

An amenity density bonus shall be defined as an increase over the maximum base density for amenities included in a Master Planned Development. Amenities for a particular project may vary from those of another project because of project type and market for which the project is being built. Types of amenities may include dense landscapes, yard lights, tennis courts, trails, equestrian facilities, recreation areas and parks, permanent open space, common useable agricultural or farming open spaces or other similar features. Such features may be an amenity for one project, but a liability for another. The Town shall consider the total project and the proposed amenities, and determine the amount of amenity density bonus a project may receive. An amenity density bonus may be based on any of the following:

- (a) **Building and Project Design.** Design considerations shall give comprehensive and critical attention to architectural design and style including unit types, architectural theme, building materials and colors, fence and wall treatment, solar considerations, project entrances, orientation of buildings to amenities within the development, and visual appearance of the development from outside the project

(b) Provision and Protection of Open Space. This shall mean the provision and protection of permanent common open space or agricultural open space which is distinguishable from a standard subdivision by its quantity or quality and which is readily accessible to the residents of the development. Credit will be given for innovative clustering designs that maximize open space and preserve the scenic views and beauty of the community. Open space placed in conservation easements for perpetuity will be valued highly in the MPD process.

(c) Innovative Site Plan. An innovative site plan shall mean a site plan which features a street pattern which discourages through traffic, ensures the privacy and security of the residents of the development and is in harmony with the topography and other natural features. An innovative site plan could also include a variety of lot sizes, setbacks, and dwelling unit types.

(e) Interior Amenities. Interior amenities shall mean the provision of private recreational facilities such as tennis courts, recreational centers, jogging paths, trails, water features, etc., which are accessible to the residents of the development; as well as overall street scape, including street and sidewalk treatment, street trees, overall landscaping, signs, graphics, mail boxes, yard lighting, garage placement, car port screening, and dwelling entrances.

(f) Substantial Public Benefit. Substantial public benefit shall mean the provision of public facilities that are both unusual in character and serve the needs of an area greater than the immediate development. No density increase for substantial public benefit may be approved unless the public facilities provided are in excess of the typically required street improvements, sidewalks or trails, utilities and drainage facilities.

9.3.2.2 Total Density

In no case shall the total density, including the maximum base density (with exclusions) and all density bonuses, exceed the following for the zone in which the proposed MPD is located:

Zone Dwelling Units per net Acre:

R1-20	2.18 Units/Acre
R2	2.18 Units/Acre
(c) MU-5	0.218 Units/Acre

9.4 Minimum Area Requirements

9.4.1 Area

The following minimum MPD area requirements shall also apply for each zone:

Zone Minimum Area:

- (a) R1-20 5 Acres
- (b) R2 5 Acres
- (c) MU5 50 Acres

9.4.2 Exceptions

The Town Council may, upon recommendation of the Planning Commission, allow a MPD development on smaller parcels if the Town Council finds that the proposed MPD meets the standards of Section 9.5.4, and that the benefits of such action outweigh any potential negative effects on surrounding properties.

9.5 Preliminary Development Plan

9.5.1 Development Review Application

The developer of a proposed MPD shall submit a Development Review Application, with a fee as established by Town Council Resolution, and a preliminary development plan to the Town.

9.5.2 Application Form

The form and contents of the preliminary development plan shall be as follows:

- (a) The preliminary development plan shall be drawn to a scale not smaller than sixty (60) feet to the inch, and shall be on standard twenty-four (24) inch by thirty-six (36) inch paper or smaller.
- (b) Each sheet of the development plat shall contain the name of the development, the scale of the drawing which shall not be less than sixty feet (60') to the inch, the sheet number, an arrow indicating north, and a vicinity map.
- (c) The preliminary development plan shall contain the following information:
 - (1) The proposed name of the development.
 - (2) Where the submitted plan covers only a part of the development's

- tract, or is part of a larger vacant area, the plan shall show the location of the development as it forms part of the larger tract or parcel of land. In such case, a sketch of the prospective future street system of the remaining part(s) shall be submitted and the street system of the proposed development shall be considered in light of adjustments and connections with the future street system of the larger area.
- (3) A vicinity map containing sufficient information to accurately locate the property shown on the plat and map.
 - (4) The names and addresses of the owner, the sub divider, the engineer or surveyor of the development, and the owners of all lands or parcels immediately adjoining the land to be subdivided as shown on the records of the Box Elder County Recorder or Assessor.
 - (5) A contour map drawn at two (2) foot intervals on all development plats, unless waived in writing by the Planning Commission.
 - (6) The boundary lines of the tract to be developed.
 - (7) The lot dimensions and square footage of each lot.
 - (8) Existing curbs, gutters, sidewalks, sanitary sewers and manholes, storm drains and manholes, water supply main valves and lines, culverts, and fire hydrants within the tract or within two hundred (200) feet of the boundaries of the proposed development. The dimensions of all such improvements shall also be indicated.
 - (9) The location, width and other dimensions of proposed curbs, gutters, sidewalks, streets, easements, parks and other open spaces with proper labeling, and of land to be dedicated to the Town.
 - (10) The location, principal dimensions and names of all existing or recorded streets, alleys and easements, both within the proposed development and adjacent to the boundary thereof, whether recorded or claimed by usage; the location of and distance to the nearest existing benchmark (or monument) and section line; and the location and principal dimensions of all water courses, ditches, public utilities, and other important features; and existing structures within the land adjacent to the tract to be subdivided, and exceptional topography.

- (11) The location of existing bridges, culverts, surface or subsurface drainage ways, utilities, public buildings, pumping stations or appurtenances, within the development or within two hundred (200) feet thereof.
- (12) Proposed water facilities, sanitary sewers, storm drainage facilities, and fire hydrants, located either within or without the development.
- (13) A plan by which the developer proposes to handle, within the development, the storm water drainage. This system must be adequate to handle a one hundred (100) year storm.
- (14) Boundary lines of adjacent tracts of land, showing ownership and property monuments.
- (15) A tabulation of each proposed use by acreage and its percentage of the total acreage.
- (16) Parks, playgrounds, common areas and facilities, limited common areas and facilities appurtenant and other improvements within the MPD.
- (17) Location of all dwellings and other structures in the development, the common areas, limited common areas and other areas of private ownership, including open spaces and how they will be preserved and protected.
- (18) Typical landscape planting plan for each landscaped area of the development, which will be held in common or limited common ownership.
- (19) Building elevations and basic floor plans for all buildings within the development or guarantees in the form of covenants that the buildings on individual lots will be compatible in value and design with other buildings in the development.
- (20) Evidence that the applicant has sufficient control over the subject property to effectuate the proposed plan as submitted.

9.5.3 Other Conditions

The Planning Commission may recommend and the Town Council may impose such

conditions on the development plans as they deem appropriate to meet the goals and objectives of this Article. The Town Council may disapprove a MPD which is found to be deficient in meeting the intent of these provisions.

9.5.4 Town Council Approval Issues

The Town Council may, upon recommendation of the Planning Commission, approve in concept, the preliminary development plan, provided that they find:

- (a) That the proposed development will provide a living environment at least as pleasant and attractive as would be provided by a conventional residential development established under the strict application of the provisions of the underlying zone.
- (b) That the MPD project will provide more efficient use of the land and more usable and permanent open space than a conventional development permitted by the underlying zone and will further the objectives of the Town General Plan.
- (c) That any variation allowed from the development standards of the underlying zone does not create increased unreasonable hazards to the health, safety and general welfare of the residents of the proposed MPD and adjacent areas.

9.5.5 Other Documentation

The following documents shall be submitted with a preliminary development plan.

- (a) **Zone changes.** Changes or requests for zone changes must be acted upon before the preliminary plat application is submitted.
- (b) **Agreements.** Copies of any necessary or required agreements with property owners adjacent to the proposed MPD, or with any other person or entity.
- (c) **Irrigation Companies.** Written approval of adjoining irrigation, ditch or canal companies to authorize any required fencing and easement access protection (if such approval is required).
- (d) **Statement of Intent.** A statement of intent shall be submitted with each development plan. A statement of intent is a narrative describing the intangible concepts the developer proposes to implement with the project development. The statements shall be descriptive and shall include but may not be limited to:

- (1) Market analysis.
- (2) Design theme of entire project to include treatment of houses, landscaping, mailboxes, street signs and lighting, and trails/walkways
- (3) Buyer profile. An expected buyer profile should be described. (The project amenities are dictated somewhat by the buyer profile.)
- (4) Selling price range of the units.
- (5) Common area amenities not detailed on the development plat.
- (6) Proposed budget for common area amenities and landscaping.
- (7) Maintenance and repair of common, limited common, and private areas.
- (8) Complete and Detailed Project construction phasing.
- (9) A list of amenities proposed for the development.
- (10) A time schedule for the completion of common area facilities including landscaping, parking, parks, and other improvements.

9.6 Final Plat and Development Plans

9.6.1 Failure to Submit a Plan

Failure to submit a final development plan within one (1) year of the date of approval of the preliminary development plan shall terminate all proceedings and render approval of the preliminary development plan null and void.

9.6.2 Plan Preparation and Qualifications

A final plat of all or part of the MPD shall be prepared by the developer's surveyor and engineer and submitted to the Town, together with the required fees. All final plats must be signed by a licensed surveyor and must conform to any applicable Town design standards. The one (1) year time limit for submission and recordation of the final plat may be extended by the Planning Commission for up to one (1) additional year.

9.6.3 Plan Requirements

The final plat shall be drawn on a sheet of approved tracing linen or Mylar having outside or

trim line dimensions of twenty-four inches (24") by thirty-six inches (36"). The borderline of the plat shall be drawn in heavy lines leaving a space of at least one and one-half inches (1 ½") on the left side and at least a one-half inch (½") margin on other sides. The plat shall be drawn so that the top of the drawing faces north. All lines, dimensions and markings shall be made on the tracing linen with approved waterproof black "drawing ink". The plat shall be made to a scale large enough to clearly show all details and in any case not smaller than sixty feet (60') to the inch. The finished drawing shall be neat, clean-cut and readable and shall be in conformance with the format approved by the Town and the County Recorder. The final plat shall contain the following information:

- (a) The name of the development.
- (b) A north arrow (point), the scale of the drawing and the date of preparation of the plat.
- (c) All lot sizes, which shall be indicated in square feet.
- (d) Accurately drawn boundaries, showing the proper bearings and dimensions of all boundary lines of the MPD, properly tied by reference to two public survey monuments. These lines shall be heavier than street and lot lines.
- (e) The names, widths, lengths, bearings and curve data of proposed streets, public utility and irrigation easements; also the boundaries, bearings and dimensions of all portions within the subdivision intended to be dedicated to the use of the public; also the lines, dimensions, bearings and numbers of all lots, blocks and parts reserved for any reason within the MPD. All lots, blocks, and streets shall be numbered in accordance with the street numbering system adopted by the Town. In the case of corner lots, an address will be assigned for each part of the lot having frontage. Streets may be named as approved by the Town, however, each street must have a number.
- (f) A licensed land surveyor's "Certificate of Survey."
- (g) The description of the boundaries of the development together with a certification by the sub divider's engineer or land surveyor stating that the lots described fully comply with the requirements of the Town's Land Management and Development Code(s).
- (h) The owner's Certificate of Dedication as required by Box Elder County.
- (i) The signature of every person who owns property within the development and a notary public's acknowledgment of all such signatures.

- (j) The Planning Commission's approval of the development plan with the signature of the Planning Commission Chairman.
- (k) A signature line for the Mayor.
- (l) The Town Engineer's, Fire Chief and Box Elder School District approval and signature.
- (m) A notice of all covenants, conditions and other restrictions which may be relevant and applicable to the property contained in the plat.
- (n) Designation of common areas, limited common areas, open spaces and private ownership areas.
- (o) Identification of landscaped areas, limits of disturbance, parking areas, driveways and other features required by this section, and a detailed landscape planting plan and irrigation system plan for each landscaped area of the development, which is to be held in common or limited common ownership.
- (p) Three-dimensional drawings of multi-storied buildings and building elevations where required.
- (q) Plat restrictions, lot or deed restrictions, covenants and other information required by the Planning Commission and/or the Town Council.
- (r) In the case where the MPD is a condominium project, the developer shall submit a written statement by an attorney who is licensed to practice in Utah. This written opinion shall state that the condominium declaration, the record of survey map and the other supporting documentation comply in all respects with the Utah Condominium Ownership Act (UCA Sec. 57-8-1, et seq.) as well as all applicable federal, state and local laws and ordinances and that when the condominium declaration and survey map have been recorded in the office of the Box Elder County Recorder that the proposed project will be a validly existing and lawful condominium project in all respects.

9.6.4 Town Council Approval Issues

The Town Council may approve the final development plans of the MPD provided it finds:

- (a) That all of the conditions of approval of the preliminary development plan have been incorporated into the final development plans.

- (b) That all construction drawings of the MPD have been approved by the Town Engineer.

9.6.5 Variations

Variations from the development standards of the underlying zone in which the MPD is located may be permitted by the Town Council, provided the variations are specifically adopted by the Town Council as part of the approved development plans or approved supporting documents. Variations, however, shall not include changes in the permitted zone uses allowed except to the extent set forth herein.

9.7 Development Standards and Requirements

9.7.1 Neighborhood Meeting

The applicant for any MPD shall conduct at least one (1) neighborhood meeting for the residents in the area of the proposed MPD to explain the proposed development and to address all neighborhood concerns. Such meeting(s) shall be accomplished prior to the preliminary development plan being scheduled for review by the Planning Commission. The area of notice for the meeting will be determined by the Planning Commission.

9.7.2 Compliance with Mantua Town Codes

Master Planned Developments shall comply with the requirements of this Chapter and the stipulations and requirements of the entire Land Management and Development Code, as well as any requirements and conditions of the Planning Commission and Town Council. The requirements and standards set forth herein shall apply to any Master Planned Development, and are in addition to any other regulations, required by a conventional development not submitted as a MPD. All Development must comply with any of the applicable Subdivision Standards contained in the Land Management and Development Code.

9.7.3 Structure Setbacks

- (a) No structure shall be set back less than thirty (30) feet from the right-of-way line of a dedicated street.
- (b) Building setbacks along the main peripheral property lines of a MPD shall be the same as that required in the zone for any abutting residential properties.

9.7.4 Land Ownership Designation

All land within a development shall be either common area, open space, limited common area, dedicated to public use, privately owned as a buildable lot or a combination of the above.

9.7.5 Slopes

Any slope greater than fifteen percent (15%) may be used as parks or playground areas as approved by the Planning Commission, but shall not be included in open space calculation requirements.

9.7.6 Utilities

All dwelling units shall be served by the Town water system and the Town sewer system. Units must be serviced by the town water supply. All utilities shall be placed underground. Each dwelling unit shall be individually metered for natural gas, electricity, and water. Each building shall be served by a separate sewer lateral and not more than four dwelling units within a building may be connected to one lateral. Each unit will be required to install back flow protection devices and water valves as well as back water valves in sewer lines in multiple unit developments in accordance with the applicable plumbing code.

9.7.7 Fences

Fences are not required. An open development is desired to maintain a open rural feel throughout the Town.

9.7.8 Landscaping

- (a) The required front setbacks and side setbacks adjacent to a dedicated street shall be landscaped except for permitted driveways, and shall not be used for parking.
- (b) All common areas shall be permanently landscaped with trees, shrubs, lawn, or ground cover and maintained in accordance with good landscaping practice, unless the area is to be designated as natural open space.
- (c) For each dwelling unit, there shall be required on the project site at least two (2) deciduous trees at least two (2) inch caliper in size, one (1) evergreen tree, and two evergreen type shrubs.
- (d) Yards must be landscaped.

9.7.9 Parking

Dwelling units shall be provided with not less than two (2) parking spaces each, one of which shall be covered. In addition, one half (.5) parking space for each dwelling unit shall be developed for guest parking within the development unless the streets provided within the development are constructed to a width which will accommodate travel lanes as well as parking lanes. Guest parking shall be located within one hundred fifty feet (150') of the dwellings served. All parking spaces, parking areas, and driveways shall be hard surfaced and properly drained. Drainage shall not be channeled or caused to flow across pedestrian walkways or trails.

9.7.10 Streets

- (a) All streets within a MPD shall have a paving width as provided by the Town Standards. Streets except arterial streets shall have a right-of-way of 66 feet. Arterial streets shall have a right-of-way of 80 ft. In the case of a MPD the right-of-way and street standards may be modified from the 66-foot standard if approved as part of the development agreement. The 66-foot right-of-way must be used when calculating the base density of the property. All setbacks shall be as if there was a 66-foot right-of-way.
- (b) All streets which are shown on the Mantua Town Master Street Plan if adopted or the land use/zoning maps, shall be developed according to the size and general location shown on the Street Plan. All streets developed in a MPD are to be dedicated to the Town as public streets.

9.7.10.1 Lot Frontage

Each lot or parcel of land located in Residential Zones shall abut along the right-of-way line of a public street for a minimum distance of 120 feet for lots of 12,000 square feet or more. Frontage is measured at the thirty (30) foot setback of the property line at the farthest point into the lot.

9.7.11 Common Areas

Common areas of a development shall be developed according to the plan approved by the Town Council and maintained in accordance with the provisions of this Chapter. Common or privately held Open spaces must be perpetually dedicated as such through appropriate deed restrictions or conservation easements, as determined by the Town

9.7.13 Storage Areas and Solid Waste Receptacles

All storage and solid waste receptacles which are not located within a building shall be

enclosed within a sight obscuring structure or fence compatible with the design of the development. Residential type garbage cans under 80 gallons in capacity are excluded from this requirement.

9.7.14 Recreational Vehicle Storage

A MPD which contains more than four (4) attached units shall provide a paved surface, enclosed area for the storage of operable and licensed recreational vehicles. This area shall be developed at the ratio of one hundred forty (140) square feet of storage area for each attached dwelling unit. The structure enclosing the recreational vehicle storage area shall be six (6) feet in height. Said enclosure may be required to be sight obscuring for all or part of the length thereof, when, in the opinion of the Planning Commission or Town Council it is necessary to preserve the character and aesthetic qualities of the development or surrounding areas.

9.7.15 Declaration of Covenants, Conditions, and Restrictions

Where covenants, conditions, and restrictions are imposed upon a MPD, two copies of the Declaration of Covenants, Conditions, and Restrictions shall be submitted to the Town signed and prepared for recording at the Box Elder County Recorder's office prior to approval of a final plat.

9.7.16 Development Bond

Prior to the recording of any documents concerning an approved MPD or plat maps and prior to the issuance of any building permit on ground covered by a MPD, a bond sufficient in amount to cover the cost of all off-site and on-site improvements required by this Chapter and all stipulations and requirements of the Planning Commission and Town Council shall be required. The bond shall be a guarantee that the proper installation of all required improvements, including amenities, shall be completed within one (1) year of recordation of the approved final plat. This guarantee bond shall also assure that the improvements shall remain free from defects for six (6) months or until April 15 of the following year, whichever is longer, and shall not be released until the improvements are accepted by the Town. Said bond shall be in the form prescribed by the Subdivision Ordinance of the Town, and in an amount as reasonably set forth by the Town Engineer.

9.7.17 Final Plat Recordation

The final plat shall be recorded after all signatures are obtained, all approvals are given, and all bonds and fees are posted with the Town Engineer and/or Building Official.

9.7.18 Sensitive Lands

Any lands deemed as sensitive lands by this Code or the Town must be protected as

designated in the Sensitive Lands Overlay Zone and shall not be included in the open space calculation requirements.

9.7.19 Concurrence

All on-site and off-site infrastructure required for the impacts of the entire MPD in all of its phases must be installed concurrently and operational by the time the first phase is completed and certificates of occupancy are issued. All Guarantees on the improvements begin when the certificates of occupancy are issued and must last one year from that point in time. Bonds required in this chapter as well as the Subdivision Regulations and Ordinance of this code must cover completion of all improvements. These improvements include, but are not limited to: Water and sewer plants, lines, storage tanks and other facilities. Storm drainage and irrigation facilities, streets and roads, public utilities, fire protection systems, public safety systems and improvements, school and educational facilities, and any other improvements deemed necessary in this Chapter, or Chapter One, Three, Eight and Ten of this Code

9.8 Cluster Subdivision

- (a) Each lot within a cluster type subdivision shall have direct access to a public dedicated street.
- (b) Location of dwellings on lots within this type of development shall be approved by the Town Council on the preliminary development plan.
- (c) Dwellings and attached carports, garages, patios, breezeways or other structures attached to the dwelling shall have a minimum total side yard setback of fifteen feet (15'). The minimum front setback for the main dwelling and any additional accessory buildings or attachments shall be thirty (30) feet.

9.9 Manufactured Housing

- (a) The minimum width dimension for a manufactured dwelling unit shall be twenty-four feet (24') which shall not include any attachments or accessory use structures such as garage, carport, or storage building. The minimum stated above shall apply to not less than eighty percent (80%) of the length of the unit.
- (b) The required covered parking space shall be attached to the dwelling unit in such a manner that it becomes an integral part of the structure in design and appearance.
- (c) Typical elevations of the dwelling unit and required or proposed attachments shall be submitted for approval by the Town Council, upon recommendation of the Planning Commission, at the time the development plan is submitted.

- (d) The minimum square footage of the dwelling shall comply with the dwelling area of the zone in which the development is located.
- (e) If the manufactured housing unit consists of multiple sections, then the minimum dimensions for a section of living area shall be twelve (12) feet by thirty-eight feet (38').
- (f) The roof of a manufactured housing unit shall be comprised of conventional roofing materials and shall meet or exceed the snow load requirements for the area.
- (g) The exterior building material shall be comprised of lapped steel, vinyl, aluminum, wood, brick or other non-reflective siding material.
- (h) The dwelling units in a manufactured housing MPD shall be set on a permanent foundation of approved foundation materials.
- (i) Each manufactured housing unit shall meet the United States Department of Housing and Urban Development requirements for Manufactured Housing and shall bear the required certification of inspection by authorized Utah State inspectors.
- (j) The required front yard setback may be required to be common area and shall be irrigated and maintained in accordance with the provisions of this Chapter.

9.10 Zero Lot Line Developments

Zero lot line developments are not permitted.

9.11 Minor Master Planned Development

If an MPD meets the same qualifications in size and definition of a Minor Subdivision, as described in the Land Management and Development Code of Mantua Town, and does not necessitate the creation of large public infrastructure to meet its needs. The MPD may be classified as a Minor Master Planned Development, and the Planning Commission may wave many of the requirements in this chapter required for a conventional MPD, including off-site infrastructure concurrence, and bonding requirements.

SENSITIVE LANDS REGULATIONS

This chapter details the regulations associated with the assessment, treatment and management of sensitive lands designated by the Town during project specific impact studies or lying within the Sensitive Lands Overlay Zone as shown on the Official Zoning Maps of the Town of Mantua.

10.1 Application and Analysis Requirements

Lands in or partially in the Sensitive Lands Overlay Zone(s) as depicted in the Land Use Map and Zoning District map(s), as well as other smaller areas outside of the overlay zone as determined by the Planning Commission and Town Council to possibly be sensitive, require the developer to perform the following application and environmental impact studies, consisting of an analysis of each of the elements of 10.1.1 and 10.1.2 listed below and as designated by the Planning Commission. The study shall follow all standards that shall apply in this chapter and provide enough information to the Town to be able to reasonably designate the sensitive lands areas as well as providing adequate treatment and mitigation alternatives for dealing with the development impacts.

Sensitive areas so designated contain lands that may have development suitability concerns as contained in 8D.1.5 of this code, and the conditions and impacts of the potential development must be critically evaluated as per this chapter.

The following analysis elements must be conducted to determine the exact boundaries of the Sensitive areas as well as mitigation measures necessary to eliminate or lessen the impacts of development. The studies do not in and of itself define the sensitive areas.

10.1.1 Sensitive areas Analysis and Determination

Any applicant for any development approval must produce a sensitive areas analysis performed by qualified professionals as approved by the Town that identifies and delineates all the following features and conditions:

10.1.1.1 Slope/Topographic map

A slope/topographic map which shall be prepared and based on a certified boundary survey and depict contours at an interval of five (5) feet or less. Additionally, the map shall highlight areas of high geologic hazard, areas subject to land sliding, and all significant steep slopes in the following categories:

- (a) greater than fifteen (15) percent but less than or equal to thirty (30) percent;
- (b) greater than thirty (30) percent but less than or equal to forty (40) percent;
- (c) over forty (40) percent.

Steep slopes shall be defined as all areas within a parcel with a slope of greater than fifteen (15) percent. Very steep slopes shall be defined as all areas within a parcel with a slope of greater than thirty (30) percent.

10.1.1.2 Ridge line areas

Ridgeline areas which shall be denoted and include all crests of hills or steep slopes as defined in Section 10.4.

10.1.1.3 Vegetative cover

Vegetative cover shall be denoted generally by type and density of vegetation, including: 1) deciduous trees, 2) coniferous trees, 3) gamble oak or high shrub, and 4) sage, grassland, and 5) agricultural crops. The Town shall have the discretion to require a more detailed tree/vegetation survey if the site has significant or unusual vegetation, stands of trees, or wooded areas.

10.1.1.4 Entry Corridors and Vantage Points

All Town designated entry corridors showing on the Land Use Map and/or Zoning Map, as well as the designated vantage points present within or adjacent to the site, as defined in section 10.4.

10.1.1.5 Wetlands

Wetlands as established by using the Federal Manual for Identifying and Delineating Jurisdictional Wetlands, dated January 10, 1989 or more recent, whichever is stricter. Although the Federal Manual may change in the future, the Town will use this referenced manual as a basis for wetlands determination.

10.1.1.6 Stream Corridors

Stream corridors as defined by their ordinary high-water mark.

10.1.1.7 Wildlife Habitats

Delineate all critical or sensitive wildlife areas and habitats as defined by the State or other studies and designate which wildlife species inhabit the area and may be affected by the different types of land uses proposed in the area.

10.1.2 Additional Information and Study Requirements

In addition to the analysis required by the preceding subsection, the Town Planning Commission or Staff may require the applicant to undertake the following studies and submit the following information and assessments to ensure that the Town has adequate information to comprehensively assess all development proposals in or containing sensitive lands. Such information and studies may include, but are not limited to:

10.1.2.1 Visual Assessment

Visual Assessments of the subject property from relevant designated vantage points as directed by the Town Planning Commission or Staff, depicting conditions before and after the proposed development, including the proposed location, size, design, landscaping, and other visual features of the project to assist in analyzing the potential aesthetic impact and most advantageous location of structures and other improvements to reduce any adverse impact. The visual assessment shall be conducted using techniques as approved by the Town Planning Commission or Staff, including but not limited to sketches, models, drawings, renderings, hand-enhanced photographs, and computerized images. Selection of the appropriate technique will depend on the size of the development and the visual sensitivity of the proposed development site.

10.1.2.2 Soil Investigation Report

Soil investigation report, including but not limited to shrink-swell potential, elevation of water table, general soil classification and suitability for development, erosion potential, hazardous material analysis, and potential frost action.

10.1.2.3 Geotechnical Report

Geotechnical report, including but not limited to location of major geographic and geologic features, depth and types of bedrock, structural features (folds, fractures, faults, etc.), and historic and potential landslide and other high-hazard areas such as mine shafts/tunnels, quarries and known snow avalanche paths.

10.1.2.4 Additional Slope Information

Additional Slope Information. If the size of the proposed development and visual sensitivity of the site dictate, the Town Planning Commission or Staff may require the submission of a slope/topographic map depicting contours at an interval of two (2) feet.

10.1.2.5 Fire Protection Report

Fire protection report, including but not limited to identification of potential fire hazards, mitigation measures, access for fire protection equipment, existing and proposed fire flow capability. The fire protection report shall address, as appropriate, the State Forester's Wildfire Hazards and Residential Development Identification Classification and Regulation Report and the Box Elder County Wildfire Plan. This report must be made with the direction/cooperation and approval of the South Box Elder Fire District.

10.1.2.6 Hydrologic Report

Hydrologic report, including but not limited to information on groundwater levels, natural and agricultural irrigation and drainage channels and systems, and base elevations in flood plains.

10.1.2.7 Wetland/stream Corridor Resource Evaluation

Wetland/stream corridor resource evaluation, including a delineation of wetland and stream corridor boundaries and a determination of resource significance pursuant to Section 10.2.4.

10.1.2.8 Agricultural Analysis

An Agricultural Analysis as per section 3.32 may be required to determine the impacts on important agricultural areas within or adjoining the area(s). This analysis must address the effects of changing land uses on vegetation, irrigation systems, range land quality, weed control, agricultural accesses and rights-of-way and fire concerns to name a few.

10.1.3 Waiver/Modification of Analysis and Study Requirements

Based upon a preliminary assessment of the development proposal and a site field inspection, the Town Planning Commission or Staff may modify or waive any of the sensitive lands analysis requirements upon a determination that the information is not necessary for a full and adequate analysis of the development or is sufficient at a reduced level of detail.

10.1.4 Sensitive areas Determination

The Town Planning Commission or Staff shall delineate all sensitive lands or areas on the parcel, including steep slope areas, ridge line areas, entry corridors, and wetlands areas and stream corridors and other areas based on information submitted pursuant to this section, including any other information and data available to or acquired by the Town, and an analysis thereof. Such delineation shall be used as the basis for all calculations of open space, density, buffers, setbacks, and density transfers permitted or required by this chapter. The study performed by the developer may suggest areas for designation and/or various alternatives, however, the final designation must be made by the Town.

10.1.5 Density Transfer

Whenever land within the Sensitive lands Overlay Zone is subject to more than one density transfer provision, the more restrictive provision shall apply.

10.1.6 Annexations

Whenever an Annexation Petition is presented to the Town, that Annexation may be required to provide a Sensitive Lands Analysis according to this code and may require varying levels of detail based upon existing conditions on the site. The Sensitive Lands will be determined based upon that analysis. The analysis may lead to the designation of additional sensitive areas, significant ridgelines, wetlands areas or vantage points which may not have been previously included as a part of this ordinance or of the accompanying maps.

10.2 Sensitive Lands Regulations

The following provisions shall apply to all delineated sensitive lands and areas contained in the Sensitive Lands Overlay Zone, or as delineated elsewhere as provided in section 10.1, including all other steep slopes, ridge line areas, meadows, entry corridors, wetlands, and stream or river corridors. Areas delimited as hazardous (geologic or natural hazards and high flooding potential) to development or areas where proper wildlife mitigation measures cannot be implemented to the satisfaction of the Town in the studies and analysis requirements of this chapter, will be deemed as undevelopable. The following parts of this section regulate development in the sensitive lands which are located outside of the designated undevelopable areas.

10.2.1 Slope Protection Regulations

10.2.1.1 Intent

It is the intent of these regulations to protect Mantua's visual character and environmentally sensitive areas on hillsides and slopes. This shall be accomplished by minimizing the visual and environmental impacts of development through careful site planning that maintains the maximum amount of open space, protects existing vegetation, avoids sensitive natural areas, minimizes erosion, recognizes the need for water conservation and locates structures in the least visually sensitive location. These regulations shall apply to all slopes in excess of fifteen (15) percent.

10.2.1.2 Prohibitions

No development shall be allowed on or within fifty (50) feet of slopes in excess of thirty (30) percent, lands subject to land sliding, regular flooding, soils deemed unsuitable as to safety, and other high-hazard geological areas, as determined by a geotechnical or soils report produced pursuant to Section 10.1 herein.

10.2.1.3 Graded or filled slopes

Cutting and filling to create additional or larger building sites shall be kept to a minimum and avoided to the maximum extent feasible. All proposed grading and

filling shall be subject to review by the Town Engineer and Staff to ensure minimum visual impact and geotechnical safety. Graded or filled slopes shall be limited to a 3 to 1 slope or less. All graded slopes shall be contoured and revegetated to the natural, varied contour of surrounding terrain.

10.2.1.4 Benching or Terracing

Benching or terracing to provide additional or larger building sites is prohibited.

10.2.1.5 Streets and roads

Road construction in hillsides can be the most visually disruptive portion of a development. Development in some areas may not be appropriate if roads cannot be constructed to access it without causing significant visual impacts. Where streets and roads, public and private, are proposed to be constructed on steep slopes:

- (a) Streets and roads that cross slopes of thirty (30) percent or greater shall not be allowed, except that a short run of not more than one hundred (100) feet across slopes greater than thirty (30) percent may be allowed by the Town Planning Commission or Staff upon a favorable recommendation by the Town Engineer that such streets or roads will not have significant adverse visual, environmental, or safety impacts.
- (b) Where streets and roads, public and private, are proposed to cross slopes greater than fifteen (15) percent, the following standards shall apply:
 - (1) Evidence must be presented that such streets and roads will be built with minimum environmental damage and within acceptable public safety parameters.
 - (2) Such streets and roads shall, to the maximum extent feasible, follow contour lines, preserve the natural character of the land, and be screened with trees or vegetation.
 - (3) Cutting and filling shall be held to a minimum and retaining walls employed to help provide planting areas conducive to revegetation. Revegetation plans will be required for all areas disturbed by and during road construction.

10.2.1.6 Retaining Walls

Use of retaining walls is encouraged to reduce the steepness of man-made slopes and provide planting pockets conducive to revegetation. The use, design, and construction

of all retaining walls shall be subject to the approval of the Planning Commission based upon assessment of visual impact, compatibility with surrounding terrain and vegetation, and safety considerations.

10.2.1.7 Landscaping and Revegetation

In order to mitigate adverse environmental and visual effects, slopes exposed in new development shall be landscaped or revegetated in accordance with a revegetation/landscaping plan as provided in this Code, Chapter 8D.2.4 (Limits of Disturbance/Vegetation Protection) as amended, and enhanced by the requirements this chapter. Topsoil from any disturbed portion of a steep slope shall be preserved and utilized in revegetation. Fill soil must be of a quality to support native plant growth.

10.2.1.8 Private Development Design Standards

All development on steep slopes shall comply with the any design standards currently adopted by the Town plus those standards of section 10.5 of this chapter.

10.2.1.9 Open space and density on delineated portions of sites with steep slopes greater than fifteen (15) percent are not eligible for transfer.

10.2.1.10 Open space and density on portions of sites with very steep slopes (in excess of 15 percent)

- (a) One hundred (100) percent of the steep slope areas shall remain in open space. No vegetation within fifty (50) feet of the steep slope areas shall be disturbed.

10.2.1.11 Master Planned Development Open Space Requirements

Any open space requirements contained in Chapter 9 of the Land Management and Development Code shall continue to apply to the developed portion of an sensitive lands site developed under that chapter.

10.2.2 Ridgeline Area Protection Regulations

10.2.2.1 Intent

The intent of these provisions is to protect the unique visual and environmental character of all designated ridgeline areas within the Sensitive Lands Overlay Zone and to ensure that development near ridgeline areas blends in with rather than interrupts or modifies the natural contour elevations of these landforms. Significant ridgeline areas should be retained in a

natural state, and development should be sighted in such a manner so as not to create a silhouette against the skyline or mountain backdrop as viewed from the designated vantage points. The 5400 contour line is set as the view shed. No development is permitted that exceeds the 5440 contour line including the roofline of structures.

10.2.2.2 Minimum Setback

No building, roof, or other appurtenant device shall encroach upon the ridgeline areas, as defined in the definitions section of this chapter. Additionally, no roof or other appurtenant device, including mechanical equipment, on any building may visually intrude on the ridgeline areas from any of the designated vantage points as described herein, and determined by a visual assessment.

10.2.2.3 Open space and density

In addition to the specific development regulations set forth above, the following general open space and limits of disturbance regulations shall apply to all ridgeline areas in the Sensitive Lands Overlay Zone:

- (a) **Vegetation and Open Space.** No vegetation within the ridgeline areas shall be disturbed. One hundred (100) percent of the ridgeline areas shall remain in open space.

10.2.3 Sensitive Lands Entry Corridor Protection

10.2.3.1 Intent

To protect the image of Mantua as an agricultural mountain community with sweeping, attractive mountain vistas and open fields and meadows, it is the intent of this section to maintain the visual character of all designated entry corridors into Mantua including open space and meadows located in the entry corridor protection areas, views of hillsides and ridgeline areas, and natural areas such as streams, rivers and wetlands. This objective can be attained by eliminating or mitigating visually obtrusive development and ensuring that significant portions of open space remains intact.

10.2.3.2 Applicability to property within existing Mantua Town limits

The regulations contained in this subsection shall apply to all structures on lots adjacent to or within two-hundred and fifty (250) feet of the nearest right-of-way of designated sensitive lands entry corridors within the existing boundaries of Mantua and may include all highway entries into the Town and designated on the Land Use Map and the Zoning District Map(s).

10.2.3.3 Applicability to future annexed properties

Upon submission of an annexation petition, the Planning Commission shall identify relevant sensitive lands entry corridors for designation by the Town Council and to the maximum extent feasible open vistas and meadows shall be maintained.

10.2.3.4 Access/traffic

Access points and driveways connecting directly to the sensitive lands entry corridor roadways shall be minimized. Access shall be from existing Town streets that join with the corridor roadways rather than direct roadway access. Common driveways between adjoining projects shall be encouraged. Whenever direct driveway access is necessary, it shall be located in such a manner to minimize interference with through traffic on the corridor roadway.

10.2.3.5 Setbacks

- (a) A setback line shall be established by the Planning Commission or Town Staff based upon a visual assessment of the property. However, in no case shall the setback be less than one-hundred (100) feet from the nearest entry roadway right-of-way. In areas where open meadow vistas are considered important, the required setback may be increased significantly. The 100 foot standard is intended to be more appropriate for properties currently within the Town Limits. Upon Annexation request, the appropriate setback will be determined based upon a site specific visual analysis.
- (b) Building setbacks shall vary from structure to structure within any one lot or development. Setbacks shall also vary from those on adjoining roadway-oriented property to avoid creating a walled effect. Buildings shall be located in such a manner to enhance and frame important views as determined in the visual assessment provided for in Section 10.1.2.1.
- (c) Agricultural or stock fences shall be permitted in the setback areas.

10.2.3.6 Parking lots

Parking lots shall be located to the rear or sides of buildings to the maximum extent feasible.

10.2.3.7 Berms/earthwork screening

All earthen berms and earthwork screening shall be graded and planted in such a manner so as to permit views of primary uses on the site from the adjacent entry corridor roadway. Additionally, berm crests shall be contoured and varied in height to avoid a straight-line

barrier effect.

10.2.3.8 Fencing

In addition to the requirements contained in the Land Management and Development Code, all fences in the entry corridor shall be of one of the following styles:

- (a) Wooden or vinyl rail
- (b) Architecturally compatible solid wood and natural stone.
- (c) Wire type Stock fences
- (d) Various forms of steel fencing as determined by the Town, not including chain link fencing.

10.2.3.9 Height controls

No building shall exceed the following height limits

- (a) Twenty (20) feet if the entry corridor setback is less than one hundred fifty (150) feet.
- (b) Twenty-five (25) feet if the entry corridor setback is greater than one-hundred fifty (150) feet but less than two-hundred (200) feet.
- (c) Up to the maximum height allowed by the underlying zone if the setback is two-hundred (200) feet or greater.

In addition, buildings may be required to be stepped back to preserve and enhance important views defined in the visual assessment as provided in Section 10.1.2.1.

Setbacks are measured from the following points:

- (a) The property line on the road right-of-way or;
- (b) The outermost edge of the dike around the reservoir or;
- (c) The 5440 contour line.

10.2.3.10 Pedestrian facilities

Trails and sidewalks shall be provided in all entry corridor developments in accordance with the Mantua Trails Master Plan.

10.2.3.11 Landscaping/vegetation protection

A landscaping plan shall be required for all entry corridor developments, and vegetation protection shall be undertaken pursuant to this Code as amended.

10.2.3.12 Design standards

All development within an entry corridor shall comply with the design standards contained in this Code, as amended.

10.2.4 Wetlands and Stream or River Corridors

10.2.4.1 Intent

Mantua Town finds that the wetlands, stream(s) and Box Elder Creek and Maple Creek channel corridors provide important hydrologic, biological and ecological, aesthetic, recreational, and educational functions. Important functional values of wetlands and streams can be lost or significantly impaired as a result of various development activities and additional functional values of these important resources may be lost. The following requirements and standards have been developed to promote, preserve and enhance these valuable resources and to protect them from adverse effects and potentially irreversible impacts.

10.2.4.2 Jurisdiction

All significant Wetlands and stream corridors in the Sensitive Lands Overlay Zone and elsewhere in the Town are regulated as provided herein and are subject to the jurisdiction of this ordinance.

10.2.4.3 Prohibited Activities

No person shall engage in any activity that will disturb, remove, fill, dredge, clear, destroy or alter any areas, including vegetation, ("surface disturbance") within significant Wetlands and significant stream or river corridors and their respective setbacks, except as may be expressly allowed herein.

10.2.4.4 Boundary Delineation's

Wetland and stream corridor delineation's shall be performed by a qualified professional that has demonstrated experience necessary to conduct site analysis. The qualified professional shall be approved by the Town Planning Commission or Staff and shall perform the work on behalf of Mantua Town through a third-party contract where all fees, costs and expenses are borne by the applicant. Delineation of Wetlands and stream corridors shall be subject to the approval of the Town Planning Commission or Staff.

- (a) Pursuant to Section 10.1.1.5, boundary delineation of Wetlands shall be established using the Federal Manual For Identifying and Delineating Jurisdictional Wetlands, dated January 10, 1989, and jointly published by the U.S. Environmental Protection Agency, the U.S. Fish and Wildlife Service, the U.S. Army Corps of Engineers and the U.S. Soil conservation Service. Subsequent revisions to the Federal Manual shall not be incorporated as part of the methodology unless the methodology is stricter in application. Although the Federal Manual may change in the future, the Town will use this referenced manual as the main basis for Wetlands determination.
- (b) Stream corridors shall be delineated at the ordinary high water mark as defined herein.

10.2.4.5 Determination of Significance

- (a) A wetland delineated pursuant to the 1989 Federal Manual shall be found significant based upon the following criteria:
 - (1) **Size.** All Wetlands that occupy a surface area greater than 1/10 acre or are associated with permanent surface water are significant.
 - (2) **Location.** All Wetlands that are adjacent to or contiguous with a stream corridor are significant.
- (b) All stream corridors are significant. Stream Corridors shall not include ditches which are commonly known to be irrigation ditches and do not contribute to the preservation or enhancement of fisheries or wildlife.

10.2.4.6 Setbacks

The following setbacks are considered minimum distances:

- (a) Setbacks from Wetlands shall extend a minimum of 100 feet outward from the delineated wetland edge.
- (b) Setbacks from stream corridors shall extend a minimum of 100 feet outward from the ordinary high water mark.
- (c) Setbacks from irrigation ditches shall extend a minimum of 30 feet from the ordinary high water mark.

10.2.4.7 Runoff Control

All projects adjacent to wetlands will provide appropriate temporary (straw bail berms) and permanent runoff control to minimize sediment and other contaminants to the maximum extent feasible. These control systems must be approved by the Town Engineer.

10.2.4.8 Habitat Restoration Projects

The Planning Commission and/or Town Staff may approve wetland and stream restoration and enhancement projects providing that the project plan has been reviewed by a qualified professional and approved by the appropriate State and Federal agencies with jurisdiction. All habitat restoration work shall be performed under the direct supervision of a qualified professional.

10.3 Administrative Provisions

10.3.1 Development Approvals For Public Projects/Public Works/Public Utilities

All public development projects and public works that visually impact or otherwise adversely impact sensitive areas, and all public utility installations including but not limited to water and sewer projects, pipelines, electrical supply facilities and wires, roads, and trails, constructed or undertaken within the Sensitive Lands Overlay Zone shall be reviewed according to the following process and guidelines. It is the intent of this section that the proposed public utilities projects, both private and public, make all reasonable attempts to comply with the standards and guidelines of the Sensitive Lands regulations. The primary emphasis shall be on reasonable and practical reclamation and revegetation of areas disturbed by major public works and utility projects. In some situations, it may be necessary to encroach upon certain environmentally sensitive areas in order to maintain a desirable level of public service and safety. In those cases, an evaluation of alternatives and possible mitigation shall be required prior to such projects being submitted.

10.3.1.1 Consultation

- (a) **Public Utilities projects.** The project sponsor shall notify the Town Planning Commission or Staff of the proposed project. A project plan delineating the location, alignment, and scope of the undertaking shall be submitted with such notification. If the Town Planning Commission or Staff determines that the project may have significant visual and environmental impacts, a consultation meeting shall be scheduled. No development shall occur until after the consultation meeting and compliance with the steps outlined in the following subsections, unless the Town Planning Commission or Staff has determined that no significant visual or environmental impact will result from the proposed project.
- (b) **Public Works and other public projects.** The department director

shall notify the Town Planning Commission or Staff of all proposed projects which may have significant visual and environmental impacts and a consultation meeting shall be scheduled. No development shall occur until after the consultation meeting and compliance with the steps outlined in the following subsections. Minor projects which are determined by the Town Planning Commission or Staff to have no potential for significant visual or environmental impacts shall be exempt from the process outlined in Sections 10.3.1.2 through 10.3.1.6.

10.3.1.2 Mitigation

The Town Planning Commission or Staff shall review the proposed project and after the consultation meeting may request the project sponsor to prepare an environmental impact statement and/or mitigation plan that modifies the project to mitigate the environmental and visual impact of the project. To the maximum extent feasible, the project sponsor shall design the public works to preserve the natural character of the sensitive areas and locate it in areas not visible from major public rights-of-way or public property such as parks.

10.3.1.3 Adoption of Recommendations

The project sponsor shall, before undertaking the project, to the maximum extent feasible, adopt the modifications and mitigation measures recommended by the Planning Commission or state in writing why adoption of such measures is not feasible before the project shall proceed.

10.3.1.4 Wetlands and Stream Corridors

All public utilities and public works, constructed or undertaken within significant wetlands and significant stream corridors and their respective setbacks, including but not limited to water and sewer projects, pipelines, electrical supply facilities and wires, roads, and trails, shall be governed pursuant to the procedures set forth in Section 10.3.1. They shall be exempted from the requirements of Section 10.2.4 providing that: (a) no practical alternative location exists outside the significant wetland and significant stream corridor and their respective setbacks; and (b) the project meets the technical guidelines defined below:

- (a) To the maximum extent feasible, disturbed areas within the setbacks shall be revegetated using native species common to the native vegetation community.
- (b) Maintenance access shall be provided at specific access points rather than parallel access roads. To the extent that access roads must be located within a corridor, the roads shall be kept to a minimum width. Parallel access roads shall be sighted contiguous to the utility corridor to minimize disturbance and shall be sighted on the outside edge of the utility corridor away from the resource.

- (c) Surface materials used for trail construction and other access routes shall be approved by the Town.
- (d) Road construction techniques for stream crossings shall use appropriate methods demonstrated to provide fisheries protection.

10.3.1.5 Emergency Repairs

In the event of an emergency that requires immediate action to protect the health and safety of the general public, such action may go forward without the immediate consent of the Town Planning Commission or Staff. The Town Planning Commission or Staff shall be consulted at the earliest stage reasonably possible in the construction/repair phase.

10.3.1.6 Maintenance

Maintenance projects shall proceed only after notification of and approval by the Town Staff. If the Town, due to the size or nature of the maintenance activity, determines that it may have a significant adverse impact on the sensitive areas, the project shall proceed through the review procedures set forth in Sections 10.3.1.1 through 10.3.1.5.

10.3.2 Substantial Compliance

To avoid unnecessary review by Town consultants and/or agencies and disputes over the application of the Sensitive Lands Overlay Zone provisions, whenever there are practical difficulties over the application of the provisions or whenever the aims of this ordinance can be better achieved through alternatives to strict compliance, the Town Planning Commission or Town Planning Staff, may make specific modifications to strict compliance with the Sensitive Lands Overlay Zone ordinance provisions.

10.3.3 Economic Hardship Relief Provisions.

10.3.3.1 Hardship Relief Petition

Any applicant for development, after a final decision on its development application is taken by the Town Council, may file a hardship relief petition with the Town Appeal Authority seeking relief from certain of the sensitive lands regulations on the basis that the denial of the application has created a substantial economic hardship, depriving the applicant of all reasonable use of its property.

10.3.3.2 Affected Property Interest

The hardship relief petition must provide information sufficient for the Town Appeal Authority and the Town Attorney to determine that the petitioner possesses a

protectable interest in property under Article I, Section 22 of the Constitution of Utah and the Fifth Amendment to the United States Constitution.

10.3.3.3 Economic Hardship Standard

For purposes of this ordinance, a substantial economic hardship shall be defined as a denial of all reasonable use of the property. Upon a finding that the denial of the application has resulted in a denial of all reasonable use of the property, the Town Appeal Authority may provide the petitioner with relief from certain of the overlay zone and/or sensitive lands regulations.

10.3.3.4 Time for Filing Notice of Petition and Petition

No later than ten (10) calendar days from final action by the Town Council on any development application, the applicant shall file a notice of petition in writing with the Town Recorder. Within thirty (30) days of filing of a Notice of Petition, the applicant shall file a Hardship Relief Petition with the Town Recorder.

10.3.3.5 Information to be Submitted with Hardship Relief Petition

The hardship relief petition must be submitted in letterform or on a form prepared by the Town Planning Commission or Staff, and must be accompanied at a minimum by the following information:

- (a) Name of the petitioner;
- (b) Name and business address of current owner of the property, form of ownership, whether sole proprietorship, for-profit or not-for-profit corporation, partnership, joint venture or other, and if owned by a corporation, partnership, or joint venture, name and address of all principal shareholders or partners.
- (c) Price paid and other terms of sale of the property, the date of purchase, and the name of the party from whom purchased, including the relationship, if any, between the petitioner and the party from whom the property was acquired;
- (d) Nature of the protectable interest claimed to be affected, such as, but not limited to, fee simple ownership, leasehold interest;
- (e) Terms (including sale price) of any previous purchase or sale of a full or partial interest in the property in the three years prior to the date of application;

- (f) All appraisals of the property prepared for any purpose, including financing, offering for sale, or ad valorem taxation, within the three years prior to the date of application;
- (g) The assessed value of and ad valorem taxes on the property for the previous three years;
- (h) All information concerning current mortgages or other loans secured by the property, including name of the mortgagee or lender, current interest rate, remaining loan balance and term of the loan and other significant provisions, including but not limited to, right of purchasers to assume the loan;
- (i) All listings of the property for sale or rent, price asked and offers received, if any, within the previous three years;
- (j) All studies commissioned by the petitioner or agents of the petitioner within the previous three years concerning feasibility of development or utilization of the property;
- (k) For income producing property, itemized income and expense statements from the property for the previous three years; and
- (l) Information from a title policy or other source showing all recorded liens or encumbrances affecting the property;

The Town Staff or the Appeal Authority may request additional information reasonably necessary, in their opinion, to arrive at a final conclusion concerning whether there has been a denial of all reasonable use constituting a substantial economic hardship.

10.3.3.6 Failure to Submit Information

In the event that any of the information required to be submitted by the petitioner is not reasonably available, the petitioner shall file with the petition a statement of the information that cannot be obtained and shall describe the reasons why such information is unavailable.

10.3.3.7 Burden of Proof

The petitioner shall have the burden of proving that the denial of the application creates a substantial economic hardship under the standard provided in Section 10.3.3.3.

10.3.3.8 Findings of the Appeal Authority

The Appeal Authority shall, after receiving all the necessary information will hold a public hearing, pursuant to regulations as contained in Chapter 5 of this Code. The Appeal Authority shall make their decision on the basis of the evidence and testimony presented, and address the following issues in its report or its findings:

- (a) Whether the petitioner has complied with the requirements for presenting the information to be submitted with a hardship relief petition;
- (b) Whether the petitioner has a protectable interest in property;
- (c) The market value of the property considering the Sensitive Lands Overlay Zone designation;
- (d) The market value of the property disregarding the Sensitive Lands Overlay Zone designation;
- (e) The market value of, or benefit accruing from opportunities to transfer density or cluster development on other remaining contiguous property owned by the petitioner eligible for such transfer as provided herein;
- (f) Whether it was feasible to undertake construction on or development of the property as of the date of the application, or in the reasonably near future thereafter;
- (g) Whether, in the opinion of the Appeal Authority, the denial of the application would create a substantial economic hardship as defined in Section 10.3.3.3.

10.4 Definitions

10.4.1 Definition Usage

For the purposes of this chapter, certain unique terms and words used herein shall be used, interpreted, and defined as set forth in this section and in chapter 2 of the Mantua Town Land Management and Development Code.

10.4.2 Definitions:

- (a) **Compatible.** A development is compatible with an existing development or property if its architectural features, building height and materials, approved uses, intensity of such use and other features are complementary and do not have a significant adverse economic and aesthetic impact on the existing development or property, including agricultural properties.

- (b) **Crest of hill.** The highest point on a hill or slope as measured continuously throughout the property. Any given property may have more than one hillcrest.
- (c) **Substantial economic hardship.** Means denial of all reasonable economic use of the property.
- (d) **Development Approval Application.** Includes any application for any development approval including but not limited to grubbing, grading, an alteration or revision to an approved MPD, conditional use permits, zoning or rezoning, subdivision, or annexation. The term "development approval application" shall not include any building permits associated with construction within an approved subdivision or on an existing platted lot unless otherwise specified.
- (e) **Land Management and Development Code.** The official Town of Mantua Land Management and Development Code adopted July 19, 2006, and effective July 20, 2006, as amended of which this chapter is a part.
- (f) **Maximum extent feasible.** Means no prudent, practical and feasible alternative exists, and all possible planning to minimize potential harm has been undertaken. Economic considerations may be taken into account but shall not be the overriding factor in determining "maximum extent feasible."
- (g) **Open space.** Shall have the meaning set forth in Chapter 2 of this Code.
- (h) **Ordinary high water mark.** Means the line on the bank to which the high water ordinarily rises annually in season as indicated by changes in the characteristics of soil, vegetation or other appropriate means which consider the characteristics of the surrounding areas. Where the ordinary high water mark cannot be found, the top of the channel bank shall be substituted. In braided channels, the ordinary high water mark or substitute shall be measured so as to include the entire stream feature.
- (i) **Qualified professional.** Means a professionally trained person with the requisite academic degree, experience, and professional certification or license in the field or fields relating to the subject matter being studied or analyzed.
- (j) **Ridgeline areas.** Means the crest of a hill or slope plus the land located within two hundred (200) feet horizontally (map distance) on either side of the crest.

- (k) **Significant wetland.** All Wetlands which occupy a surface area greater than 1/10 acre or are associated with permanent surface water or which are adjacent to or contiguous with a stream corridor.
- (l) **Slope.** The level of inclination of land from the horizontal determined by dividing the horizontal run of the slope into the vertical rise of the same slope and converting the resulting figure into a percentage value. For purposes of regulation and measurement, slopes must cover at least twenty five (25) feet vertically and fifty (50) feet horizontally.
- (m) **Steep slope.** Slopes greater than fifteen (15) percent but less than or equal to thirty (30) percent.
- (n) **Stream.** Means those streams, excluding ditches and canals constructed for irrigation and drainage purposes, that flow year around or intermittently during years of normal rainfall.
- (o) **Stream corridor.** Means the corridor defined by the stream's ordinary high water mark.
- (p) **Suitability determination.** A determination carried out by the Town Planning Commission or Staff to ascertain if a development at increased densities due to a density transfer from a sensitive area is compatible with development on surrounding or adjacent property.
- (q) **Vantage points.** A height of five feet above a set reference marker in the designated vantage points within Mantua that function to assist in analyzing the visual impact of development on hillsides and steep slopes.

- (r) **Wildland interface zone.** Those areas with special safety considerations because of their location on the urban fringe. All areas within the Sensitive areas Overlay Zone shall be considered to be in the wildland interface zone unless the Fire Marshall determines otherwise based upon the amount of vegetative cover, including coniferous or deciduous trees, gamble oak or high shrub, and mixed forest, and steepness.

The following table shall be used to determine exemption from the wood roof prohibition. The rating column applies to each of the categories of slope, aspect, fire department response time, and vegetation.

WILDFIRE HAZARD SEVERITY SCALE:

RATING	SLOPE	VEGETATION
1	<=10%	Pinion-juniper
2	10.1-20%	Grass-sagebrush
3	> 20%	Mountain brush or softwoods

PROHIBITION/EXEMPTION TABLE:

RATING	WOOD ROOF PROHIBITION
< =11	wood roofs are allowed
> =12	wood roofs are prohibited

STEP 1: Find the rating for slope and vegetation from the Wildfire Hazard Severity Scale table and choose whichever rating is highest.

STEP 2: Add 9 to that rating (9 is the weather factor for Mantua). The result is the total rating.

STEP 3: Find the total rating in the "Prohibition/Exemption Table" to determine whether wood roofs may be allowed on the specific lot.

10.5 Design Standards

All private development within the Sensitive Lands Overlay Zone shall comply with the following design standards which supplement, and supersede in the case of a conflict, any design standards in effect and adopted by the Town.

10.5.1 Building color and material

All buildings shall be constructed of material of a muted earth tone color that reflects the

dominant color of the surrounding vegetation.

10.5.2 Windows and other glass

Glass areas shall be reviewed to avoid highly reflective surfaces. Mirrored glazing is prohibited on any building, except that solar absorption glazing is an acceptable material.

10.5.3 Parking

Subdivision lots and streets shall be designed so that wherever possible parking is located behind buildings on the uphill lots. Uses other than single-family residences shall break up parking areas into smaller lots that should be located in linear strips running parallel to the slope contours. The perimeter of parking areas shall be screened with vegetation, fencing, or other architectural or natural elements.

10.5.4 Rooftop mechanical equipment

All rooftop mechanical equipment, including HVAC equipment and similar appurtenances, must be screened so as not to be visible from nearby properties or hillsides above the equipment.

10.5.5 Roof pitch, color, and materials

The pitch of any roof shall generally parallel the slope upon which the building is located, but in any case shall not exceed a height to horizontal ratio of 9/12 and shall not descend closer than seven (7) feet from the ground. The minimum roof pitch shall be 4/12. Roofs shall be of a dark, muted earth tone color in a shade of dark gray, dark brown, or black that reflects the dominant color of the surrounding vegetation.

10.5.6 Height controls

Upon review of any subdivision or MPD within the Sensitive Lands Overlay Zone, an analysis of appropriate building heights will be conducted. Based upon the visual analysis, building heights may be reduced for all or part of a proposed development.

10.5.7 Dwelling size

Maximum single-family dwelling size shall be evaluated at the time of project approval taking into consideration visual impact and community character.

10.5.8 Underground utilities

All utility lines in steep slope developments shall be underground, except that the Town Planning Commission or Staff may allow above ground utilities if burying would result in severe damage to significant vegetation or sensitive environmental areas.

10.5.9 Wood Roofs

Because of fire safety concerns, wood shingles, including fire retardant wood shingles, are prohibited in all wildland interface zones as defined in this Sensitive Lands Chapter, section 10.4.2 and Chapter 2 of this code. Wood roofs may be allowed on additions to existing structures with wood roofs. In addition wood roofing may be allowed on later phases which continue the specific design of existing projects and where the original phase has wood roofing. However, existing non-conforming structures must comply with this section when the structure's roof is replaced.

10.6 Tree and Vegetation Protection Regulations

10.6.1 Additional Regulations

The following provisions and mitigation measures are hereby adopted as enhancements to existing limits of disturbance regulations contained in chapter 8 of this code and must be adequately studied. These regulations will apply to new and existing platted subdivisions in the Sensitive Lands Overlay Zone, including the following criteria to be used in establishing limits of disturbance.

- (a) Visual impacts of the development, including but not limited to screening from adjacent properties, ridgeline areas protection, and protection of critical view sheds as defined in the Sensitive Lands Regulations, Section 10.1 herein.
- (b) Erosion prevention and control, including but not limited to protection of natural drainage channels.
- (c) Fire prevention and safety, including but not limited to location of trees and vegetation near structures.
- (d) Irrigation and water conservation.
- (e) Wildlife habitat, including but not limited to preservation of critical wildlife habitat and migration routes.
- (f) Stream and wetland protection and buffering.

10.6.2 Tree/vegetation removal

No trees or vegetation within the Sensitive Lands Overlay Zone shall be removed for the purpose of providing open views to or from structures on a site.

10.6.3 Irrigation limits

The amount of irrigated area shall be minimized depending on the amount of existing natural vegetation on the site prior to construction and type of irrigation system(s) proposed to be used.

10.6.4 Revegetation plan

All applicants for developments on land subject to Sensitive Lands regulations involving cut and fill and graded slopes shall submit a revegetation and landscaping plan for approval by the Planning Commission. The plan shall depict the type, size, and location of any vegetation and trees being planted and illustrate how the site will be recontoured in such a fashion and with sufficient topsoil to ensure that revegetation is feasible. The plan shall also indicate a time frame for revegetation which is acceptable to the Town. Retaining walls shall be used to provide breaks in manmade steep slopes exceeding fifteen (15) percent and to provide planting pockets.

10.6.5 Violation/Replacement provision

Any applicant who violates the provisions of this subsection by removing trees or vegetation or exceeding the prescribed limit of disturbance shall replace two for one in number all trees/vegetation illegally removed. Size of trees planted in replacement of illegally removed trees must be approved by the Town.

ENFORCEMENT AND PENALTIES

11.1 Purpose

The Town Council finds that the enforcement of the Town's ordinances and applicable state codes is an important public activity. Code enforcement is vital to the protection of the public's health, safety, welfare, and quality of life. The Town Council recognizes that code enforcement is effective only when done quickly and fairly. The Town Council further finds that an enforcement system that allows a combination of judicial and administrative remedies is effective in correcting violations.

11.2 Scope

The provisions of this Chapter may be applied to all violations of the Code, and any other Town ordinances or applicable state codes, which occur within Town limits and such territory outside Town limits over which the Town has jurisdiction or control by virtue of any constitutional provision, law, or interlocal agreement. This Chapter establishes an additional remedy that may be used by the Town to achieve compliance with applicable ordinances and codes.

11.3 Existing Law Continued

The provisions of this Chapter shall not invalidate any other title, chapter, or ordinance of the Town or this Code, but shall be read in conjunction with those titles, chapters, and ordinances and may be used as an additional remedy for enforcement of violations thereof.

11.4 Criminal Liability and Prosecution

Any person, firm, entity or corporation, whether as principal, agent, or employee, who violates or causes the violation of any of the provisions of this Land Management and Development Code shall be guilty of an infraction and subject to the following penalties:

- a. Each day of violation shall be a separate infraction and offense.
- b. The first violation shall have a fine not to exceed \$150.00;
- c. The second violation shall have a fine not to exceed \$250.00;
- d. The third violation shall have a fine not to exceed \$350.00.

All violations thereafter shall have a fine not to exceed \$750.00 and all other penalties allowed by the Utah Code for infractions.

The officers, partners, directors, managers and members of an entity shall be responsible for the acts committed by that entity. Entities and individuals shall be responsible for the acts of their agents committed in violation of this Code if they had knowledge of the act committed, and the owner of the property is presumed to have knowledge of the uses of that property and improvements made to it.

The Town shall have sole discretion in deciding whether to file a civil or criminal judicial case or pursue an administrative enforcement action for the violation of this Code or any of its ordinances or applicable code requirements. The enactment of this Chapter shall not be construed to limit the Town's right to prosecute any violation as a criminal offense. If the Town chooses to file both an administrative action and criminal charges for the same violation, all other remedies contained herein shall be available.

11.5 Severability

If any section, subsection, sentence, clause, phrase, portion, or provision of this Chapter is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Chapter. The Town Council hereby declares that it would have adopted this Chapter and each section, subsection, sentence, clause, phrase, portion, or provision thereof, irrespective of the fact that any one or more sections, subsections, clauses, phrases, portions, or provisions be declared invalid or unconstitutional. This section shall apply to all amendments made to this Code or Chapter.

11.6 No Tort Liability

By establishing performance standards or by establishing obligations to act, it is the intent of the Town Council that Town employees and officers are exercising discretionary authority in pursuit of an essential governmental function and that any such standards or obligations shall not be construed as creating a ministerial duty for purposes of tort liability.

11.7 Acts Include Causing, Aiding, and Abetting

Whenever any act or omission is made unlawful in this Code, it shall include causing, permitting, aiding, or abetting such act or omission.

11.8 General Enforcement Authority

Whenever the Zoning Administrator or other enforcement official authorized by the Town finds that a violation of this Code or other Town ordinances and applicable state codes has occurred or continues to exist, he or she may undertake any of the procedures herein. The

Zoning Administrator or any designated enforcement official shall have the authority to gain compliance with the provisions

of the Code and other Town ordinances and applicable state codes subject to the provisions of this Chapter. Such authority shall include the power to:

- A. Withhold permits and licenses;
- B. Issue Notices of Violation;
- C. Abate nuisances or violations on public and private property; and
- D. Use any other remedy available under this Chapter or as otherwise available in law or equity.

11.9 Withholding and Revocation of Permits and Licenses

The Town may withhold and revoke a building permit, business license, or any other permit or license related to any property on which a condition exists that violates any provision of this Code or any other Town ordinance or state code until such time as the condition is cured and a Notice of Compliance has been issued by the Town.

11.10 Notice of Violation

A. Whenever an enforcement official determines that a violation of the Code, Town ordinances, or applicable state codes has occurred or continues to exist, a Notice of Violation may be issued to the responsible person. The Notice of Violation shall include the following information:

- 1. Name of the responsible person;
- 2. Street address of violation;
- 3. Date of violation;
- 4. All code sections violated and a description of the condition that violates the applicable code;
- 5. All remedial action required to permanently correct any violation, which may include corrections, repairs, demolition, removal, or other appropriate action;
- 6. Specific date to correct the violation set forth in a notice of violation, which date shall be at least ten (10) days from the date of service;
- 7. Explanation of the consequences should the responsible person fail to comply with the terms and deadlines as prescribed in the notice of violation, which may include, but is not limited to, criminal prosecution, withholding or revocation of permits or licenses, civil fees, recordation of the notice of violation, abatement of the violation, recovery of costs and administrative fees, and any other legal remedies;
- 8. Statement that civil fees will begin to accrue immediately upon failure to comply by expiration of the date to correct violation;
- 9. The amount of the civil fee for each violation and a statement that the civil fee shall accrue daily until the violation is corrected;
- 10. Demand that the responsible person cease and desist from further action causing the violation and commence and complete all action to correct

violations as directed by the Town;

11. Procedures to request an Administrative Hearing and consequences if no request for a hearing is made; and

12. Statement that when the violation is brought into compliance the responsible person must notify the Zoning Administrator and request an inspection.

B. The Notice of Violation shall be served by one of the methods of service listed in this Chapter.

C. It shall be unlawful for any responsible person to fail to comply with the terms and deadlines set forth in a Notice of Violation. A violation of this subsection shall be an infraction.

D. A responsible person who has received a Notice of Violation shall have the right to an Administrative Hearing. A request for such hearing shall be in writing and shall be filed with the Town Clerk within ten (10) days from the date of service of the Notice of Violation. Failure to request an Administrative Hearing as provided herein shall constitute a waiver to an Administrative Hearing and a waiver of the right to appeal.

11.11 Civil Fees

If a responsible person fails to correct a violation by the correction date listed in a Notice of Violation or in an Administrative Enforcement Order, the responsible person shall pay the following civil fees to the Town within 15 days:

A. The civil fee for each violation shall be one hundred dollars (\$100).

B. Thereafter, there shall be an additional civil fee of one hundred dollars (\$100) for each subsequent day of violation until the violation is corrected.

C. Payment of any civil fee shall not excuse any failure to correct a violation or the reoccurrence of the violation, nor shall it bar further enforcement action by the Town.

11.12 Recording

A. When a Notice of Violation has been served on a responsible person, and the violation remains uncorrected after the date to correct set forth in the Notice of Violation, and a request for an Administrative Hearing has not been timely requested, the Zoning Administrator, or any other person designated by the Town under this Chapter, may record the Notice of Violation with the Box Elder County Recorder's Office.

B. If an Administrative Hearing is held, and an Administrative Enforcement

Order is issued, the Zoning Administrator, or any other person designated by the Town under this Chapter, shall record the Administrative Enforcement Order with the Box Elder County Recorder's Office.

C. The recordation of an Administrative Enforcement Order shall not be deemed an encumbrance of or lien against the property, but shall merely provide public notice of any continuing violation found upon the property.

D. Notice of the recordation shall be served on the responsible person and the property owner pursuant to any of the methods of service provided in this Chapter.

11.13 Inspections

It shall be the duty of the responsible person to request an inspection by the Zoning Administrator when a violation has been corrected. If no inspection is requested, it shall be deemed prima facie evidence that the violation remains uncorrected. If more than one inspection is necessary, an inspection fee of thirty dollars (\$30) shall be assessed for each subsequent inspection.

11.14 Notice of Compliance

A. When a violation is corrected, a responsible person shall request an inspection from the Zoning Administrator.

B. When the Zoning Administrator receives such request, the Zoning Administrator shall reinspect the property as soon as practicable to determine whether the violation has been corrected, and whether all necessary permits have been issued and final inspections have been performed as required by applicable codes.

C. The Zoning Administrator shall serve a Notice of Compliance to the responsible person and property owner if the Zoning Administrator determines that:

1. All violations listed in the Notice of Violation or Administrative Enforcement Order have been corrected;
2. All necessary permits have been issued and finalized;
3. All assessed civil fees have been paid; and
4. All assessed administrative fees and costs have been paid.

11.15 Abatement

11.15.1 Authority to Abate

The Zoning Administrator, or any other person designated by the Town under this Chapter, is authorized to enter upon any property or premises to abate a violation of this Code, Town ordinances, and applicable state codes. The Zoning

Administrator shall assess all costs for abatement to the responsible person and may use any remedy available under this Code or by law to collect such costs. If additional abatement is necessary within two (2) years, treble costs shall be assessed against the responsible person for the actual abatement.

11.15.2 Procedure for Abatement

- A. Violations may be abated after service of a Notice of Violation under this Chapter.
- B. The violation may be abated by Town personnel or by a private contractor acting under the direction of the Town. Town personnel or a private contractor may enter upon private property in a reasonable manner to abate a violation as specified in the Notice of Violation.
- C. If a responsible person abates the violation before the Town abates the violation pursuant to a Notice of Violation, the Zoning Administrator may nevertheless assess all costs actually incurred by the Town against the responsible person.
- D. When abatement is completed, the Zoning Administrator shall prepare a Notice of Itemized Bill for Costs.
- E. The Zoning Administrator shall serve the Notice of Itemized Bill for Costs by certified mail or personal delivery to the last known address of the responsible person or to the owner of record of the property on which the abatement took place. The notice shall demand full payment within thirty (30) days to the Town Clerk.
- F. The responsible person shall have the right to an Administrative Hearing to contest the Notice of Itemized Bill for Costs. A request for such hearing shall be in writing and shall be filed with the Town Clerk within ten (10) days from the date of service of the Notice of Itemized Bill for Costs. Failure to request a hearing as provided shall constitute a waiver to such hearing and a waiver of the right to appeal.

11.16 Service Requirements

A. Whenever a notice is required to be given under this Chapter, the notice shall be served by one of the following methods, unless different provisions are otherwise specifically stated to apply:

1. Personal service;
2. Regular mail, postage prepaid, to the last known address of a responsible person or record owner of the property on which a violation exists;
3. Posting the notice conspicuously on or in front of the property; or
4. Published in a newspaper of general circulation.

B. Failure of a responsible person or record owner of the property to actually receive notice shall not affect the validity of any action taken hereunder if notice has been served in the manner set forth above.

C. Service by regular mail in the manner set forth above shall be deemed served on the fourth day after the date of mailing.

11.17 Request for an Administrative Hearing

A. A responsible person or record owner shall have the right to request an Administrative Hearing if the request is filed within ten (10) calendar days from the date of service of a Notice of Violation or a Notice of Itemized Bill for Costs.

B. The request for an Administrative Hearing shall be made in writing and submitted to the Town Clerk. The written request shall contain an explanation of all theories for relief the responsible person will put before the hearing examiner.

C. As soon as practicable after receiving the written notice of the request for an Administrative Hearing, the appointed hearing examiner shall schedule a date, time and place for the Administrative Hearing and shall provide notice of the same to the responsible person who made the request for an Administrative Hearing. The Town may submit a written response to the hearing examiner that provides the Town's position on each theory for relief asserted by the responsible person.

D. Failure to request an Administrative Hearing within ten (10) calendar days from the date of service of any of the notices in subsection (A) above shall constitute a waiver of the right to an Administrative Hearing and the right to an appeal.

11.18 Appointment of Hearing Examiner

The Mayor or his designee shall appoint hearing examiners to preside at Administrative Hearings. The hearing examiner shall have no personal or financial interest in the matter and may be an employee of the Town.

11.19 Procedures at Administrative Hearings

A. Administrative enforcement hearings are intended to be informal in nature. Formal rules of evidence and discovery shall not apply.

B. The Town shall bear the burden of proof to establish the existence of a violation of the Code, Town ordinance, or applicable state codes.

C. Such proof shall be established by a preponderance of the evidence.

D. Each party shall have the opportunity to present evidence in support of the party's case.

E. All Administrative Hearings shall be held in accordance with the Utah Open and Public Meetings Act. In the discretion of the hearing examiner, Administrative Hearings may be held at the location of the violation.

F. The responsible person shall have the right to be represented by an attorney. If an attorney will be representing a responsible person at a hearing, notice of the attorney's name, address, and telephone number shall be given to the Town at least seven (7) days prior to the hearing. If such notice is not given, the hearing may be continued at the Town's request, and all costs of the continuance shall be assessed to the responsible person.

G. The burden to prove any raised defenses shall be upon the party raising any such defense.

H. A responsible person who fails to appear at an Administrative Hearing shall be deemed to have waived the right to such hearing, the adjudication of issues related to the hearing, and the right to appeal.

11.20 Administrative Enforcement Order

A. A responsible person and the Town may enter into a stipulated agreement, which shall be signed by both parties. Such agreement shall be entered as an Administrative Enforcement Order. Entry of such agreement shall constitute a waiver of the right to an Administrative Hearing and the right to appeal.

B. After all evidence is presented, the hearing examiner shall issue a written Administrative Enforcement Order that affirms or rejects the Notice of Violation or Notice of Itemized Bill for Costs.

C. A hearing examiner may issue an Administrative Enforcement Order that requires a responsible person to cease from violating the Code, Town ordinances, or applicable state codes and to take any necessary corrective action noted in the Notice of Violation.

D. A hearing examiner may enter an order confirming the Town's right to enter the property and abate all violations, including the removal of animals in violation of an applicable code requirement.

E. As part of an Administrative Enforcement Order, a hearing examiner may establish specific deadlines for the payment of fees and costs, and condition the total or partial assessment of civil fees on the responsible person's ability to take necessary corrective actions by specified deadlines.

F. A hearing examiner may issue an Administrative Enforcement Order

imposing civil fees, and the Order may provide that such fees shall continue to accrue until the responsible person complies with the hearing examiner's decision and corrects the violation.

G. A hearing examiner may schedule subsequent review hearings as may be necessary or as requested by the City to ensure compliance with an Administrative Enforcement Order.

J. An Administrative Enforcement Order shall become final on the date of signing by a hearing examiner.

K. An Administrative Enforcement Order shall be served on all parties by any one of the methods listed in this Chapter. When required by this Chapter, the Zoning Administrator, or any other person designed by the Town under this Chapter, shall record the Administrative Enforcement Order with the Box Elder County Recorder's Office.

L. After a hearing examiner has issued an Administrative Enforcement Order, the Zoning Administrator, or any other person designed by the Town under this Chapter, shall monitor the matter for compliance with the Administrative Enforcement Order.

M. It shall be unlawful for any responsible person to fail to comply with the terms and deadlines set forth in an Administrative Enforcement Order. A violation of this subsection shall be an infraction.

11.21 Appeal to District Court

A. Any responsible person adversely affected by an Administrative Enforcement Order made in the exercise of the provisions of this Chapter may file a petition for review in the district court.

B. The petition shall be barred unless it is filed within 30 days after the Administrative Enforcement Order is final.

C. In the petition, the plaintiff may only allege that the Administrative Enforcement order was arbitrary, capricious or illegal.

D. The court shall:

1. Presume that the Administrative Enforcement Order is valid;
2. Review the record to determine whether the Order was arbitrary, capricious, or illegal; and
3. Affirm the Administrative Enforcement Order if it is supported by substantial evidence in the record.

- E. The record of the proceedings including minutes, findings, orders and, if available, a true and correct transcript of the proceeding shall be transmitted to the reviewing court. If the proceeding was tape recorded, a transcript of such tape recording shall be deemed a true and correct transcript for purposes of this subsection.
- F. If there is a record, court review shall be limited to the record of the proceeding. The court may not accept or consider any evidence outside such record unless that evidence was offered to the hearing examiner. The court may call witnesses and take evidence if there is no record.
- G. The filing of a petition does not stay execution of an Administrative Enforcement Order. Before filing a petition, a responsible person may request the hearing examiner to stay an Administrative Enforcement Order. Upon receipt of a request to stay, the hearing examiner may order the Administrative Enforcement Order to be stayed pending district court review if the hearing examiner finds such stay to be in the best interest of the Town.

11.22 Collection of Civil Fines and Costs

If a responsible person fails to make payment to the Town of any amount owed under this Chapter within the timeframe set forth in the Notice of Violation, Notice of Itemized Bill of Costs, or the Administrative Enforcement Order, the Town may collect the amount owed in any one or more of the following ways:

- A. Referring the matter to a collection agency;
- B. Instituting a civil action to collect the amount owed;
- C. Recording a lien on the property that is the subject of the Code violations or fines imposed pursuant to the notice and recording procedures outlined in the Utah Code Ann. § 38-12-101, *et seq.*; and
- D. Any other manner provided by law for the collection of debts.

All costs and reasonable attorney fees incurred by the Town in collecting any amounts due and owing under this Chapter shall be paid by the responsible person.

Appendix

A

Land Uses by Zone - (Table)

The Land Uses by Zone Table contained in this Appendix A is a more detailed and comprehensive listing of the types of land uses allowed, conditional or not allowed (see symbols key above each table) in each of the zone districts detailed in chapter 7 of this code. Where a conflict may exist with the more general uses as may be listed in chapter 7, and the uses listed in this table, this table will take precedence, except for Home Based Business in Residential Zones. Home Based Business in Residential Zones that meet the conditions of a Home Based Business are permitted.

This Appendix and its uses may be modified or amended at any time that the Town desires. The amendments and modifications must be performed however, as an amendment to the Land Management and Development Code and must be in compliance with the noticing and procedural regulations of chapter 1 of this code. If the table is only modified as to organization or to simplify its readability or understanding, (not modifying the uses) the table may be updated without being considered an amendment to the Code.

The following codes or abbreviations are used in the Table:

- (a) SLU means Standard Land Use code and the corresponding codes may appear elsewhere in the code.
- (b) R1-20 Residential single family, ½ acre zone
- (c) R2 Residential Multifamily zone
- (d) MU5 Rural Residential, single family, 5 acre zone
- (e) C-1 Commercial zone
- (F) SLOZ Sensitive Lands Overlay Zone

Appendix

B Copy of 2006, Utah Code, 10-9a et. seq. (unannotated) - Municipal Land Use Development and Management Act

This appendix B contains a copy of the 2006 unannotated version of Utah Code, Title 10, chapter 9a, referred to as the “Municipal Land Use Development and Management Act”. This copy of the Utah Code is only inserted for reference purposes only, because of the many references to it in the Land Management and Development Code.

This appendix B is not an official part of this Land Management and Development Code and may be updated at any time as the State of Utah modifies or amends this portion of the Utah Code.

This chapter of the Utah Code is important because it is the enabling legislation that allows for municipalities to develop and adopt these development, General Plans, Zoning Maps and the like and adopt them as code(s) and/or ordinances of the Town of Mantua.

Care must be taken however in the interpretation of this portion of the Utah Code. It is not annotated or cross-referenced with other applicable case laws and judicial decisions and interpretations, both local and federal, and as such may have interpretations differing from those presented in the text. Use it as a tool in the understanding and interpretation of this Town Code, using legal opinions from an attorney as needed.

As this Utah Code changes in the future, it is anticipated that the Town Planning Commission and Town Council will update the portions of this Code affected thereby to bring it into compliance with the enabling laws of the State of Utah.

Appendix

C

Color Palette For Signs

This appendix contains the color palette for signs in the Town of Mantua.

Appendix

D

Official Zone Map(s)

This appendix contains the Official Zoning Map(s) of Mantua Town. These maps are compiled from the notations and general uses shown on the 2006 Land Use Maps and the 2006 General Plan of the Town of Mantua. These maps are hereby are officially adopted by the Town of Mantua and made a part of the Land Management and Development Code of Mantua Town, adopted on July 19, 2006, and are attached as appendix D of that Code. The adoption date of this edition of zoning maps is July 19,2006, edition 2006-1. The Land Management and Development Code is designed to enable the interpretation and proper administration and enforcement of these Official Zoning Maps.

Any interpretation of these maps is the responsibility of the Town of Mantua Planning Commission and the Planning Commission and Town Staff. The interpretation guidelines are contained in this code as well. These maps, and any part of them, may be amended, modified, added to, portions deleted therefrom or repealed by the Planning Commission and Town Council as per the procedures and noticing requirements of Chapter 1 of this Code. Upon any modification thereto, this appendix and maps may be updated and the remainder of this code (not modified at the same time) shall remain in full force and effect.

The Town of Mantua may use any other form of maps, including larger compilations of these maps for display, distribution or other convenient, necessary and/or reference purposes, as long as they state on the map(s). Official Zoning Map of Mantua Town, showing the adoption date and the edition number. These dates and edition numbers must correspond to the date and edition number of this appendix D. The map(s) must also clearly show the signature of the Mayor of the Town of Mantua.

These maps are placed at the end of this code in order to facilitate and simplify the replacement tasks as they are modified.

Table of Zoning Maps in this Appendix

- M.1 Town of Mantua Zoning Map**
- Town of Mantua Sensitive Land Overlay Map**
- Mantua Proposed Annexation Plan Boundaries Map**