

EAGLE MOUNTAIN CITY
PLANNING COMMISSION MEETING AGENDA
TUESDAY, AUGUST 26, 2014 AT 6:00 P.M.
Eagle Mountain City Council Chambers; 1650 E. Stagecoach Run, Eagle Mountain, UT 84005

6:00 P.M. - Eagle Mountain City Planning Commission Policy Session

1. Pledge of Allegiance
2. Declaration of Conflicts of Interest
3. Approval of Meeting Minutes
 - A. August 12, 2014
4. Action Items
 - A. Hatch Residence Variance Application – Public Hearing, Action Item A variance request for an approximate 9’ encroachment into the rear setback of Lot 213 in the Meadow Ranch V Phase 2 subdivision located at 9849 N. Sorrel Drive.
5. Discussion Items
 - A. Dark Sky Ordinance
 - B. Park Standards
5. Next Scheduled Meeting: September 9
6. Adjournment

EAGLE MOUNTAIN CITY
PLANNING COMMISSION MEETING MINUTES
TUESDAY, AUGUST 12, 2014 AT 6:00 P.M.

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1 **6:00 P.M. - Eagle Mountain City Planning Commission Policy Session**

2
3 COMMISSION MEMBERS: Present: John Linton, Wendy Komoroski, Preston Dean, and
4 Matthew Everett. Absent: Miriam Allred.

5
6 CITY STAFF PRESENT: Steve Mumford, Planning Director; Mike Hadley, City Planner, Ken
7 Sorenson, City Planner; and Johna Rose, Deputy Recorder.

8
9 ELECTED OFFICIAL PRESENT: Adam Bradley

10
11 1. Pledge of Allegiance

12
13 Commissioner Linton led the Pledge of Allegiance.

14
15 2. Declaration of Conflicts of Interest

16
17 None

18
19 3. Approval of Meeting Minutes

20 A. July 22, 2014

21
22 **MOTION:**

Preston Dean moved to approve the July 22, 2014 meeting minutes. Wendy Komoroski seconded the motion. Those voting aye: Preston Dean, Wendy Komoroski, John Linton and Matthew Everett. The motion passed with a unanimous vote.

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27 4. Action Items

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29 A. Business License Denial Appeal – Public Hearing, Action Item

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31 Ken Sorenson explained that the applicant is appealing the City's denial for a home business
32 license to operate pony rides for parties ranging from 30-40 guests from one to two times a
33 week, and for single pony rides for 2-3 guests at a time. The license was denied due to traffic
34 generation.

35
36 Section 17.65.060, Generally applicable standards for all home businesses, states: "Traffic
37 generation for home businesses shall not exceed 12 clients per hour and 24 per day."

38
39 *Commissioner Linton opened the public hearing at 6:05 p.m.*

40
41 George Hill, Cedar Pass Ranch HOA Board of Trustees President, stated that he had become
42 aware of this request for a business license on Saturday. Since that time he has had a number
43 of questions, concerns and comments from the residents in Cedar Pass Ranch. He explained

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1 that the largest concern is traffic, stating that Crest Road is one of the highest traveled roads
2 in Cedar Pass Ranch. There are also concerns about noise and the nuisance it would cause in
3 the community. He also said that the Cedar Pass Ranch CC&Rs state that the primary
4 purpose of homes is single family residences. His main concern was if the license is
5 approved it would set a precedent in the neighborhood allowing more business of this type,
6 and creating more traffic within the neighborhood.

7
8 Conan Albrecht, Cedar Pass Ranch resident, explained that this type of business is consumer
9 based and so is different than a small business (like a piano teacher) in the neighborhood. He
10 said that bringing 5 to 10 carloads of people at a single time within the neighborhood
11 concerns him. He explained that his home is located next door to the applicant and their
12 driveway borders his lot. Some of his concerns are the noise, dust, traffic, and the amount of
13 people coming into the neighborhood. He stated that the City Code Section E says that all
14 home business activity should be carried out within the home or an accessory building and
15 will not be observed from the public or street of a resident. He states that this business would
16 violate that City code.

17
18 Mike Boyd, Cedar Pass Ranch resident, was concerned with restricting his neighbor's
19 activities. He did not feel that the Cedar Pass Ranch CC&R's concerning this business were
20 an issue. He felt that if the business was brought up to the City Code and would comply with
21 the business standards then there would be no issues with the business.

22
23 Bret Wright, Cedar Pass Ranch resident, presented a portion of the Cedar Pass Ranches
24 CC&Rs to the Planning Commission. He explained that the CC&Rs state that the purpose of
25 the lots within Cedar Pass Ranch is for single residential homes. His main concern is that
26 with the volume of people coming into the business that this should be considered a
27 commercial business.

28
29 Cindy Orme, Cedar Pass Ranch resident, was concerned about the noise and traffic it would
30 bring into the neighborhood. She bought into a quiet way of life when she moved to this
31 neighborhood.

32
33 V. Trent Jackson, Cedar Pass Ranch resident, felt that there was no problem with this
34 business in the neighborhood. He said that he had seen a Facebook post on what the applicant
35 has proposed and felt that there would be no nuisance caused by the business. He stated that
36 they are talking about pony rides within the neighborhood. He also stated that it would
37 benefit the neighborhood and the applicant.

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1 John Hubbard, Cedar Pass Ranch resident, said that Crest Road has no curb and gutter and is
2 already in disrepair right now and bringing in extra traffic would cause more problems to the
3 road. He was also concerned about parking along Crest Road and cars causing traffic issues.

4
5 Tiffany Felix, applicant, reviewed the Cedar Pass residents' concerns about traffic, noise,
6 amount of people, visibility, and parking.

7 Parking: she explained would be regulated by her and would require her clients to park in
8 the back, where she has enough parking for 14 cars. She stated that people will not be
9 parking on the street.

10 Amount of people and traffic: She felt that the business application did not apply to her
11 type of business. She explained that she could cut the number down if needed.

12 Noise level: She explained that she had done two test parties of her own and had no
13 problem and nothing was out of control. The noise level never got above her kids' volume of
14 play.

15 Visibility: she stated that residents cannot see a whole lot from the front of her lot. She
16 explained that because the lots are spread out the residents cannot tell what is going on in the
17 back of her house. The applicant has planted trees around her lot to screen the arena and the
18 back yard.

19
20 Commissioner Dean explained that the Planning Commission was not there to enforce
21 subdivision CC&Rs. He explained three concerns with the business: traffic, outside activity,
22 and the scale of the project. He explained that the City ordinance referred to a home business
23 as a secondary use to the property. He felt that the business was more in line with a
24 commercial reception center or a conditional use permit. He felt that it did not meet the home
25 based business license requirements.

26
27 Kent Price, Board member of the Cedar Pass Ranch HOA, said his understanding was that
28 the Cedar Pass Ranch HOA would not be able to take any action unless it caused a nuisance
29 to the neighborhood. He felt that the traffic could be dealt with, and that the City only needed
30 to issue an exception for outdoor activity.

31
32 *Commissioner Dean was excused at 6:31 pm.*

33
34 Jeff Morris, Cedar Pass Ranch resident, felt that this showed a lack of respect for the
35 neighborhood and would not appreciate the noise or excess traffic.

36
37 Roger Bowl, Cedar Pass Ranch resident, questioned if permitting this business would open
38 the flood gate for other businesses of this type to come into the neighborhood.

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1 *Commissioner Linton closed the public hearing at 6:33 p.m.*

2

3 Commissioner Komoroski was concerned with the amount of clients requested by the
4 applicant, and the business not being within the home.

5

6 Commissioner Everett said that people buy their homes or private property to enjoy with
7 their friends and family and with the assumption that the neighbors would do the same.

8

9 Commissioner Linton explained how difficult this decision was for both sides. He also stated
10 that he is an owner of a home business for over ten years in Eagle Mountain, and never
11 within those ten years has he had a client come to his home. He understands the uniqueness
12 of the Cedar Pass Ranch lifestyle, but explained that the Planning Commission does not
13 approve businesses on unique lifestyles.

14

15 **MOTION:** *Wendy Komoroski moved to deny the Enchanted Pony Rides*
16 *Home Business License as submitted. Matthew Everett seconded*
17 *the motion. Those voting aye: Wendy Komoroski, John Linton*
18 *and Matthew Everett. The motion passed with a unanimous vote.*

19

20 5. Discussion Items

21

22 A. Development Code Amendments – Discussion

23 A discussion of various potential amendments to the City’s Development Code.

24

25 Steve Mumford explained that Doll House Haunt has submitted a temporary business license
26 application at the intersection of Ranches Parkway and Pony Express Parkway. The business
27 is zoned for that area; the only concern is temporary chain link fencing.

28

29 Commissioners were fine with the project as long as it is temporary.

30

31 B. Valley View Ranch -- Discussion

32 A discussion of options to complete the northern extension of Mustang Way.

33

34 Mr. Mumford asked if it would be worth it for the City to make Mustang Way connect
35 through to Camp Williams. Also, Edge Homes is willing to give the City money to finish the
36 road if they could add an extra lot to Valley View Ranch Phase A-7. Commissioner Linton
37 felt that both options were for the greater good.

38

39 6. Next Scheduled Meeting: August 26

40

41 7. Adjournment

42

43 The meeting was adjourned at 7:06 p.m.

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1 APPROVED BY THE PLANNING COMMISSION ON AUGUST 26, 2014.

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6 _____
Steve Mumford, Planning Director

7

DRAFT



EAGLE MOUNTAIN CITY
Planning Commission Staff Report

AUGUST 26, 2014

Project: **Variance for a Rear Setback**
Applicant: Nathan Hatch
Request: *Approval of Variance*
Type of Action: Action Item

Proposal

The proposal is for a variance on the rear setback of a lot in the Meadow Ranch V Phase 2 subdivision located at 9849 N. Sorrel Drive, Lot 213. The applicant is requesting a variance that would allow the rear corner of a home to be constructed in approximately 9' of the rear setback. There are two 0.5 acre lots to the rear of the property. The applicant has provided a plot plan of the proposed home showing the setback encroachment. The minimum setback requirements for this subdivision are 50' front and rear, and a 25' side setback.

Staff conducted a review of past Planning Commission meetings to determine if any setback variances have been allowed and has not found any. A letter providing the applicants justification for requesting the variance is attached to this report.

Variance criteria

The City code states the purpose of a variance as:

17.105.020. "to provide a legal method for persons who are seeking relief through the granting of a variance from the specific provisions of the land use regulations that may apply to real property".

The City code also states:

17.105.030. "Variances provide potential relief for landowners whose property may have some special condition or unique physical characteristic whereby a strict enforcement of the title will result in unnecessary hardship and deprive that landowner of privileges, rights or benefits that are possessed by other properties within the same district. The variance process does not change the zoning of a property but may waive or modify standards contained in this title as applied to the property".

There are specific criteria that the application must meet in order for the planning commission to approve a variance. The approval criteria are located in Chapter 17.105.060 and are as follows:

- A. Approval Criteria. The planning commission shall not approve, even with modifications, a variance application unless it finds the following:
1. Literal enforcement of this title would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of this title.
 2. There are special circumstances attached to the property that do not generally apply to other properties in the same district.
 3. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same district.
 4. The variance will not substantially affect the general plan and will not be contrary to the public interest.
 5. The spirit of this title is observed and substantial justice is done.

B. Determination of Hardship. In determining whether or not enforcement of this title would cause an unreasonable hardship, the planning commission may not find an unreasonable hardship unless it alleges that the hardship:

1. Is located on or associated with the property for which the variance is sought; and
2. Comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood.

C. Determination of Special Circumstances. In determining whether or not there are special circumstances attached to the property, the planning commission may find that special circumstances exist only if they:

1. Relate to the hardship complained of; and
2. Deprive the property of privileges granted to other properties in the same district.

D. Approval Parameters.

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

2. Variances run with the land.

3. In granting a variance, the planning commission may impose additional requirements on the applicant that will:

a. Mitigate any harmful effects of the variance; or

b. Serve the purpose of the standard or requirement that is waived or modified. [Ord. O-23-2005 § 3 (Exh. 1(1) § 21.6)].

Staff Recommendation

Staff recommends denial of the setback variance since the application does not meet all of the approval criteria for a variance. Staff has not found any hardships, special circumstances or unique physical characteristics associated with this property that would deprive the landowner of the privileges, rights or benefits that are enjoyed by neighboring landowners.

The Planning Commission can deny the application based on findings of fact; approve based on the findings of fact or approve with modified conditions (i.e. a different setback) based on findings of fact. The applicant can appeal a variance denial to the City Attorney within 10 days.

Recommended Motion

I move that the Planning Commission deny the setback variance application.

Attachments: Application materials.

TO WHOM IT MAY CONCERN:

We are requesting a variance for placement of our home on Lot 213 to allow the back south-west corner of the home to extend approximately 9 feet beyond the footprint of the property. We are requesting this due to the dimensions and shape of the property, the size of the house plans, and to optimize the view from the back deck of the home.

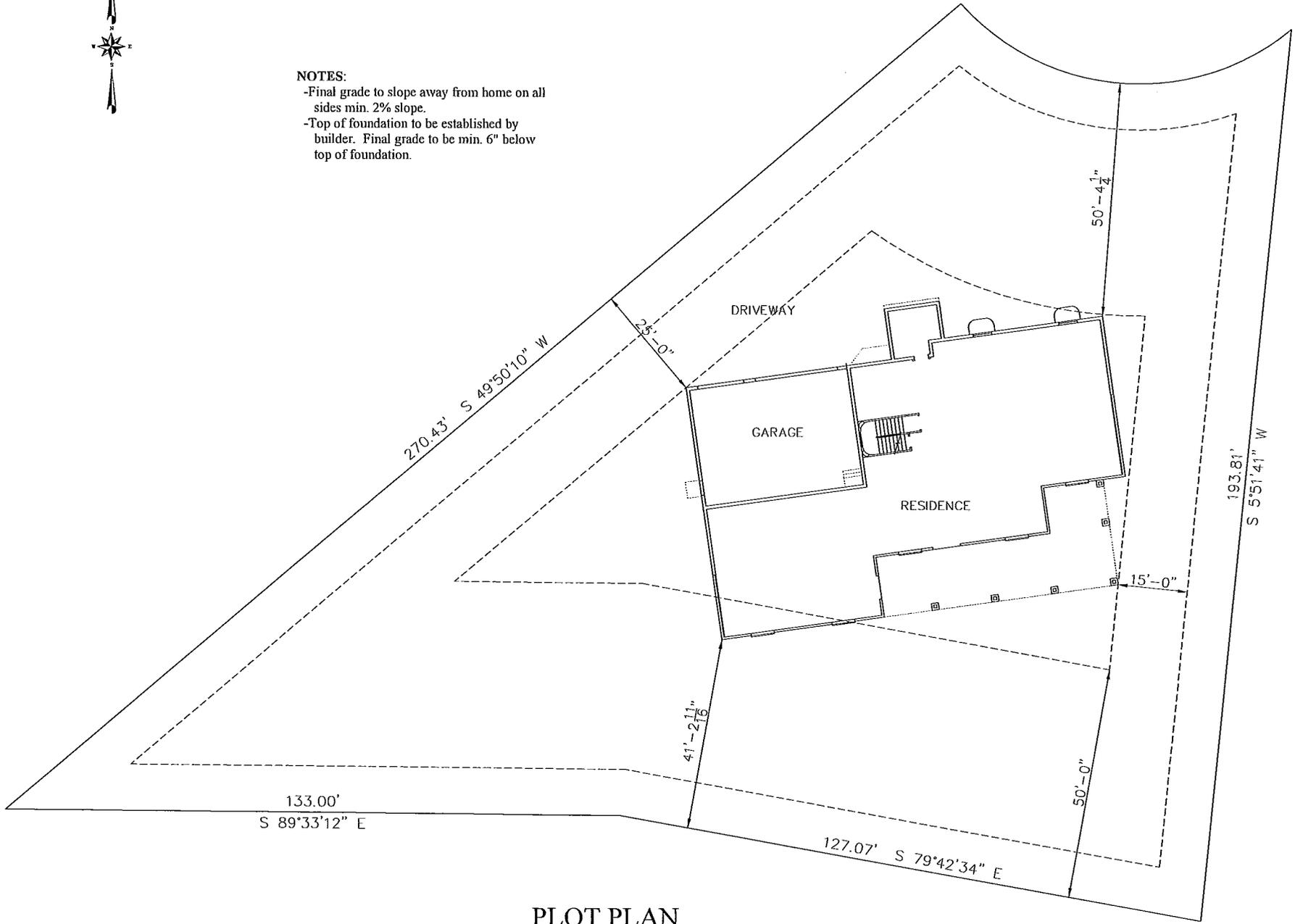
Respectfully,

Alva J Hatch
Jean Hatch
Nathan Hatch



NOTES:

- Final grade to slope away from home on all sides min. 2% slope.
- Top of foundation to be established by builder. Final grade to be min. 6" below top of foundation.



PLOT PLAN
1" = 30'



EAGLE MOUNTAIN CITY
Planning Commission Staff Report

AUGUST 26, 2014

Project: Development Code Addition & Amendment: Chapters 17.55, 17.80
Applicant: City Staff
Request: Discussion
Type of Action: None

Background

Under the direction of the Mayor, staff has prepared a draft ordinance that address outdoor lighting. The Mayor has expressed his desire for the City to adopt a dark sky ordinance that preserves the nighttime skies and addresses the nighttime training needs of Camp Williams. Staff presented the dark sky ordinance concept to the City Council on May 6, 2014 and received direction to prepare a draft ordinance. Staff drafted a new chapter addressing outdoor lighting standards (Chapter 17.55 Outdoor Lighting Standards) and amended the sign ordinance (Chapter 17.80 Sign Regulations and Permits) to include signage lighting requirements.

Dark Sky Concept

Light Pollution is an often overlooked element of urban growth that affects the well-being of both humans and plant and animal species. Only a handful of cities in the United States are recognized by the International Dark Skies Association as “certified dark-sky cities.” The first city to receive this recognition was Flagstaff, Arizona; and incidentally, has what is considered by many to have the most restrictive lighting ordinance in the world. In addition to Flagstaff, Arizona, the cities within the Tucson, Arizona metropolitan area have also adopted strict lighting ordinances to help preserve dark skies for the adjacent observatories. These cities have recognized the economic benefits associated with the neighboring observatories, and have taken measures to preserve the night skies. Through these measures, these cities have been able to maintain low light emission in spite of massive growth over the past few decades. Research of these cities’ lighting ordinances follow a simple pattern of regulation to combat light pollution. The primary tools for preventing light pollution are full shielding of lighting fixtures, limits on total light output per property, and lighting curfews.

The following changes are proposed:

Chapter 17.55
OUTDOOR LIGHTING STANDARDS

Sections:

- 17.55.010 What this chapter does.
- 17.55.020 Purpose
- 17.55.030 Conformance with Applicable Codes
- 17.55.040 Conflict Regulations
- 17.55.050 Applicability
- 17.55.060 General Outdoor Lighting Standards
- 17.55.060 General Outdoor Lighting Standards
- 17.55.070 Special Uses
- 17.55.080 Plan Submittal and Evidence of Compliance
- 17.55.090 Approved Materials and Methods of Construction or Installation/Operation
- 17.55.100 Exemptions and Nonconforming Lights
- 17.55.110 Definitions

17.55.010 What this chapter does.

This chapter promotes the health, safety, and general welfare of the public through the appropriate use of outdoor lighting.

17.55.020 Purpose

It is the purpose and intent of this Code is to balance the goals of the Eagle Mountain City General Plan, to maintain its rural character with the need to provide safe lighting practices, and to minimize light pollution for the enjoyment of Eagle Mountain City's citizens and visitors.

A. The use of outdoor lighting is often necessary for adequate nighttime safety and utility, but common lighting practices can also interfere with other legitimate public concerns. Principle among these concerns is:

1. The degradation of the nighttime visual environment by production of unsightly and dangerous glare;
2. Lighting practices that produce excessive glare and brightness that interferes with the health and safety of Eagle Mountain City's citizens and visitors;
3. Unnecessary waste of energy and resources in the production of too much light or wasted light;
4. Interference in the use or enjoyment of property that is not intended to be illuminated at night by light trespass, and the loss of the scenic view of the night sky due to increased urban sky-glow; and
5. The impact of inappropriately designed outdoor lighting that disrupts nocturnal animal behavior, particularly migrating birds and other species.

C. The concerns of safety, utility, dark sky protection and aesthetic appearance need not compete. Good modern lighting practices can provide adequate light for safety and utility without excessive glare or light pollution. Careful attention to when, where, and how much night-time lighting is needed results in better lighting practices, darker skies and reduced energy use and costs.

D. The adjacent military activity requires measures to control light pollution. Unnecessary or excessive uses of outdoor nighttime lighting have an adverse impact on military operations even at relatively distant locations.

E. Accordingly, it is the intent of this Code to require lighting practices and systems that will minimize light pollution, glare, trespass, and conserve energy while maintaining nighttime safety, utility, security and productivity.

17.55.030 Conformance with Applicable Codes

All outdoor lighting fixtures shall be installed in conformance with the provisions of this chapter and the applicable Building Codes currently in effect in the City under appropriate permit and inspection.

17.55.040 Conflict Regulations

Where any provision of federal, state, county, or city statutes, codes, or laws conflict with any provision of this Code, the most restrictive shall govern unless otherwise regulated by law.

17.55.050 Applicability

A. New Uses, Buildings and Major Additions or Modifications. If the total cumulative increase in floor area is greater than 50% for single-family residential or greater than 25% for all other uses, or if the total cumulative cost of any exterior modification, alteration or repair is greater than 25% of the valuation of the building as determined by the Director or designee, then all outdoor lighting fixtures shall meet the requirements of this Code for the entire site, including previously installed and any new outdoor lighting. Cumulative modification or replacement of outdoor lighting constituting 25% or more of the permitted lumens for the parcel, no matter the actual amount of lighting already on a nonconforming site, shall constitute a major addition for purposes of this section.

B. Minor Additions. If the total cumulative increase in the floor area is 50% or less for single-family residential or 25% for all other uses, or if the total cumulative cost of any exterior modification, alteration or repair is less

than 25% of the valuation of the building as determined by the Director or designee, then full conformance of the existing portion of the building or structure is not required. However, such projects shall require the submission of a complete inventory and Site Plan detailing all existing and any proposed new outdoor lighting.

C. New Lighting. Any new lighting on the site shall meet the requirements of this Code with regard to shielding and lamp type; the total outdoor light output after the modifications are complete shall not exceed that on the site before the modification, or that permitted by this Code, whichever is larger.

D. Resumption of Use after Abandonment. If a property or use with nonconforming lighting is abandoned, then all outdoor lighting shall be reviewed and brought into compliance with this Code before the use is resumed.

E. Public Roadways. In general this Code does not apply to city and state rights-of-way.

17.55.060 General Outdoor Lighting Standards.

A. Low Pressure Sodium Lighting. Due to their high energy efficiency, long life and spectral characteristics, low pressure sodium (LPS) lamps are the preferred illumination source throughout the city. Their use is to be encouraged, when not required, for outdoor illumination whenever its use would not be detrimental to the use of the property. Ten percent white light added to LPS light permits nearly normal color perception.

1. Class 1 Lighting. Low pressure sodium (LPS) lamps are not required. Businesses that chose to use LPS as their primary lamps are eligible to apply for an additional 10% increase in the lumens per acre allowed for their site.

2. Class 2 Lighting. Low pressure sodium (LPS) lamps are required. Up to 10% of the total lumens per acre allowed may be white light.

B. Light Trespass Standard. All light fixtures, including security lighting, shall be aimed and shielded so that the direct illumination shall be confined to the property boundaries of the source. Particular care is to be taken to assure that the direct illumination does not fall onto or across any public or private street or road. Motion sensing light fixtures shall be fully shielded and properly adjusted, according to the manufacturer's instructions, to turn off when detected motion ceases.

C. Lamp and Shielding. All light fixtures are required to be fully shielded and shall be installed in such a manner that the shielding complies with the definition of fully shielded light fixtures for all uses, including single-family and multifamily residential uses, except as provided below.

1. All lamp types above 2,000 lumens shall be fully shielded.

2. Partially shielded light fixtures may be permitted subject to the approval of the Director or designee. Partially shielded light fixtures are limited to a maximum of 5,500 lumens per net acre and shall not exceed 2,000 per lamp (see subsection 17.755.060(D) of this section).

D. Total Outdoor Light Output Standards – Nonresidential and Multifamily Uses.

1. Total outdoor light output shall not exceed 100,000 lumens per net acre for all development except single-family residential uses. This cap is not intended to be achieved in all cases or as a design goal. Instead, design goals should be the lowest levels of lumens necessary to meet the lighting requirements of the site. Partially shielded light fixtures are limited to a maximum of 5,500 lumens per net acre and are counted towards the 100,000 lumens per net acre cap.

2. Seasonal decorations, permitted between Thanksgiving and January 15, are not counted toward these limits. Lighting used for external illumination of signs is counted.

E. Total Outdoor Light Output Standards – Single-Family Residential Uses.

1. Outdoor lighting for single-family residential uses is not subject to a lumens per net acre cap.

2. Outdoor lighting for single-family residential uses is subject to the lamp fixture and shielding requirements.

F. Parking Lot Standards. Parking lots shall be considered Class 2 lighting. Parking lot lighting poles shall be sized in such a manner that the top of any luminary does not exceed 12 feet above adjacent grade.

G. Lighting Time Limitations.

1. Class 1 lighting, including but not limited to sales, service, commercial, assembly, repair, maintenance, and industrial areas, may only continue in operation until 11:00 p.m. or for as long as the area is in active use but once off remain off during nonbusiness hours.

2. Class 2 lighting shall have no time restrictions except as specified by any conditions of approval. Uses that do not require all-night illumination are encouraged to turn off their outdoor lighting during night hours whenever possible.

3. Class 3 lighting, except for flagpole lighting, must be extinguished after 11:00 p.m. or when the business closes, whichever is later, except that low-wattage holiday decorations may remain on all night from Thanksgiving to January 15.

4. Multi-class lighting, except for security lighting, must conform to the time limitations of the strictest class.

H. Multi-Class Lighting Standard. Multi-class lighting must conform to the shielding and timing restrictions, if any, that apply to the most restrictive included class.

I. Class 3 Lighting Standards.

1. All Class 3 lighting must be selected, designed, installed, and aimed so that there is a minimum amount of spill beyond the area intended to be lighted.
2. Permanent exposed string lighting is not permitted.
3. All Class 3 lighting must comply with the light trespass standards as described in subsection 17.55.060(B) of this section.
4. All Class 3 lighting shall comply with the lamp and shielding standards as described in subsection 17.55.060(C) of this section.
5. a. Subject to the approval of the Director or designee, uplighting or ground-mounted lighting may be allowed to accent unique features of a building and/or surrounding landscaping (such as outstanding architectural features, specimen trees with dense year-round foliage or large native shrub masses). Uplighting or ground-mounted lighting shall be designed and installed in such a manner as to minimize glare with special consideration in areas where there is vehicle and pedestrian traffic.

b. All lighting which is directed upwards shall be placed in such a manner that the angle of the lamp shall not be greater than 45 degrees measured from a horizontal plane to a line projected through the center of the lamp, and fixtures shall be fully shielded to contain and direct the light onto the feature to be lighted.

J. Signs. See Chapter 17.80, Sign Regulations and Sign Permits.

K. Mercury vapor light bulbs and fixtures in use for outdoor lighting on the effective date of the ordinance codified in this Code shall not be used after July 1, 2015.

L. Searchlights, floodlights, laser source lights, strobe or flashing lights, illusion lights or any similar high intensity light shall not be permitted except in emergencies by police and fire personnel at their direction. Spot lights are permitted and must be directed downward 45 degrees from any neighboring property.

M. On projects where an engineer or architect is required, the developer shall verify in writing to the city that all outdoor lighting was installed in accordance with the approved plans.

17.55.070 Special Uses.

A. Recreational Facilities.

1. Lighting for outdoor athletic fields, courts or tracks shall be considered Class 1.
2. Lighting allowed in this subsection shall be subject to approval. When the proposed lumens per acre exceed the lumens per net acre limits, the installation shall be designed to achieve no greater than the minimum illuminance levels for the activity as recommended by the Illuminating Engineering Society of North America (IESNA).
3. Every such lighting system design shall be certified by a Utah registered engineer as conforming to all applicable restrictions of this Code.
4. Such lighting shall not include any light trespass as determined by the Director or designee.
5. All events shall be scheduled so as to complete all activity and lights turned off by 10:00 p.m.
6. Fully shielded lighting shall be required for fields designed for amateur, recreational or nonprofessional sports activity. For professional level sports facilities where fully shielded fixtures are not utilized, acceptable luminaires shall include those which:
 - a. Are provided with internal or external glare control louvers, or both, and installed so as to minimize uplight and off-site light trespass as determined by the Director; and
 - b. Are installed and maintained with aiming angles that permit no greater than 2% of the light emitted by each fixture to project above the horizontal.

B. Outdoor Display Lots. Light for outdoor display lots shall be considered Class 1, and shall conform to the lumens per net acre limits except as follows:

1. All such lighting shall utilize fully shielded luminaires that are installed in a fashion that maintains the fully shielded characteristics.
2. When the proposed lumens exceed the per acre limits, the installation shall be designed to achieve no greater than the minimum illuminance levels for the activity as recommended by the Illuminating Engineering Society of North America (IESNA).
3. Such lighting shall not include any light trespass as determined by the Director or designee.
4. Every such lighting system design shall be certified by a Utah registered engineer as conforming to all applicable restrictions of this Code.

5. Lighting Time Limitations. Outdoor display lot lighting shall conform to the hours of operation as established under Class 1 lighting standards. Any lighting on after the time limitations shall be considered Class 2 lighting and shall conform to all restrictions of this Code applicable to this class.

C. Service Station Canopies.

1. Class 2. Lighting for service station canopies shall be considered Class 2 lighting.
 2. Shielding. All luminaries shall be flush with the lower surface of canopies and utilize flat glass or plastic covers.
 3. Total Under-Canopy Output. The total light output used for illuminating service station canopies, defined as the sum of under-canopy initial bare-lamp outputs in lumens, shall not exceed 40 lumens per square foot of canopy. All lighting mounted under the canopy, except internally illuminated signs, shall be included in the total. Fifty percent of the total lumen output of all lamps mounted within or under a canopy shall be included in the lumen per acre cap.
- D. Other Lighting on Parcels with Special Uses. All site lighting not directly associated with the special uses as permitted shall conform to all lighting standards described in this Code.

17.55.080 Plan Submittal and Evidence of Compliance.

A. Plan Submittal. Whenever a person is required to obtain a permit for outdoor lighting or signage, a conditional use permit, subdivision approval or any development plan approved by the city, including all city projects, or whenever a person requests a rezoning, the applicant shall, as part of the application process, submit sufficient information to enable the Director or designee to determine whether proposed lighting complies with this Code. All applications may be subject to review and action by the Planning Commission at the discretion of the Director.

B. Applications. All applications shall include the following:

1. A Site Plan indicating the location of all lighting fixtures, both proposed and any already existing on the site.
2. A description of each illuminating device, fixture, lamp, support and shield, both proposed and existing. The description shall include, but is not limited to, manufacturer's catalog cuts and illustrations (including sections where required); lamp types, wattages and initial lumen outputs.
3. Such other information that the Director may determine is necessary to ensure compliance with this Code.

C. Plan Approval. If the Director or designee determines that any proposed lighting does not comply with this Code, the permit shall not be issued or the plan approved.

D. Lamp or Fixture Substitution. Should any outdoor light fixture or the type of light source therein be changed after the permit has been issued, a change request must be submitted to the Director or designee for approval, together with adequate information to assure compliance with this Code, which must be received prior to substitution.

E. Certification of Installation. For all projects where the total initial output of the proposed lighting equals or exceeds 100,000 lamp lumens, certification that the lighting, as installed, conforms to the approved plans shall be provided by a certified engineer before the Certificate of Occupancy is issued. Until this certification is submitted, approval for use of a Certificate of Occupancy shall not be issued for the project.

17.55.090 Approved Materials and Methods of Construction or Installation/Operation.

Approval of Alternatives. The provisions of this Code are not intended to prevent the use of any design, material, or method of installation or operation not specifically prescribed by this Code, provided any such alternate has been approved by the Director or designee. The Director may approve any such proposed alternate providing that it:

- A. Provides at least approximate equivalence to that applicable specific requirement of this Code.
- B. Is otherwise satisfactory and complies with the intent of this Code.

17.55.100 Exemptions and Nonconforming Lights.

A. All nonconforming outdoor light fixtures lawfully installed prior to and operable on the effective date of the ordinance codified in this Code are exempt from all requirements of this Code. However, there shall be no change in use or lamp type, or any replacement (except for same-type and same-output lamp replacement) or structural alteration made, without conforming to all applicable requirements of this Code.

B. In the event that an outdoor lighting fixture is abandoned or is damaged to the point of requiring repairs for safe operation, the repaired or replacement fixture shall comply with the provisions of this Code.

C. Emergency lighting, used by police, firefighting, or medical personnel, or at their direction, is exempt from all requirements of this Code for as long as the emergency exists.

D. Swimming Pool and Decorative Water Fountain Lighting. Underwater lighting used for the illumination of swimming pools and decorative water fountains is exempt from the lamp type and shielding standards, though they must conform to all other provisions of this Code.

17.55.110 Definitions

Outdoor Lighting. This definition includes the following terms and definitions:

A. "Class 1 lighting" means all outdoor lighting used for, but not limited to, outdoor sales or eating areas, assembly or repair areas, advertising and other signs, recreational facilities and other similar applications where color rendition is important to preserve the effectiveness of the activity.

B. "Class 2 lighting" means all outdoor lighting used for, but not limited to, illumination for walkways, roadways, equipment yards, parking lots and outdoor security where general illumination for safety or security of the grounds is the primary concern.

C. "Class 3 lighting" means any outdoor lighting used for decorative effects including, but not limited to, architectural illumination, flag and monument lighting, and illumination of trees, bushes, and the like.

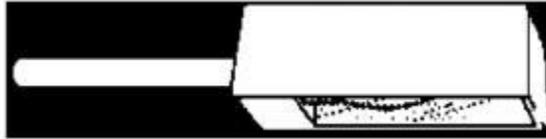
D. "Direct illumination" means illumination resulting from light emitted directly from a lamp, luminary, or reflector and is not light diffused through translucent signs or reflected from other surfaces such as the ground or building faces.

E. "Display lot or area" means outdoor areas where active nighttime sales activity occurs and where accurate color perception of merchandise by customers is required. To qualify as a display lot, 1 of the following specific uses must occur: automobile sales, boat sales, tractor sales, building supply sales, gardening or nursery sales, and assembly lots. Uses not on this list may be approved as display lot uses by the Director or designee.

F. "Foot-candle" means 1 lumen per square foot. Unit of illuminance. It is the luminous flux per unit area in the Imperial system. One foot-candle equals approximately 0.1 (0.093) lux.

G. "Fully shielded light fixture" means a light fixture that is shielded in such a manner that light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted (see Figure 17.55.1).

Figure 17.55.1 Example of Fully Shielded Light Fixture (Shoe Box)



H. "Glare" means the sensation produced by a bright source within the visual field that is sufficiently brighter than the level to which the eyes are adapted to cause annoyance, discomfort, or loss in visual performance and visibility; blinding light. The magnitude of glare depends on such factors as the size, position, brightness of the source, and on the brightness level to which the eyes are adapted.

I. "Installed" means a light fixture attached or fixed in place, whether or not connected to a power source, of any outdoor light fixture.

J. "Light pollution" means any adverse effect of manmade light.

K. "Light trespass" means light spill falling over property lines that illuminates adjacent grounds or buildings in an objectionable manner.

L. "Lumen" means a unit used to measure the actual amount of visible light which is produced by a lamp as specified by the manufacturer.

M. "Luminary" means the complete lighting assembly, less the support assembly.

N. "Motion sensing security lighting" means any fixture designed, and properly adjusted, to illuminate an area around a residence or other building by means of switching on a lamp when motion is detected inside the area or perimeter, and switching the lamp off when the detected motion ceases.

O. "Multi-class lighting" means any outdoor lighting used for more than 1 purpose, such as security and decoration, such that its use falls under the definition of 2 or more classes as defined for Class 1, 2 and 3 lighting.

P. "Net acreage" means the remaining ground area of a parcel after deleting all portions for proposed and existing public rights-of-way and undeveloped area.

Q. "Outdoor light fixture" means an outdoor illuminating device, outdoor lighting or reflective surface, lamp or similar device, permanently installed or portable, used for illumination, decoration, or advertisement. Such devices shall include, but are not limited to, lights used for:

1. Buildings and structures;
2. Recreational areas;
3. Parking lot lighting;
4. Landscape lighting;
5. Architectural lighting;

6. Signs (advertising or other);
7. Street lighting;
8. Product display area lighting;
9. Building overhangs and open canopies;
10. Security lighting.

R. "Outdoor recreation facility" means an area designed for active recreation, whether publicly or privately owned, including, but not limited to, parks, baseball diamonds, soccer and football fields, golf courses, tennis courts, and swimming pools.

S. "Partially shielded light fixture" means a fixture shielded in such a manner that no more than 10% of the light emitted directly from the lamp or indirectly from the fixture is projected at an angle above the horizontal, as determined by photometric test or certified by the manufacturer. Luminaries mounted under canopies or other structures such that the surrounding structure effectively shields the light in the same manner are also considered partially shielded for the purposes of this Code.

T. "Security lighting" means lighting designed to illuminate a property or grounds for the purpose of visual security. This includes fully shielded lighting designed.

U. "Unshielded fixture" means any fixture that allows light to be emitted above the horizontal directly from the lamp or indirectly from the fixture or a reflector.

V. "Watt" means the unit used to measure the electrical power consumption (not the light output) of a lamp.

Chapter 17.80 SIGN REGULATIONS AND SIGN PERMITS

17.80.060 General provisions. The following general provisions and requirements shall apply to all signs and outdoor advertising structures that may be erected or maintained within Eagle Mountain City. The planning director shall approve signs that are in compliance with the regulations and standards contained herein. Signs shall be maintained in accordance with these provisions and standards.

A. Signs Installed in Compliance with Codes. Signs shall be installed according to requirements contained in the International Building and Electrical Codes, as applicable.

B. Traffic Hazards. No sign shall be erected where it may create a traffic safety hazard by: obscuring traffic control signs or signals; confusing drivers by appearing to be a traffic control sign or signal; or obstructing vision at intersections or driveways by being placed within a clear vision triangle. Signs shall not be fastened to traffic control devices, street signs, or utility poles.

C. Signs in Right-of-Way. Unless authorized by specific written agreement with the city, no sign shall be placed in or extend over any public right-of-way except traffic control signs, signs described in this chapter, city events or notices (Pony Express Days, recreation leagues, etc.), and public notices placed by public agencies.

D. Sign Illumination. Permitted signs may have a constant, indirect source of illumination focused on the sign's copy or be internally lit. **All temporary signs must be non-illuminated. Allowed permanent signs may be non-illuminated, or illuminated by a constant, indirect source of illumination focused on the sign's copy or be internally illuminated, halo illuminated, or externally indirectly illuminated, unless otherwise specified. All illuminated signs shall comply with the time limitations of Chapter 15.55.060(G).** No animated, flashing, blinking, or moving signs shall be permitted, except that animated public service message signs displaying the time of day, temperature, and/or announcements of community events may be permitted by the planning commission. **No sign illumination is permitted within the residential zone of the City unless approved by the Planning Director, or approved as part of a conditional use permit or master development plan.** Electrical signs and spotlights or other fixtures used for the indirect illumination of signs shall be installed only in compliance with the city's adopted International Electrical Code, International Building Code- **and Chapter 17.55 Outdoor Lighting Standards.**

- a. Type of Sign Illumination. The type of sign illumination as otherwise set forth in this chapter:
 1. Halo-Type Illumination. The light source is concealed behind an opaque face and the rays of illumination are projected outwards toward the edge of the sign, forming a "halo" effect around the exterior of the sign.
 2. Internal Illumination. The light source is concealed entirely within a sign which makes sign graphics visible by transmitting light through a translucent or semi translucent material.
 3. External, Indirect Illumination. The light source is exposed and directed toward the sign face but is shielded or concealed from view with proper shields or glass lenses to avoid glare. Examples of external illumination include gooseneck light fixtures and ground-mounted light fixtures

B. Externally Illuminated Sign Standards

1. Lighting Class: External illumination for signs shall comply with all provisions of this chapter, and shall be treated as Class 1 lighting, as defined in Chapter 17.55.110. All external sign lighting is included within the total outdoor light output limits of Chapter 17.55.060(D), and shall comply with applicable lamp source and shielding restrictions.

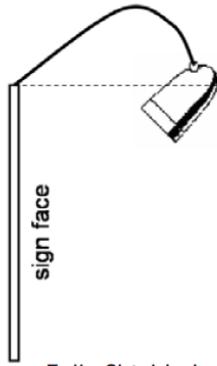
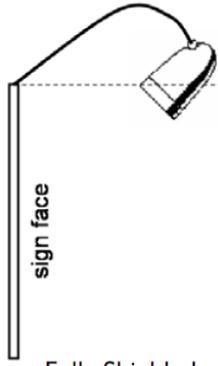
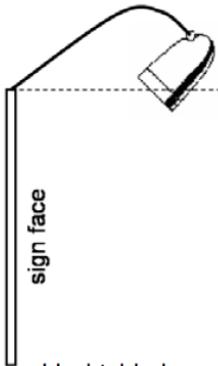
2. Except as provided in Subsection C, externally illuminated signs shall be illuminated only with steady, stationary, fully shielded light sources directed solely onto the sign without causing glare.

3. A light fixture mounted above the sign face may be installed with its bottom opening tilted toward the sign face provided:

a. The bottom opening of the light fixture is flat (i.e., it could be covered by a flat board allowing no light to escape); and,

b. The uppermost portion of the fixture's opening is located no higher than the top of the sign face (Figure 17.80.060-1). Light fixtures aimed and installed in this fashion shall be considered fully shielded for purposes of calculating the total outdoor light output limits of Chapter 17.55.060(D).

Figure 17.80.060-1 External Light Fixture Shielding

Permitted and Prohibited External Sign Lighting Configurations		
Allowed	Allowed	Not Allowed
 <p>Fully Shielded</p>	 <p>Fully Shielded</p>	 <p>Unshielded</p>

2. Internally Illuminated Sign Standards. Internally illuminated signs shall either be constructed with an opaque background and translucent text and symbols, or with a colored (not white, off-white, light gray, or cream) background and generally lighter text and symbols (Figure 17.80.060-2). Lamps used for internal illumination of internally illuminated signs shall not be counted toward the total outdoor light output limits of Chapter 17.55.060(D).

Figure 17.80.060-2 Internal Lighting Standards

Light Background Not Allowed	Colored Background Allowed	Opaque Background Allowed
RESTAURANT CAFE	GAS STATION	HOTEL

a. Other internally illuminated panels or decorations not considered to be signage according to this chapter (such as illuminated canopy margins, building faces, or architectural outlining), shall be considered Class 3 lighting, as defined in Chapter 17.55.110, and shall be

subject to the standards applicable for such lighting, including but not limited to the lamp source, shielding standards, and total outdoor light output limits established in Chapter 17.55.060(D).

3. Neon Sign Standards. Neon sign lighting shall be treated as Class 3 (decorative) lighting and shall be included within the total outdoor light output limits of Chapter 17.55.060(D).

4. Single-Color LED Sign Standards. Single-color LED signs shall be considered as internally illuminated signs, and shall not have their lumen output counted toward the total outdoor light output limits of Section Chapter 17.55.060(D).

5. Time Limitations. All signs shall be turned off by 11:00 p.m. or when the business closes, whichever is later. Signs subject to time limitations are required to have functioning and properly adjusted automatic shut-off timers.

E. Compatibility. The design of signs, including materials and form, shall be compatible with the building or use to which they are an accessory.

F. Maintenance of Signs. Signs and their supporting structures shall be maintained so as not to create a health or safety hazard, or constitute a nuisance. Signs and their supporting structures shall also be maintained in good repair and operation and shall be repaired, repainted, relettered or otherwise maintained in good visual condition so as to not be an aesthetic detriment to the immediate and surrounding areas.

G. Abandoned Signs. Any sign that is not structurally sound or no longer serves to inform or attract the public, including illegible signs and signs advertising or identifying abandoned uses, shall be considered abandoned and shall be removed as required by this chapter. [Ord. O-06-2010 § 2 (Exh. A); Ord. O-12-2009 § 2 (Exh. A); Ord. O-26-2008 § 2 (Exh. A § 16.6); Ord. O-18-2008 § 2 (Exh. A § 16.6); Ord. O-17-2006 § 2 (Exh. 1 § 16.6); Ord. O-23-2005 § 3 (Exh. 1(1) § 16.6)].