

ORDINANCE 2024-12-01

Ordinance No. 2024-12-01

Date: December 18, 2024

AN ORDINANCE OF THE COPPERTON COUNCIL ELIMINATING SETBACK REGULATIONS FOR ACCESSORY BUILDINGS AND ELIMINATING CERTAIN REGULATIONS LIMITING HOME OCCUPATIONS

RECITALS

WHEREAS, Copperton is a municipality and has authority to adopt land use regulations pursuant to Utah Code § 10-9a-501 in accordance with the Municipal Land Use, Development, and Management Act, Title 10, Section 9a, Utah Code; and

WHEREAS, the Council deems it necessary to amend its land use ordinances to reduce setback regulations for accessory buildings and eliminate certain regulations limiting home occupations, and for the protection and preservation of the public health, safety and general welfare;

WHEREAS, the Copperton Planning Commission held a public hearing on November 19, 2024, to consider amending setback regulations for accessory buildings and eliminate certain regulations limiting home occupations, (the “Proposed Action”) in accordance with Utah Code §§ 10-9a-205 and 10-9a-502; and

WHEREAS, the Planning Commission has recommended that the Council amend setback regulations for accessory buildings and eliminate certain regulations limiting home occupations

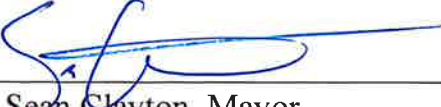
BE IT ORDAINED BY THE COPPERTON TOWN COUNCIL as follows:

1. Sections 19.28.050 and 19.42.150 are hereby revised as set forth in Exhibit A.
2. Severability. If a court of competent jurisdiction determines that any part of this Ordinance is unconstitutional or invalid, then such portion of this Ordinance, or specific application of this Ordinance, shall be severed from the remainder, which shall continue in full force and effect.
3. Direction to Staff. Staff are authorized and directed to take such steps as may be needed: (a) for this ordinance to become effective under Utah law, including but not limited to compliance with the requirements of Utah Code § 10-3-711; and (b) to finalize and post the ordinance to Municode, including but not limited to making non-substantive edits to correct any scrivener’s, formatting, and numbering errors.

4. Effective Date. This Ordinance will take effect immediately upon posting pursuant to Utah Code § 10-3-712.

PASSED AND ADOPTED this 18th day of December 2024.

COPPERTON TOWN COUNCIL


By: Sean Clayton, Mayor

ATTEST


Copperton Town Clerk

APPROVED AS TO FORM


City Attorney

Voting:

Mayor Clayton	voting	<u>Aye</u>
Deputy Mayor Stitzer	voting	<u>Abstain</u>
Council Member Bailey	voting	<u>Aye</u>
Council Member Severson	voting	<u>Aye</u>
Council Member Olsen	voting	<u>Aye</u>

(Complete as Applicable)

Date ordinance summary was posted to the Utah Public Notice website, and in a public place within Copperton per Utah Code §10-3-711: December 20, 2024

Effective date of ordinance: December 18, 2024

EXHIBIT A

19.28.050 – Accessory Structure Development Standards.

- A. Accessory Structure Location and Setback Requirements. The location and minimum setback requirements for an accessory structure in a single-family residential zone are as follows:
1. Accessory buildings shall be located in the side or rear yard and six feet (6') away from the dwelling. No accessory building may be located within the required front yard;
 2. Side yard setbacks shall be as follows:
 - a. New accessory buildings located in a side yard between two existing main buildings shall be located at least one foot (1') from the interior side property line.
 - b. Shared accessory buildings (garages and sheds built across a shared side property line) in a rear yard may be altered, reconstructed or rebuilt on or across the side property line with consent of the adjacent property owner(s).
 - c. New accessory buildings located in a rear yard shall be a minimum of one foot (1') from an interior side property line, and six feet (6') from a street facing property line.
 3. Accessory buildings shall be located at least one foot (1') from the rear property line; and
 4. Other than fences, no part of any accessory structure may be placed within one foot (1') of the property line, including eaves, cantilevers and other protrusions from the structure.

19.42.150 – Home Occupations.

Home occupations are subject to the following standards:

- A. Restrictions. The following business activities are prohibited from taking place at a residential dwelling unit:
3. Vehicle sales or rentals;
 4. Impound operations, junkyards, accessory outdoor storage, or storage yards;
 5. Any use involving the storage or sale of inflammable, explosive or hazardous materials;
 6. Mortuaries or crematoriums;
 7. Sexually oriented businesses; and
- B. Exemptions. The following activities are exempted from or not subject to regulation under this Chapter:
1. Uses other than a home business that are listed as permitted or conditional uses in residential zones; he
 2. Garage or yard sales subject to Chapter 19.44 Temporary Uses,

C. Standards. The following standards apply to home businesses:

1. The primary use of the dwelling shall be residential.
2. The person operating the business shall reside in the dwelling at least nine months per year.
3. For lots that front on a right of way less than eighty feet (80') wide, only the business operator and his/her immediate family members who reside in the home may be employed to do any work in the home, whether compensated or not, in conjunction with the business. For lots that front on a right of way of eighty feet (80') or greater, one non-resident employee is allowed to be employed to do work in the home.
4. Customers shall be allowed at the residence on an appointment only basis between the hours of 7:00 a.m. and 10:00 p.m. Group lessons or sessions may not exceed six (6) people at a time.
5. Exterior remodeling that would change the residential appearance of the home is prohibited. Interior structural alterations made to the home are allowed only if they are consistent with its primary use as a dwelling.
6. Any sale of goods not produced as part of the home occupation shall constitute a clearly incidental part of the operation of the home occupation.
7. All business activities shall take place entirely within the dwelling, a garage, or an accessory structure. The business may not occupy an area equal to more than twenty-five percent (25%) or more than five hundred square feet (500 sq. ft.), whichever is less, of the floor area of the home.
8. Storage or display of supplies, inventory, equipment, or materials in any portion of the yard is prohibited. Explosive or combustible materials may not be stored or used in association with a home occupation.
9. The home occupation may use only those tools, equipment, or electric apparatus that are commonly used as accessories to or in conjunction with residential uses.
10. The home occupation may not emit or create excessive odors, smoke, dust, heat, fumes, light, glare, sounds, noises, vibrations, or interference with radio and/or television reception.
11. In addition to the parking spaces required for the residents of the dwelling, off-street parking for customers and for an employee, if allowed under Subsection 19.42.150.C.3 above, shall be provided in the driveway or garage. Required parking may not block access to a neighboring property's parking area or garage.
12. Any nameplate sign may not exceed three square feet and may not be illuminated.
13. Vehicles:
 - a. Any commercial vehicle used for a home occupation shall comply with section 19.48.040.E of this Ordinance.

- b. One trailer may be used in association with a home occupation in accordance with the following standards:
 - i. The maximum body length of an enclosed trailer is twenty feet (20'). The maximum body length of an open trailer is sixteen feet (16').
 - ii. Trailers shall be garaged or stored on private property and may not be located within the front yard setback or, for corner lots, in either the front or side yard setback.
 - iii. Trailers may have one sign covering the lesser of twenty-four square feet (24 sq. ft.) or thirty percent (30%) of the side panel of the trailer.
- 14. The home occupation applicant must either be the bona fide owner of the home (as shown on the current Salt Lake County tax assessment rolls) or if the applicant is renting or leasing the home, the homeowner must provide written permission allowing the applicant to conduct a business in the home. Said letter of permission must be signed and notarized by the homeowner.
- 15. The property address (house number) shall be clearly posted on the home using letters at least four inches (4") in height in a color that contrasts with the color of the building.
- 16. The condition of the dwelling and yards shall be maintained in accordance with Section 19.50.180 Weed Abatement and Responsibility to Keep Property Clean, Section 19.50.190 Tree and Landscape Trimming, and Subsection 19.46.110 (J) Accumulation of Junk.
- 17. The activities of the home occupation may not involve the use of hazardous materials or chemicals in amounts that will increase the hazard of fire, explosion, or safety to the structure the use is conducted in, adjacent structures, or the occupants thereof.

D. Regulations and Enforcement.

- 1. All home businesses shall comply with Title 5 Business Regulations of the Copperton Code.
- 2. An application for a home business shall be submitted to Planning and Development Services. The application shall be approved upon the applicant agreeing to comply with the standards set forth in this section.
- 3. A change of business ownership or relocation to a new address is considered a new business and requires separate approval.