

## Chapter 19.02

### General Provisions and Administration

#### 19.02.010 - Title For Citation

~~This title shall be known as the "Uniform The Zoning Ordinance of the Emigration Canyon Metro Township, Utah," and may be so cited City" and pleaded. This title shall also be known as referred to herein as Title "the Ordinance" or "this Ordinance."~~

#### 19.02.020 - Reserved

#### 19.02.030 - Purpose ~~19.02.020 Purpose Of Provisions~~

~~The Ordinance is intended to promote and support the goals and policies of the Emigration Canyon Metro Township Code of Ordinances:~~

~~This title is designed City's General Plan, and enacted for the purpose of promoting following purposes:~~

- ~~1. To promote the general health, safety, morals, conveniences, order, prosperity and welfare of the present and future inhabitants, businesses, and visitors of Emigration Canyon Metro Township, including, among other things, the lessening of congestion in the streets or roads, securing,~~
- ~~2. To support small-scale economic opportunities and business that promote outdoor recreation, community services for residents, environmental preservation, or sustainable transportation,~~
- ~~3. To support sustainable and responsible recreation,~~
- ~~4. To regulate responsible alteration and development of land that promotes safety for people, wildlife, water, and the natural landscape.~~
- ~~5. To provide for well-planned commercial and residential centers, safe and efficient traffic and pedestrian circulation, preservation of night skies and efficient delivery of municipal services,~~
- ~~6. To secure safety from fire and other dangers, providing adequate light and air, classification of land uses and distribution of land development and utilization, protection of the tax base, securing economy in governmental expenditures, fostering the Metro Township's agricultural and other industries, and the protection of both urban and non-urban and~~
- ~~7. To regulate housing and development to reduce impacts on the environment,~~

#### 19.02.030 Interpretation As Minimum Requirements *(renumbered 19.02.110)*

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#### **19.02.040 - Applicability**

A. Territorial Application. All land and parcels of real property within the jurisdictional limits of the Emigration Canyon City is covered by the provisions of this Ordinance.

#### **B. General Applicability.**

1. The regulations contained in this Ordinance apply to all uses, structures, and parcels of real property, including those recorded prior to the enactment of this Ordinance.

2. Every dwelling shall be located and maintained on a lot, as defined in this Ordinance. Except for dwelling groups, not more than one (1) dwelling structure may occupy one (1) lot.

C. General Prohibition. No portion or whole of any structure or land may be used, occupied, constructed, moved, enlarged, or structurally altered except as provided by this Ordinance. Land needed to meet the width, yard, area, coverage, parking or other requirements of this Title for a lot or building shall not be sold or conveyed away from such lot or building.

D. Private Agreements. This Ordinance is not intended to enforce any private agreement or covenant. If this Ordinance is more restrictive than a private agreement or covenant, this Ordinance prevails.

E. Other Laws and Regulations. This Ordinance controls over less restrictive State or municipal statutes, ordinances, or regulations.

#### **19.02.040 Resolution Of Conflicts** *(Included in E. above)*

~~This title shall not nullify the more restrictive provisions of covenants, agreements, other ordinances, or laws, but shall prevail notwithstanding such provisions which are less restrictive.~~

#### **19.02.050 Effect On Previous Ordinances And Maps** *(Included in substance in 19.02.060 below)*

~~The existing ordinances of the Metro-Township covering the zoning of areas and districts in Emigration Canyon Metro-Township, in their entirety and including the maps theretofore adopted and made a part of such ordinances, are hereby superseded and amended to read as set forth in this title; provided, however that this title, including the maps on file with the planning commission and by this reference made a part hereof, shall be deemed a continuation of previous ordinances, and not a new enactment, insofar as the substance of~~

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revisions of previous ordinances is included in this title, whether in the same or in different language; and this title shall be so interpreted upon all questions of construction, including but not limited to questions of construction, relating to tenure of officers and boards established by previous ordinances, and to questions of conforming or nonconforming uses, buildings or structures, and to questions as to the dates upon which such uses, buildings or structures became conforming or nonconforming.

#### **19.02.060 Licensing Requirements (renumbered 19.02.120)**

##### **19.02.050 - Transition Rules**

A. In those instances where this Ordinance conflicts with previously applicable zoning regulations, the following rules apply:

1. Division of Consolidated Lots. Previously platted lots consolidated into one taxable parcel may not be re-divided into lots smaller than the minimum area required in the underlying zone.
2. Previously Issued Building Permits. If a building permit for a structure was lawfully issued prior to the effective date of this Ordinance or any amendments to this Ordinance, and if construction has begun within one hundred and eighty (180) days of the issuance of that permit, the structure may be completed in accordance with the plans on the basis of which the building permit was issued and upon completion may be occupied under an occupancy permit for the use originally intended.
3. Previously Granted Approvals.
  - a. All approvals granted prior to the effective date of this Ordinance remain in full force and effect. The recipient of the approval may proceed to develop the property in accordance with the approved plans and any applicable conditions.
  - b. If the recipient has failed to act on an approval before the approval expires, including any periods of extension granted, the provisions of this Ordinance control.

##### **19.02.060 - Inactive Applications**

Applications for property development and/or use permits shall be actively pursued to a final decision by the town. If no activity such as plan submittals, reviews, meetings, or communication by the applicant has occurred on an application for one hundred eighty (180) days, the application will be deemed as inactive, and the file closed. The applicant may submit a written request to maintain the application as active, wherein upon finding that there is good cause and reasonable belief that the application will be pursued to

completion, the Director, or their designee may grant a one-time ninety (90) day extension. Once a file is closed, an applicant will be required to reapply for permits or development.

#### **19.02.070 - Severability**

If any provision of this Ordinance is adjudged by any court of competent jurisdiction to be invalid, that judgment does not affect, impair, invalidate or nullify the remaining provisions of this Ordinance. The effect of the judgment is confined to the provision immediately involved in the controversy in which the judgment or decree was rendered.

#### **19.02.080 - Vesting**

A. An Applicant is entitled to a substantive review and approval of a land Use Application if the Application conforms to the requirements of the Town's Land Use and Zoning Maps, the municipal specification for public improvements application to a Subdivision or Development, and the applicable land Use ordinance in effect when a Complete Application is submitted and all fees have been paid, unless:

1. the land Use authority, on the record, finds that a compelling, countervailing public interest would be jeopardized by approving the Application; or
2. before the Application is submitted, the municipality has formally initiated proceedings by publicly noticing an amendment to its ordinances in a manner that would prohibit approval of the Application as submitted.

B. The municipality shall process an Application without regard to proceedings initiated to amend the municipality's ordinances if:

1. 180 days have passed since the proceedings were initiated; and
2. The proceedings have not resulted in an enactment that prohibits approval of the Application as submitted.

C. An Application for a Land Use approval is considered, submitted and complete when the Application is provided in a form that complies with the requirements of applicable ordinances and all applicable fees have been paid.

D. The continuing validity of an approval of a land Use Application is conditioned upon the Applicant proceeding after approval to implement the approval with reasonable diligence.

E. A municipality is bound by the terms and standards of applicable land Use ordinances and shall comply with mandatory provisions of those ordinances.

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### **19.02.090 - Building and Use Permits Required**

Construction, alteration, repair or removal of any building or structure, or any part thereof, as provided or as restricted in this title, shall not be commenced or proceeded with except after the issuance of a written permit for the same by the building official. The use of the land shall not be commenced or proceeded with except upon the issuance of a written permit for the same by the Director or designee.

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#### **19.02.100 - Time Computation (renumbered from 19.02.070)**

- A. In computing any period of time prescribed or allowed by this title, the day of the act, event or decision after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Saturday, Sunday or legal holiday, in which event the period runs until the end of the next day, which is neither a Saturday, Sunday or a holiday. When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays and holidays shall be excluded in the computation. A half-holiday shall be considered as other days and not as a holiday.

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- B. The date of a decision or recommendation of the planning commission shall be the date of the public meeting or hearing such decision or recommendation is made. If the decision is made by the development services director, the date of the decision shall be the date specified on the property owner's notification letter in the application file.

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#### **19.02.110 - Interpretation as Minimum Requirements (renumbered from 19.02.030)**

In interpreting and applying the provisions of this title, the requirements contained herein are declared to be the minimum requirements for the purposes set forth.

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#### **19.02.120 - Licensing Requirements (renumbered from 19.02.060)**

All departments, officials and public employees of the City which are vested with the duty or authority to issue permits or licenses shall conform to the provisions of this title and shall issue no permits or licenses for use, building or purpose where the same would be in conflict with the provisions of this title, and any such permit or license, if issued in conflict with the provisions of this title, shall be null and void.

~~19.02.080 Site Plans Required--Contents~~ (renumbered to 19.02.150)

~~19.02.100 Compliance Prerequisite To Permit Issuance~~ (renumbered to 19.02.160)

~~19.02.110 Improvements--Performance Bonds~~ (renumbered to 19.02.160)

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## 19.02.120 Development Standards

~~The planning commission may adopt development standards for use as a guide in conditional use review and subdivision design, and for use in site plan review for single-family dwellings in forest and recreation zones.~~

### 19.02.130 - Land Use Applications

The Director of Planning and Development Services ("the Director") or the director's designee shall be the administrator of the Emigration Canyon ~~Metro Township~~ City zoning ordinance. In order to assure that each proposed land use or proposed amendment to an existing land use is handled consistently and fully complies with the provisions of this title, the director or director's designee shall administer application and review procedures as outlined herein unless specific procedures are otherwise provided in the zoning ordinance. Applications shall be diligently prosecuted to completion by the applicant to ensure that any action taken to approve or deny an application is based on current information. An application shall not be considered complete until all application fees have been paid and all required materials have been submitted. The payment of a partial fee and preliminary plans for a pre-submittal review does not constitute a complete application. The land use application process shall consist of the following:

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#### 1-A. An application procedure, which shall include:

1. Submission of an application form, as designed by the ~~director~~ Director or ~~director's~~ designee, which clearly indicates the type and purpose of the application, property address, and applicant information;
2. Submission of a legal description of the property plat, a designated number of site plans, building elevations, and mailing labels (if required) for notifications;
3. Payment of fees, as required under Title 3, Revenue and Finance.

#### 2-B. A review procedure, which may include:

1. The creation of a planning file by which the applicant, staff, and the public can refer to the proposed land use;
2. An on-site review by the ~~director~~ Director or ~~director's~~ designee as allowed in Utah Code 10-9a-303;
3. Review of the submitted site plan and elevations for compliance with the zoning ordinance;

4. Referral of the application and site plans to those government agencies and/or affected entities necessary to protect the health, safety, and welfare of the public and to ensure the project's compliance with all applicable ordinances and codes;

3.C. An approval procedure, which shall include:

1. The integration of the recommendations from the other government agencies and affected entities involved in subsection (B)(4) of this section into the final site plan and/or elevations;
2. An approval letter or other written document indicating the approval or denial of the application with appropriate conditions as needed to ensure compliance with all applicable codes, ordinances, and regulations;
3. Provision of the approved site plan and approval letter or denial letter to the applicant in a timely manner.

**19.02.140 - Improvements--Performance Bonds (renumbered from 19.02.110)**

- A. Any improvements required under this title or by the planning commission, including but not limited to curb, gutter and sidewalk, fences, landscaping, streets, fire hydrants and parking, shall be satisfactorily installed prior to the ~~Metro Township City~~ authorizing electrical service being provided; or, if no electrical service is required, prior to issuance of any occupancy permit for the land being developed. In lieu of actual completion of such improvements, or in the case of landscaping, in addition to, except where seasonal considerations reasonably preclude installation of live plant materials, and prior to electrical service being provided or occupancy permit, a developer may file with the ~~council chair~~ Director or his designee a cash or surety bond or escrow agreement or letter of credit, in an amount specified by the ~~council chair~~ Director or his designee, to ensure completion of improvements within one year. ~~Twenty-five~~ Ten percent (10%) of the bond amount for public improvements, such as curb, gutter, sidewalk, road surfacing and fire hydrants, shall extend for a one-year period beyond the date the improvements are completed, to guarantee replacement of such defective public improvements. ~~Twenty-five~~ Ten percent (10%) of the bond amount for live plant materials shall extend for a ~~two~~ one-year period beyond the date of planting to guarantee replacement of diseased or dead plants. Upon completion of the improvements for which a bond or escrow agreement has been filed, the developer shall call for inspections of the improvements by the ~~development services director or his authorized agent~~ Director or designee.
- B. If the ~~council chair~~ Director or designee determines that the required improvements should be completed in a specified sequence and/or in less than a one-year period in order to protect the health, safety and welfare of the ~~Metro Township City~~ or its

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residents from traffic, flood, drainage or other hazards, the ~~council chair~~Director or designee may require in approving the bond that the improvements be installed in a specified sequence and period which may be less than one year and shall incorporate such requirements in the bond.

C. Such bonds shall be processed and released in accordance with the procedures set forth in Chapter 3.56 of this code.

D. When the developer is a school district, municipality, service area, special-purpose district or other political subdivision of the state, the ~~council chair~~Mayor may waive the bond and accept a letter from the governing body guaranteeing installation of the improvements. Before approving any such waiver, the ~~council chair~~Mayor shall receive a recommendation from the ~~public works director~~Municipal Engineer.

#### **19.02.150 Site Plans Required--Contents** (renumbered from 19.02.080)

A detailed site plan, drawn to scale (scale and sheet size to be determined by the director) shall be filed as part of any application prior to consideration or for any building permit. The site plan shall show, where pertinent:

1. Note of scale used;
2. Direction of North point;
3. Lot lines, together with adjacent streets, roads and rights-of-way;
4. Location of all existing structures on subject property and adjoining properties (completely dimensioned, including utility lines, poles, etc);
5. Location of the proposed construction and improvements, including the location of all signs;
6. Motor vehicle access, including individual parking stalls, circulation patterns, curb, gutter, and sidewalk location;
7. Necessary explanatory notes;
8. Name, address and telephone number of builder and owner;
9. All other information that may be required, as determined by the director.

#### **19.02.160 Compliance Prerequisite To Permit Issuance** (renumbered from 19.02.100)

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1. No building permit may be issued without first having been approved by the building official. The building official shall not approve a building permit if any building, structure or use of land would be in violation of any of the provisions of this title, nor shall any other ~~Metro Township~~City officer grant any permit or license nor the use of any building or land if use would be in violation of this title.
2. Neither the building official nor any other ~~Metro Township~~City officer shall grant any permit, license, or land use approval of any building or land in violation of chapter 9.25, entitled "Water Source Protection."