



EMIGRATION CANYON

Planning and Development Services

860 Levoy Drive, Suite 300 • Taylorsville, UT 84123

Phone: (385) 910-5600

Emigration Canyon Planning Commission

Public Meeting Agenda

Thursday, August 14, 2025, 8:30 A.M.

Location:

Microsoft Teams

https://teams.microsoft.com/l/meetup-join/19%3ameeting_ZjZiMmYwZWUtODYzNy00MzViLWJkMjAtNWVIZjZiNjNhY2Q2%40thread.v2/0?context=%7b%22Tid%22%3a%22fac3e0b8-c4a6-4120-b366-ee6cb2fb76a8%22%2c%22Oid%22%3a%22f8a001a5-21cc-482a-9f5a-682bacd87641%22%7d

Meeting ID: 227 188 171 077 8

Passcode: 8yd9xN9C

Dial in by phone

[+1 213-357-4434](tel:+12133574434), [181369850](tel:+181369850) United States, Los Angeles

[Find a local number](#)

Phone conference ID: 181 369 850#

Anchor Location: Emigration Canyon Fire Station 5025 Emigration Canyon Road

UPON REQUEST, WITH 5 WORKING DAYS NOTICE, REASONABLE ACCOMMODATIONS FOR QUALIFIED INDIVIDUALS MAY BE PROVIDED. PLEASE CONTACT WENDY GURR AT 385-391-8268.

TTY USERS SHOULD CALL 711.

The Planning Commission Public Meeting is a public forum where, depending on the agenda item, the Planning Commission may receive comment and recommendations from applicants, the public, applicable agencies and MSD staff regarding land use applications and other items on the Commission's agenda. In addition, it is where the Planning Commission takes action on these items, which may include: approval, approval with conditions, denial, continuance, or recommendation to other bodies as applicable.

PUBLIC HEARING(S)

OAM2025-001463 - Consideration of an ordinance repealing Chapter 19.12, FR-0.5, FR-1, FR-2.5, FR-5, FR-10, FR-20, FR-50, and FR-100 Forestry and Recreation Zones and replacing it with Chapter 19.24, Forestry Zones. **Planner** Brian Tucker, Planning Manager (Discussion, Hearing, Action)

OAM2025-001464 - Consideration of an ordinance repealing Chapter 19.60, C-V Commercial Zone and Chapter 19.62, C-2 Commercial Zone with Chapter 19.32, Commercial Zones. **Planner** Brian Tucker, Planning Manager (Discussion, Hearing, Action)

OAM2025-001465 - Consideration of an ordinance: repealing Chapter 19.05, Planning Commission and Chapter 19.92, Land Use Hearing Officer, replacing them with Chapter 19.12,

Administrative Bodies Powers and Duties; repealing Chapter 19.06 Zones, Maps, and Zone Boundaries and replacing it with Chapter 19.14, Zones, Zoning Map, and Boundaries; and repealing Chapter 19.84, Conditional Uses and 19.90, Amendments and Rezoning, replacing them with Chapter 19.16, Land Use Processes and Procedures. **Planner** Brian Tucker, Planning Manager (Discussion, Hearing, Action)

OAM2025-001466 - Consideration of an ordinance adopting Chapter 19.46, Site Development Standards. **Planner** Brian Tucker, Planning Manager (Discussion, Hearing, Action)

BUSINESS MEETING

- 1) Approval of May 8, and July 10, 2025, Planning Commission Meeting Minutes.
(Motion/Voting)
- 2) Other Business Items. (As Needed)

Next meeting date: September 11, 2025

ADJOURN

Rules of Conduct for Planning Commission Meetings

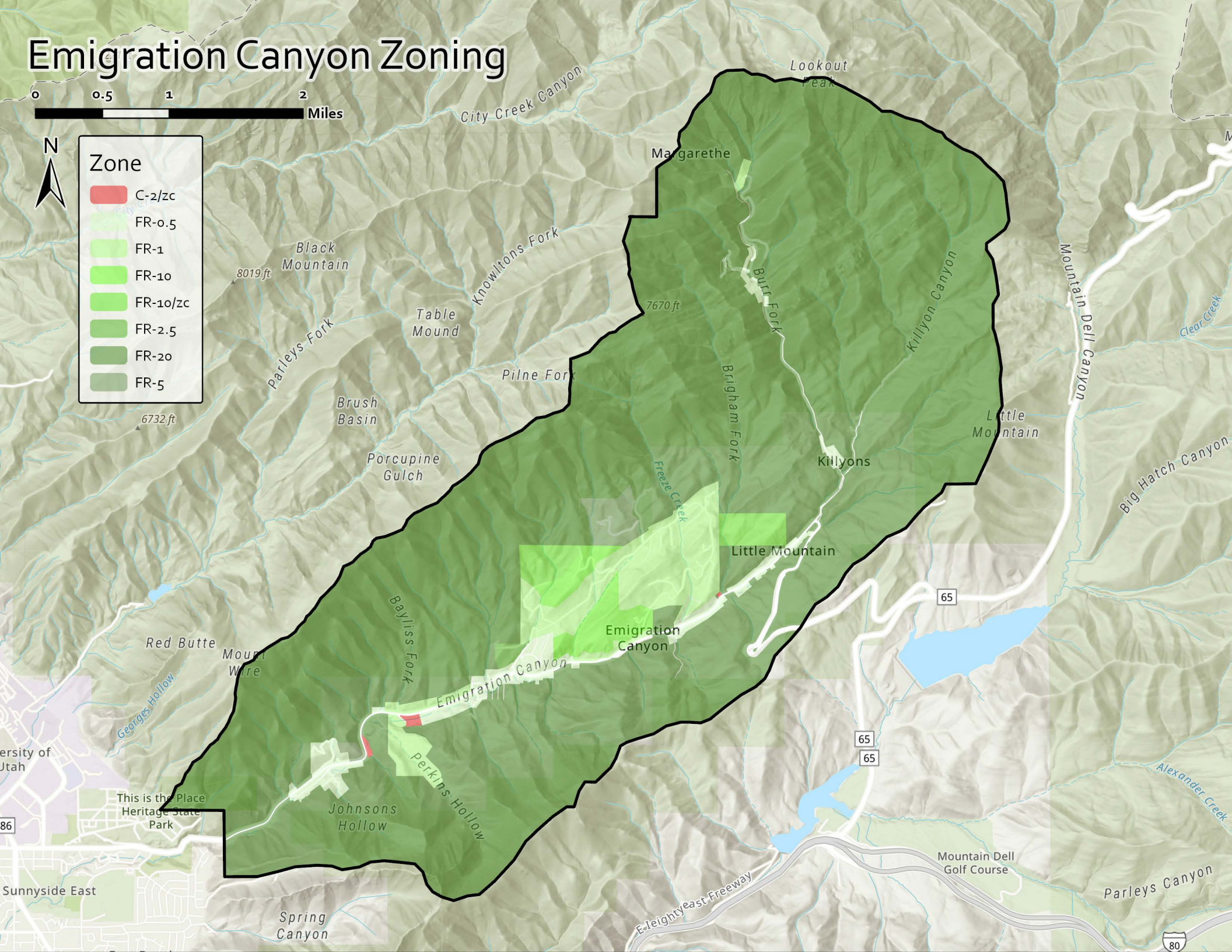
PROCEDURE FOR PUBLIC COMMENT

1. Any person or entity may appear in person or be represented by an authorized agent at any meeting of the Commission.
2. Unless altered by the Chair, the order of the procedure on an application shall be:
 - a. The supporting agency staff will introduce the application, including staff's recommendations and a summary of pertinent written comments and reports concerning the application.
 - b. The applicant will be allowed up to 15 minutes to make their presentation.
 - c. The Community Council representative can present their comments as applicable.
 - d. Where applicable, persons in favor of, or not opposed to, the application will be invited to speak.
 - e. Where applicable, persons opposing the application, in whole or in part will be invited to speak.
 - f. Where applicable, the applicant will be allowed 5 minutes to provide concluding statements.
 - g. Surrebuttals may be allowed at the discretion of the Chair.

CONDUCT FOR APPLICANTS AND THE PUBLIC

1. Speakers will be called to the podium by the Chair.
2. Each speaker, before talking, shall give his or her name and address.
3. All comments should be directed to the Commissioners, not to the staff or to members of the audience.
4. For items where there are several people wishing to speak, the Chair may impose a time limit, usually 3 minutes per person, or 5 minutes for a group spokesperson. If a time limit is imposed on any member or spokesperson of the public, then the same time limit is imposed on other members or spokespersons of the public, respectively.
5. Unless otherwise allowed by the Chair, no questions shall be asked by the speaker or Commission Members.
6. Only one speaker is permitted before the Commission at a time.
7. The discussion must be confined to essential points stated in the application bearing on the desirability or undesirability of the application.
8. The Chair may cease any presentation or information that has already been presented and acknowledge that it has been noted in the public record.
9. No personal attacks shall be indulged in by either side, and such action shall be sufficient cause for stopping the speaker from proceeding.
10. No applause or public outbursts shall be permitted.
11. The Chair or supporting agency staff may request police support to remove offending individuals who refuse to abide by these rules.
12. After the public comment portion of a meeting or hearing has concluded, the discussion will be limited to the Planning Commission and Staff.

Emigration Canyon Zoning



ORDINANCE 2025-O-__

Ordinance No. 2025-O-__

Date: ____, 2025

AN ORDINANCE OF THE EMIGRATION CANYON COUNCIL REPEALING CHAPTER 19.12, FR-0.5, FR-1, FR-2.5, FR-5, FR-10, FR-20, FR-50, AND FR-100 FORESTRY AND RECREATION ZONES AND REPLACING IT WITH CHAPTER 19.24, FORESTRY ZONES.

RECITALS

WHEREAS, Emigration Canyon 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 update the regulations for its Forestry and Recreation Zones and renumber the Chapter to fit within a reorganized Title 19 Zoning; and

WHEREAS, the Emigration Canyon Planning Commission held a public hearing on August 14, 2025, to consider repealing Chapter 19.12, FR-0.5, FR-1, FR-2.5, FR-5, FR-10, FR-20, FR-50, and FR-100 Forestry and Recreation Zones and replacing it with Chapter 19.24, Forestry Zones (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 repeal Chapter 19.12 FR-0.5, FR-1, FR-2.5, FR-5, FR-10, FR-20, FR-50, and FR-100 Forestry and Recreation Zones and replacing it with Chapter 19.24, Forestry Zones for the protection and preservation of the public health, safety and general welfare.

BE IT ORDAINED BY THE EMIGRATION CANYON CITY COUNCIL as follows:

1. Chapter 19.12, FR-0.5, FR-1, FR-2.5, FR-5, FR-10, FR-20, FR-50, and FR-100 Forestry and Recreation Zones is repealed and replaced to read as shown on **Attachment A** to this Ordinance.
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 ___ day of _____ 2025.

EMIGRATION CANYON CITY COUNCIL

By: Joe Smolka, Mayor

ATTEST

Diana Baun, Recorder

Voting:

Mayor Smolka	voting ____
Deputy Mayor Hawkes	voting ____
Council Member Brems	voting ____
Council Member Harris	voting ____
Council Member Pinon	voting ____

(Complete as Applicable)

Date ordinance summary was posted to the [insert name] website, the Utah Public Notice website, and in a public place within [insert name] per Utah Code §10-3-711: _____

Effective date of ordinance: _____

SUMMARY OF
EMIGRATION CANYON CITY
ORDINANCE NO. 2025-O-

On _____, 2025, the Emigration Canyon Council enacted Ordinance No. 2025-O-____, repealing Chapter 19.12, FR-0.5, FR-1, FR-2.5, FR-5, FR-10, FR-20, FR-50, and FR-100 Forestry and Recreation Zones and replacing it with Chapter 19.24, Forestry Zones.

By: Joe Smolka, Mayor

ATTEST

APPROVED AS TO FORM

Diana Baun, Recorder

Polly McLean, City Attorney

Voting:

Mayor Smolka	voting ____
Deputy Mayor Hawkes	voting ____
Council Member Brems	voting ____
Council Member Harris	voting ____
Council Member Pinon	voting ____

A complete copy of Ordinance No. _____ is available in the office of the Emigration Canyon Recorder, 860 Levoy Drive, Suite 300 Taylorsville, UT 84123.

ATTACHMENT A

CHAPTER 19.24 FORESTRY ZONES

19.24.010 - Purpose of Provisions

The purpose of the forestry, forestry and recreation, and forestry multi-family zones is to provide a mix of limited residential, limited multi-family, and recreation opportunities of the foothill and canyon areas of Emigration Canyon and other specified uses to the extent that such development is compatible with the protection of the natural and scenic resources of these areas for the continued benefit of future generations.

19.24.020 - Establishment of Forestry Zones (F Zones)

Forestry and Recreation zones promote a mix of uses that contribute to the creation of small residential or recreational activities or uses that help sustain recreational or residential activities. The FR zones promote small-scale, compatible development but prioritize the protection of the natural environment.

19.24.030 – Schedule of Uses

- A. Schedule of Permitted Uses. The specific uses listed in the following schedule are permitted in the zones as indicated, subject to the general provisions, special conditions, additional restrictions, and exceptions set forth in this Code. Conditions for specific uses can be found in Chapter 19.42 Special Use Standards.
- B. Procedure for Multiple Uses (Combination of Uses). If a development proposal involves a combination of uses identified in Table 19.24.030, the more restrictive provisions of this Title apply.
- C. Special Conditions. Any special conditions related to a specific use are in Chapter 19.42 Specific Use Standards.
- D. All uses listed are subject to the procedures and provisions of both Chapter 19.46 Site Development Standards and Chapter 19.72 Foothills and Canyons Overlay Zone. If there is a conflict between these provisions and those in Chapter 19.72, the more restrictive provision shall apply.
- E. Abbreviations. The abbreviations used in the schedule have the following meanings:
 - 1. P = Permitted Use. These uses are allowed in a zoning district but may be subject to restrictions and approval processes as provided in this Title.
 - 2. C = Conditional Use (“C”). These are land uses that, because of its unique characteristics or potential impact on Emigration Canyon City, surrounding neighbors, or adjacent land uses, may not be compatible in some areas of a zone district, or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts. Conditional Uses are subject to the requirements of this chapter, all general and specific conditions, criteria, and approval procedures set forth in Section 19.16.040, “Conditional Uses”. The Planning Commission is the approval authority for uses with this designation.
 - 3. X = Prohibited Use. These uses are not allowed in this zoning district.
 - 4. Uses not specifically permitted herein are prohibited.

Table 19.24.030 – Uses Allowed in Forestry Zones

Use Categories	FR-0.5	FR-1	FR-2.5	FR-5	FR-10	FR-20
Residential:						
Accessory Structures	P	P	P	P	P	P
Accessory Dwelling Unit, Internal; subject to 19.15	P	P	P	P	P	P
Dwelling, Multi-Family	X	X	X	X	X	X
Dwelling, Single-Family	P	P	P	P	P	P
Planned Unit Development	C	C	C	C	C	C
Educational Facility with Residential Accommodation	P	P	P	P	P	P
Living quarters for persons employed on the premises of any main commercial use.	P	P	P	P	P	P
Commercial:						
Home Business subject to 19.85	P	P	P	P	P	P
Home Daycare/Preschool subject to 19.76.260	P	P	P	P	P	P
Offices, incidental to main use	P	P	P	P	P	P
Outdoor Recreation, Small Scale	C	C	C	C	C	C
Residential Facility for Persons with a Disability subject to 19.87	P	P	P	P	P	P
Residential Facility for Elderly Persons	P	P	P	P	P	P
Short-term Rentals	P	P	P	P	P	P
Industrial:						
Water pumping plant and reservoir	C	C	C	C	C	C
Water Treatment, water storage, and watershed management facilities	C	C	C	C	C	C
Wireless Telecommunications Facilities subject to Chapter 19.83	C	C	C	C	C	C
AGRICULTURAL:						
No Agricultural Uses are permitted in the FR Zones						
Other:						
Household Pets	P	P	P	P	P	P
Public or Quasi-Public Use	P	P	P	P	P	P
Public Utilities, Minor	P	P	P	P	P	P
Public Park	P	P	P	P	P	P
Private Park and recreational grounds; private camp or resort	P	P	P	P	P	P
Radio and/or Television Tower	C	C	C	C	C	C
Temporary Buildings Incidental to Construction Work, and Other Temporary Buildings	P	P	P	P	P	P

19.24.040 - Development Standards

- A. Lot area, Lot Width, and Density Requirements: The minimum lot area, lot width, and maximum density requirements are as follows:

Table 19.24.040 Lot Area, Width and Density			
District	Minimum Lot Area	Minimum Lot Width	Maximum Residential Density
FR-0.5	0.5 Acre	100 Feet	2 d.u. per gross acre

FR-1	1 Acre	200 Feet	1 d.u. per gross acre
FR-2.5	2.5 Acres	250 Feet	1 d.u. per 2.5 gross acres
FR-5	5 Acres	300 Feet	1 d.u. per 5 gross acres
FR-10	10 Acres	300 Feet	1 d.u. per 10 gross acres
FR-20	20 Acres	300 Feet	1 d.u. per 20 gross acres

B. Measurement of Lot Width.

1. The minimum lot width of any lot shall be measured at a distance of fifty feet from the front lot line.
2. Lots fronting on a cul-de-sac, partial cul-de-sac, or oblique angled curved street from which the lot lines radiate shall be measured at a distance of fifty feet from the front lot line.

C. Slope Requirements. All developments in the F zones are subject to the slope protection standards set forth in 19.72.030B "Slope Protection Standards" and 19.72.030D "Streets and Roads".

19.24.050 – Site Standards

A. Limits of Disturbance. The limits of disturbance required under the Foothills and Canyons Overlay Zone may impact the maximum area allowed for the building footprint. Refer to Section 19.38.160 for all requirements for the limits of disturbance.

B. Building Height

1. Except as otherwise specifically provided in this title, no building or structure shall exceed the following height:
 - a. Thirty feet (30') on property where the slope of the original ground surface exceeds fifteen percent. The slope shall be determined using a line drawn from the highest point of elevation to the lowest point of elevation on the perimeter of a box which encircles the foundation line of the building or structure. The box shall extend for a distance of fifteen feet or to the property line, whichever is less, around the foundation line of the building or structure. The elevation shall be determined using a certified topographic survey with a maximum contour interval of two feet.
 - b. Thirty-five feet (35') on other properties.
2. Dwelling structures shall contain at least one story above the finished grade.

C. Natural Hazards. Construction of permanent structures in areas subject to natural hazards, including floods, landslides, and avalanches, shall be subject to the requirements and limitations set forth in Chapter 19.56, "Floodplain Hazard Regulations," and Chapter 19.58, "Natural Hazard Areas."

D. Water Quality

1. Department of Health Approval Required. Prior to issuance of a conditional use permit or site development plan approval for all uses in the Forestry zones, regardless of size or number of units, the applicant shall receive the written approval of the Board of Health certifying that all

water quality and health requirements have been satisfied and that the proposed construction will not damage the natural watershed.

2. **Developments of More than Nine Lots/Units.** Developments of more than nine lots or units shall receive the written approval of the Utah Department of Environmental Quality certifying that the culinary water system and the sewerage system meet all state water quality and health requirements. All approvals shall be in accordance with the regulations of the Utah Department of Environmental Quality relating to culinary water supply and wastewater disposal.
 3. **Applicable State Regulations and Standards.** The applicable state regulations for individual wastewater disposal systems can be found in the Utah Administrative Code, Sections R317-501 through R317-513, as amended from time to time. The applicable state regulations for culinary water supply can be found in Utah Administrative Code, as amended from time to time.
 4. **Subsequent Changes in Site Plan.** If after health department or Utah Department of Environmental Quality review and action pursuant to this section, a site development plan is modified such that the original limits of disturbance change, the applicant must submit the modified site plan to the appropriate health agency for retesting and a new determination whether all state wastewater and culinary water standards have been met. Evidence of such retesting must be submitted prior to final approval of the site development plan.
- E. **Grading.** Grading shall be permitted only in conformance with the standards and limitations set forth in the foothills and canyons overlay zone, Section 19.72.070, "Grading Standards."
- F. **Tree and Vegetation Protection.** Removal of trees or natural vegetation shall not be permitted except in conformance with the standards and requirements set forth in the foothills and canyons overlay zone, Section 19.72.110, "Tree and Vegetation Protection."
- G. **Utilities.** All utilities in the F zones shall be placed underground, except as may be provided for in Chapter 19.79, "Utility and Facility System Placement Regulations."
- H. **Building Location, Construction, and Design.**
1. All buildings and accessory structures in the FCOZ zone, including single-family dwellings, shall be located, constructed, and designed in compliance with the development standards set forth in the foothills and canyons overlay zone, Section 19.72.030, "Development Approval standards."
 2. **Off-Street Parking.** Off street parking shall conform with Chapter 19.80 Off Street Parking Requirements. Covered parking is encouraged for all developments in the FR zone.
- I. **Landscaping.** Landscaping shall not include more than 50% turf and shall comply with FCOZ requirements in Chapter 19.72.

19.24.060 - Site Development Plan Approval

Site development plans for all development in the FR zone, including single-family dwellings, shall be approved prior to issuance of any building permits pursuant to the site development plan approval requirements set forth in the foothills and canyons overlay zone, Section 19.72.030, "FCOZ Development approval procedures."

19.24.070 - Applicability To Lots of Record and Waivers from Slope Requirements

- A. Applicable to Lots of Record. All standards and requirements for development in the FR zones as set forth in this chapter shall apply to development on lots and in subdivisions that were recorded prior to the enactment date of the ordinance codified in this chapter.
- B. Lots of Record. Waivers from Slope Requirements. For properties in the FR zones also located in the foothills and canyons overlay zone (see Chapter 19.72), the Planning Commission may waive grade requirements for streets/roads and slope protection requirements for lots of record and lots and plans of subdivisions that were approved prior to the enactment of Chapter 19.72, provided the conditions and criteria set forth in Section 19.72.060A are satisfied.

ORDINANCE 2025-O-__

Ordinance No. 2025-O-__

Date: ____, 2025

**AN ORDINANCE OF THE EMIGRATION CANYON COUNCIL REPEALING
CHAPTER 19.60, C-V COMMERCIAL ZONE AND CHAPTER 19.62, C-2
COMMERCIAL ZONE AND REPLACING THEM WITH CHAPTER 19.32,
COMMERCIAL ZONES.**

RECITALS

WHEREAS, Emigration Canyon 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 eliminate zones that are not used on Emigration Canyons adopted zoning map; and

WHEREAS, the Council deems it necessary to repeal its C-2 Commercial Zone and replace it with a revised and updated Commercial Zone; and

WHEREAS, the Emigration Canyon Planning Commission held a public hearing on August 14, 2025, to consider repealing Chapter 19.60, C-V commercial zone and Chapter 19.62, C-2 Commercial Zone from Title 19 Zoning, and replace them with Chapter 19.32, Commercial Zones (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 repeal Chapter 19.60, C-V commercial zone and Chapter 19.62, C-2 Commercial Zone from Title 19 Zoning, and replace them with Chapter 19.32, Commercial Zones to eliminate an unused commercial zone and repeal and replace the existing Commercial Zone with updated language for the protection and preservation of the public health, safety and general welfare.

BE IT ORDAINED BY THE EMIGRATION CANYON CITY COUNCIL as follows:

1. Chapter 19.60 C-V Commercial Zone is hereby repealed.
2. Chapter 19.62 C-2 Commercial Zone is hereby repealed.
3. Chapter 19.32 Commercial Zone is adopted to read as shown in **Attachment A** to this Ordinance.
4. 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.
5. 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.

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

PASSED AND ADOPTED this ___ day of _____ 2025.

EMIGRATION CANYON CITY COUNCIL

By: Joe Smolka, Mayor

ATTEST

Diana Baun, Recorder

Voting:

Mayor Smolka	voting ____
Deputy Mayor Hawkes	voting ____
Council Member Brems	voting ____
Council Member Harris	voting ____
Council Member Pinon	voting ____

(Complete as Applicable)

Date ordinance summary was posted to the [insert name] website, the Utah Public Notice website, and in a public place within [insert name] per Utah Code §10-3-711: _____

Effective date of ordinance: _____

SUMMARY OF
EMIGRATION CANYON CITY
ORDINANCE NO. 2025-O-

On _____, 2025, the Emigration Canyon Council enacted Ordinance No. 2025-O-____, repealing Chapter 19.60, C-V commercial zone and Chapter 19.62, C-2 Commercial Zone from Title 19 Zoning, and replace them with Chapter 19.32, Commercial Zones.

By: Joe Smolka, Mayor

ATTEST

APPROVED AS TO FORM

Diana Baun, Recorder

Polly McLean, City Attorney

Voting:

Mayor Smolka	voting ____
Deputy Mayor Hawkes	voting ____
Council Member Brems	voting ____
Council Member Harris	voting ____
Council Member Pinon	voting ____

A complete copy of Ordinance No. _____ is available in the office of the Emigration Canyon Recorder, 860 Levoy Drive, Suite 300 Taylorsville, UT 84123.

ATTACHMENT A

CHAPTER 19.32: COMMERCIAL ZONE

19.32.010 – Purpose of Provisions.

The purpose of the commercial zone is to provide places in the municipality for a wide range of commercial and retail trades and uses, offices, business, and professional services, and other uses that contribute to the economic stability of the community and the well-being of its employees and residents. The zone is intended to provide employment opportunities and expand the municipal tax base, while also encouraging sustainable development and providing an attractive transition between residential and non-residential uses.

19.32.020 – Establishment of Commercial Zoning District.

In order to anticipate and respond to the changing needs of our community and implement commercial node concepts included in the adopted General Plan, the following zoning district is established:

- A. *Commercial Zone – C-2*: The C-2 Zone is intended to provide for areas in appropriate locations where commercial centers providing for the needs of tourists and travelers may be established, maintained, and protected. The regulations of this zone are designed to encourage the provision of restaurants, retail and service-oriented spaces, and other commercial activities providing for the convenience, welfare, or entertainment of the residents, tourists, and traveler.

19.32.030 – Schedule of Permitted Uses.

- A. Schedule of Permitted Uses. The specific use categories listed in Table 19.32.030 are permitted in the C-2 zone as indicated, subject to the general provisions, special conditions, additional restrictions, and exceptions set forth in this Title.
- B. Procedure for Multiple Uses (Combination of Uses). If a development proposal for a use that is allowed in the C-2 zone involves a combination of uses other than accessory uses as identified in Table 19.32.030, the more restrictive provisions of this Title shall apply. For example, if a portion of a development proposal is subject to Conditional Use (“C”) approval and the other portion is subject only to Permitted Use (“P”) review, the entire development proposal shall be considered utilizing the Conditional Use process.
- C. Abbreviations. The abbreviations used in Table 19.32.030 have the following meanings:
 - 1. P = Permitted Use. These use categories are allowed in the C-2 zone but may be subject to additional restrictions and approval processes as provided in this Title.
 - 2. C = Conditional Use. This use is conditional. These use categories, because of their unique characteristics or potential impacts on the municipality, surrounding neighbors, or adjacent uses, may not be compatible in some areas of the zones, or may be compatible only if certain conditions are made part of any issued approvals to mitigate such detrimental impacts. The Planning Commission has the authority to consider development proposals for use categories with this designation.
 - 3. X = Prohibited Use. These use categories are prohibited in these zones. Any use not specifically identified in Table 19.40.030 is prohibited in this zone:

Table 19.32.030 - Uses Allowed in the Commercial Zoning District	
Use Categories	
RETAIL AND SERVICE:	C-2
Liquor and/or Wine Store and Package Agency	P
Retail and Service Commercial	C
Retail Shops or Galleries where Primary Product is Produced On-Site	C
Child Care Center	P
Office, Medical	P
FOOD AND DRINK:	C-2
Bars	P
Breweries and Distilleries in association with a Restaurant	P
Restaurant, Sit-Down with or Without Alcohol	P
LODGING:	C-2
Bed and Breakfast Inn	P
OFFICE:	C-2
Office, General	P
INSTITUTIONAL USES:	C-2
Church, Synagogue, Mosque, Temple, Cathedral, or other religious buildings	P
Parks/Open Space	P
Public or Quasi-Public Uses	P
Public Utilities, Minor	P
ACCESSORY USES:	C-2
Accessory Outside Storage	C
Outdoor dining appurtenant to a permitted restaurant use	P
Temporary buildings subject to Chapter 19.44	P

19.32.040 – Lot and Area Standards.

Development in the C-2 Zone shall comply with the lot and project area requirements shown in Table 19.32.040 and all other requirements in this Title, as applicable.

Table 19.32.040 - Lot Size and Width Requirements	
Lot and Area Requirements	C-2
Minimum Project Area	None
Minimum Lot Size	None
Minimum Lot Width and Frontage	Lots not fronting on a street must be accessible to the public via a recorded easement or right-of-way.

19.32.050 – Site Requirements.

The following site requirements shall apply in the C-2 Zone:

- A. Limits of Disturbance. All development in the C-2 zone is subject to Section 19.72.160, "Establishment of limits of disturbance."
- B. Setbacks. Setbacks enhance pedestrian safety and comfort while reducing the visual prominence of automobiles as viewed from streets, building entrances, and walkways. See Table 19.32.050 – Site Setback Requirements

Table 19.32.050 – Site Setback Requirements	
Location	Setback
Front Yard Setback, Emigration Canyon Road	20' landscaped setback from a public right-of-way
Front Yard Setback, All other Streets	10' landscaped setback from a public right-of-way
Side Yard Setback – Corner Lots	10' landscaped setback from a public right-of-way
Side Yard Setback – Interior Lots	8' setback to the property line or 16' between buildings where building pads are used. 10' landscaped buffer required to separate residential uses from commercial uses.
Rear Yard Setback	10' setback to the property line or 20' between buildings where building pads are used. 10' Landscaped buffer required to separate residential uses from commercial uses.

C. Walkways or Trails.

1. Public entryways shall be serviced by a continuous walkway or trail giving access to the parking area. Walkways or trails shall be at least six feet (6') wide.
2. Continuous walkways or trails are required along the entire length of any parking lot area providing access to and from any public entryway. Walkways or trails shall be at least six feet (6') wide.

3. A six-foot (6') wide landscaped park strip must be installed between the street and the walkway or trail as a pedestrian buffer where the trail falls adjacent to a public street.
 4. No fencing that is parallel to any walkway shall be within two feet (2') of the edge of the walkway.
- D. Outdoor Dining. Where outdoor dining is allowed, the patio or dining area exclusive of permanent structures may encroach up to fifty percent (50%) of the distance of the applicable required setback.
- E. Utilities. All new utilities shall be installed underground, subject to Chapter 19.79 Utility and Facility System Placement Regulations.
- F. Screening.
1. All garbage dumpsters shall be enclosed by a wall or architectural design with materials that are consistent with the building.
 - a. The enclosure gate shall be accessible to service vehicles.
 - b. The enclosure wall and gate shall be a minimum of twelve inches (12") higher than the trash receptacle bin, but may not exceed the fence height requirements in Chapter 19.46. General Site Development Requirements.
 - c. The enclosure wall shall not be chain link or transparent materials.
 2. Service areas, mechanical equipment, and meters shall be completely screened from the street.
- G. Benches, Bike Racks, and Receptacles. The developer or builder is responsible for providing site furnishings as listed below. All site furnishings shall be specified on the plans.
1. *Seating/Benches:* Each project shall provide outdoor seating accommodating 4 persons per small building (buildings 20,000 square feet or smaller) and shall provide outdoor seating accommodating 8 persons for larger buildings (greater than 20,000 sf). Seating/Benches are encouraged in places where people congregate and at pedestrian intersections and nodes. Benches shall be durable and permanently installed on a hardscape (concrete, pavers, etc.) surface.
 2. *Bike Racks:* Bike racks shall be provided and installed at a minimum of 3 bike stalls per 20 vehicle parking stalls within each development (minimum of 3 bike rack stalls). Bike racks shall be located near the entrance to the building and visible from the street or drive. Bike racks shall be durable and permanently installed over a hardscape surface.
 3. *Trash and Recycle Receptacles:* Trash and recycle receptacles are required to be provided at a minimum of 1 (both trash and recycle) per public entrance at commercial buildings.
- H. Turf Area Limitations
1. Turf areas shall not exceed 20% of the total landscaped area, outside of active recreation areas.

19.32.060 - Architectural Requirements.

All new development must present an attractive, coordinated streetscape, incorporate architectural and site design elements appropriate to a pedestrian scale and provide for the safety and convenience of pedestrians. All new development shall comply with the following architectural requirements:

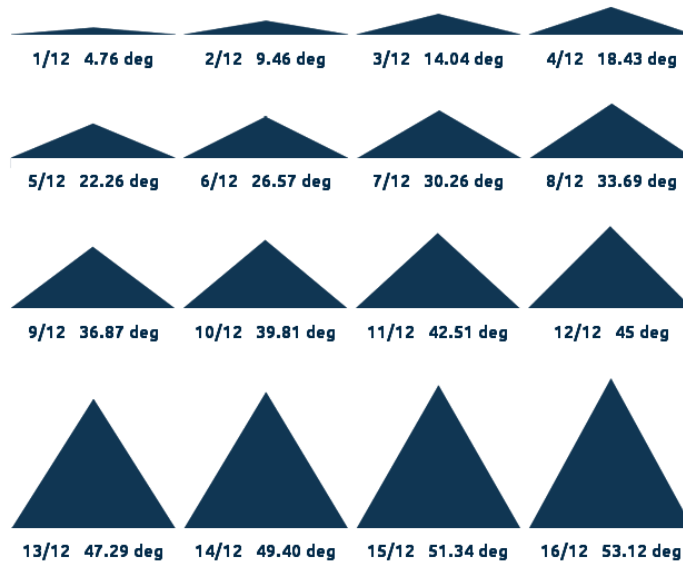
A. General Design Requirements: The following building design requirements shall apply in the C-2 Zone:

1. *Walls.*
 - a. No more than three materials shall be used for primary wall surfaces.
 - b. Exterior finishes shall be of traditional, time- and weather-tested techniques.
 - c. Retaining and screening walls shall be of materials complementary to the building's materials and the natural environment.
 - d. Buildings shall use a cohesive palette of colors that complements nearby buildings and the natural environment subject to the design requirements in Chapter 19.72.
2. *Building Heights.* New commercial buildings adjacent to existing neighborhoods shall step down in height to help minimize the visual impact on residential areas. See Table 19.32.060A for requirements.

Table 19.32.060A - Commercial Development Requirements	
Standard	C-2
Building Height	Minimum: No primary building within this district shall be erected to a height less than fifteen feet (15') above grade. Maximum: 35'
Step-down Height Adjacent to Residential Areas.	Within thirty feet (30') of a site zoned Forestry or a parcel used as a residential dwelling the maximum height shall be thirty feet (30').

3. *Roofs.* All the roofs and dormer roofs of a building shall be constructed of the same material. Slopes of roofs shall be of equal pitch if a gable or hip roof is employed. All metal roofs must be of a subdued color. Painted roof shingles are prohibited.
 - a. Low Slope (Flat) Roofs (less than 2" of vertical rise per 12" of horizontal run (2:12 slope)) on stand-alone buildings are allowed when variation to the roof line is provided using parapets, towers, step-backs, or accessory structures.
 - b. Large building roofs shall have parapets and enclosures concealing flat roofs and rooftop equipment from public view. Parapet and enclosure materials shall match the building in quality and detail.
 - c. Pitched roofs are roofs that slope 2:12 or greater. The slope is measured with the vertical rise divided by the horizontal span or run.

- d. All roofs may not be sloped more than 16:12 (Rise/Run) 53.12 deg.
- e. Any first-story roof may not be sloped less than a 4:12 (rise: run) 18.43 deg.
- f. Slopes less than 4:12 (rise: run) 18.43 deg. are permitted to occur on second-story or higher roofs.



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- g. Hipped, gabled, and combination of hips and gables with or without dormers are permitted.
 - h. Gambrel, butterfly (inverted gable roof), and mansard roofs are not permitted.
 - i. A gabled end or perpendicular ridge line shall occur at least every one-hundred feet (100') of roof when the ridge line runs parallel to the front lot line.
- B. Exterior Structure Requirements: All exterior walls of all structures shall be constructed in compliance with the following:
1. *Materials.*
 - a. All buildings shall use one or more of the following durable materials as significant finish: architectural precast concrete, architecturally treated concrete masonry units (CMU), brick cladding, natural and cast stone, architectural metals, and glazing.
 - b. Architectural site-cast concrete may be allowed if designed, articulated, and architecturally finished.

- c. At least fifty percent of any portion of a building façade visible from Emigration Canyon Road shall be composed of one or more of the following materials; brick, stone, architecturally treated CMU, architectural precast concrete, architectural metals, glazing.
- 2. *Exterior Insulation and Finish System (EIFS)/Stucco.* The design and application of EIFS or synthetic stucco are expected to be of a high enough quality to allow for crisp detailing and substantial relief.
- 3. *Detail and Finish.* Building façades that face a minor street but do not have pedestrian entries shall be composed of high-quality materials such as brick or stone and shall provide variety and interest in the façade through the introduction of such elements as pilasters, recessed or protruding bays, changes in materials and/or colors, display windows with products or product graphics, transparent windows or clerestories, and well-designed signs and graphics.
- 4. *Façade Articulation.*
 - a. Continuous building wall surfaces shall be relieved with significant variations of wall planes or overhangs that create shadow areas and add visual interest.
 - b. Variations should result from significant dimensional changes in plane, color, or detail as accomplished by such devices as protruding bays, recessed entries, upper-level step-backs, arcades, offsets in the general plane of the façade, changes in materials or color, bay windows, vestibules, porches, balconies, exterior shading devices, nonretractable canopies or awnings, projecting cornices, or eaves.
- 5. *Visual Height of Façade.*
 - a. Buildings in excess of two (2) stories in height shall exhibit architectural detailing that establishes a separation between the lower and upper stories to reduce the visual height of the facade. This may be accomplished by a mid-façade cornice or trim, a change in material, style or color, a façade step-back or roof pitch with dormer windows, or other methods of incorporating architectural detailing within twelve feet (12') of the ground plane.
- 6. *Façade Features.*
 - a. All retail building façades visible from public streets shall include architectural treatments that add detail, character, and reduce the appearance of blank walls. Techniques such as color and material changes, expression of structure, shifts in plane, offsets and projections, belt courses, reveals, pilasters, windows, doors, arcades, canopies, and other similar elements may achieve this standard.
 - b. Opaque (solid) storefront security closures (rolling doors, etc.) are not allowed.
- C. *Entrances.* Entrance requirements intend to provide direct and comfortable access to businesses for pedestrians. Entrances on public streets are particularly important to promote pedestrian traffic and activities on the walkways. The following requirements apply to the entrances of all structures:
 - 1. Street front entrances shall be developed on all new buildings adjoining Emigration Canyon Road.

2. Primary public entry(s) shall be architecturally emphasized so that pedestrians can easily find them.
3. Weather protection features such as awnings, canopies, doors inset by at least three feet (3'), or arcades shall be provided at all customer entrances.

19.32.070 – Off-Street Parking Requirements.

In addition to the parking requirements specified in Chapter 19.48, "Off Street Parking and Mobility Standards", the following parking requirements shall apply:

A. Change Of Use:

1. Whenever the existing use of a structure or the existing use of land is changed to another use or another occupancy, parking and loading facilities shall be provided as required by this Title, except that the Planning Commission may reduce this requirement in cases of hardship and practical difficulty covering the land on which the building is located.

B. Screening

1. Surface parking areas, except for approved street parking, located within thirty feet (30') of a public right-of-way shall be screened by grading, landscaping, walls/fences, or a combination of these, to a height of three feet (3') above the surface of the parking area.

C. Cross Access

1. All commercial development should be designed to allow for cross-access to adjacent properties to encourage shared parking and shared access points on public or private streets
2. When cross-access is deemed impractical by the Planning Commission on the basis of topography, the presence of natural features, or vehicular safety factors, this requirement may be waived provided that appropriate bicycle and pedestrian connections are provided between adjacent developments or land uses.

- D. The Planning Commission may approve an exception to the requirements of this subsection if the applicant establishes that any of the requirements are not reasonably possible based on the unique characteristics of the site such as topography, geological hazards, or flood zones.

19.32.080 - Open Space and Landscaping

In addition to the parking requirements specified in Chapter 19.72 Foothills and Canyons Overlay Zone (FCOZ), the following parking requirements shall apply:

- A. Physical Connections. Each lot shall have a system of pedestrian walkways and trails that provide connections between the building entrances, neighboring building entrances, walkways, parking areas, open spaces, and public trails.
- B. Landscaped Area. All landscaping in the FCOZ zone shall be designed and installed in compliance with the development requirements set forth in Chapter 19.72 Foothills and Canyons Overlay Zone, Section 19.38.070, "FCOZ Design Standards."

C. Landscaped Setback from the Edge of a public or private street.

1. The entirety of the required setback between a building or parking lot and a street or drive shall consist of landscaping, walkways, bike lanes, or a combination thereof.

- a. Courtyard or plaza areas shall be deemed to be a part of the front setback of the building.

D. Prohibitions. Maintenance buildings, trash collection, and recycling areas, storage and service areas, mechanical equipment, and off-street loading areas shall not be permitted in the front setback of any building and shall be located behind the main building structure or completely screened from public view.

E. Building Foundation Landscaping. The ground adjacent to the building foundation must be landscaped if it is visible from public vantage points.

F. Visual Separation between Commercial and Residential Uses. A landscaped buffer shall be required to separate residential uses from commercial uses.

1. The landscape buffer area must be a minimum of six feet (6') wide to provide adequate screening, buffering, and separation of these uses. The landscape treatment should use a combination of high and low-level screening to separate the uses to soften the visual impact of the commercial use.
2. The landscaped buffer area shall include a minimum of one tree for every two hundred fifty square feet (250 sq. ft).
3. Landscape plant material shall be local compatible

19.32.090 – Lighting

All new development must comply with Emigration Canyon's adopted night lighting standards.

19.32.100 – Fences, Hedges and Walls.

The following requirements apply to new development of fences, hedges, and walls in addition to those found in Municipal Code Chapter 19.72.100 Fences.

A. Required Setbacks. A fence, hedge, wall, column, pier, post, or any similar structure or any combination of such structures is permitted in the required setback of a zoning district if it meets the following conditions:

1. No fence, hedge, or wall may extend beyond or across a property line without a recorded agreement with the abutting property owner;
2. Only one fence or wall may be allowed per property line. Double fences, walls or combination thereof are prohibited; and
3. No barbed wire or other sharp, pointed, or electrically charged fence shall be erected or maintained, except a temporary fence on a construction site to protect the property during the period of construction may be topped with barbed wire where the barbed wire is not less than

eight feet (8') above the ground and may not extend more than two feet (2') above the temporary fence.

- B. Athletic Facilities. Fencing around athletic facilities, including, without limitation, tennis courts, shall not be more than fourteen feet (14') in height so long as all portions above six feet (6') are constructed with at least fifty percent nonopaque materials.

19.32.110 – General Information.

It is the responsibility of the applicant to comply with all other Requirements of Title 19 and all other municipal ordinances.

ORDINANCE 2025-O-__

Ordinance No. 2025-O-__

Date: ____, 2025

AN ORDINANCE OF THE EMIGRATION CANYON COUNCIL REPEALING CHAPTER 19.05, PLANNING COMMISSION AND CHAPTER 19.92, LAND USE HEARING OFFICER, REPLACING THEM WITH CHAPTER 19.12, ADMINISTRATIVE BODIES POWERS AND DUTIES; REPEALING CHAPTER 19.06 ZONES, MAPS, AND ZONE BOUNDARIES AND REPLACING IT WITH CHAPTER 19.14, ZONES, ZONING MAP, AND BOUNDARIES; AND REPEALING CHAPTER 19.84, CONDITIONAL USES AND 19.90, AMENDMENTS AND REZONING, REPLACING THEM WITH CHAPTER 19.16, LAND USE PROCESSES AND PROCEDURES.

RECITALS

WHEREAS, Emigration Canyon 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 consolidate and update its chapters regulating the powers and duties of administrative bodies; and

WHEREAS, the Council deems it necessary to amend its land use ordinances to update the chapter establishing the zones used in Emigration Canyon; and

WHEREAS, the Council deems it necessary to amend its land use ordinances to consolidate and update its chapters regulating the land use processes and procedures; and

WHEREAS, the Emigration Canyon Planning Commission held a public hearing on August 14, 2025, to consider repealing Chapter 19.05, Planning Commission and Chapter 19.92, Land Use Hearing Officer, replacing them with Chapter 19.12, Administrative Bodies Powers and Duties; repealing Chapter 19.06 Zones, Maps, and Zone Boundaries and replacing it with Chapter 19.14, Zones, Zoning Map, and Boundaries; and repealing Chapter 19.84, Conditional Uses and 19.90, Amendments and Rezoning, replacing them with Chapter 19.16, Land Use Processes and Procedures (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 repeal Chapter 19.05, Planning Commission and Chapter 19.92, Land Use Hearing Officer, replacing them with Chapter 19.12, Administrative Bodies Powers and Duties for the protection and preservation of the public health, safety and general welfare.

WHEREAS, the Planning Commission has recommended that the Council repeal Chapter 19.06 Zones, Maps, and Zone Boundaries and replacing it with Chapter 19.14,

Zones, Zoning Map, and Boundaries for the protection and preservation of the public health, safety and general welfare.

WHEREAS, the Planning Commission has recommended that the Council repeal Chapter 19.84, Conditional Uses and 19.90, Amendments and Rezoning, replacing them with Chapter 19.16, Land Use Processes and Procedures for the protection and preservation of the public health, safety and general welfare.

BE IT ORDAINED BY THE EMIGRATION CANYON CITY COUNCIL as follows:

1. Chapter 19.05, Planning Commission and Chapter 19.92, Land Use Hearing Officer are hereby repealed and replaced with Chapter 19.12, Administrative Bodies Powers and Duties, which is adopted to read as shown in **Attachment A** to this Ordinance.
2. Chapter 19.06, Zones, Maps and Zoning Boundaries, is hereby repealed and replaced with Chapter 19.14, Zones, Zoning Map, and Boundaries, which is adopted to read as shown in **Attachment B** to this Ordinance.
2. Chapter 19.84, Conditional Uses and 19.90, Amendments and Rezoning are hereby repealed and replaced by Chapter 19.16, Land Use Processes and Procedures, which is adopted to read as shown in **Attachment C** to this Ordinance.
4. 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.
5. 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.
6. Effective Date. This Ordinance will take effect immediately upon posting pursuant to Utah Code § 10-3-712.

PASSED AND ADOPTED this ___ day of _____ 2025.

EMIGRATION CANYON CITY COUNCIL

By: Joe Smolka, Mayor

ATTEST

Diana Baun, Recorder

Voting:

Mayor Smolka	voting ____
Deputy Mayor Hawkes	voting ____
Council Member Brems	voting ____
Council Member Harris	voting ____
Council Member Pinon	voting ____

(Complete as Applicable)

Date ordinance summary was posted to the [insert name] website, the Utah Public Notice website, and in a public place within [insert name] per Utah Code §10-3-711:_____

Effective date of ordinance:

SUMMARY OF
EMIGRATION CANYON CITY
ORDINANCE NO. 2025-O-

On _____, 2025, the Emigration Canyon Council enacted Ordinance No. 2025-O-____, repealing Chapter 19.05, Planning Commission and Chapter 19.92, Land Use Hearing Officer, replacing them with Chapter 19.12, Administrative Bodies Powers and Duties; repealing Chapter 19.06 Zones, Maps, and Zone Boundaries and replacing it with Chapter 19.14, Zones, Zoning Map, and Boundaries; and repealing Chapter 19.84, Conditional Uses and 19.90, Amendments and Rezoning, replacing them with Chapter 19.16, Land Use Processes and Procedures.

By: Joe Smolka, Mayor

ATTEST

APPROVED AS TO FORM

Diana Baun, Recorder

Polly McLean, City Attorney

Voting:

Mayor Smolka	voting ____
Deputy Mayor Hawkes	voting ____
Council Member Brems	voting ____
Council Member Harris	voting ____
Council Member Pinon	voting ____

A complete copy of Ordinance No. _____ is available in the office of the Emigration Canyon Recorder, 860 Levoy Drive, Suite 300 Taylorsville, UT 84123.

ATTACHMENT A

CHAPTER 19.12: ADMINISTRATIVE BODIES AND POWERS AND DUTIES

19.12.010 - Purpose

The purpose of this chapter is to outline the specific powers and duties of the different boards, commissions and officials having administrative, legislative, or quasi-judicial roles set forth in this Ordinance.

19.12.020 - Council

The council has the authority to enact and amend land use ordinances and to enact and amend a zoning map for the Emigration Canyon.

19.12.030 - Planning Commission

A. Term Appointed

1. The Emigration Canyon planning commission shall consist of five members and up to two alternate members.
2. Commissioners shall serve five-year terms (except for the initial terms as provided below) or longer until successors are appointed.
3. The initial members of the Commission shall be staggered and appointed as follows:
 - a. One appointee shall serve an initial term which shall expire on May 14, 2023, one appointee shall serve an initial term which shall expire on May 14, 2024, one appointee shall serve an initial term which shall expire on May 14, 2025, one appointee shall serve an initial term which shall expire May 14, 2026, and one appointee shall serve an initial term which shall expire May 14, 2027.
4. Terms shall commence on May 15 of each year.
5. In the event a term of a member shall expire before a successor is appointed, the member shall continue to serve until a successor is appointed.
6. The members and alternate members of the planning commission are not required to reside within the Emigration Canyon.
7. Upon expiration of a Commissioner's term, the seat shall be appointed by the mayor with the advice and consent of the City council.
8. Members of the Commission may serve successive terms.

B. Vacancy—Removal.

1. Any vacancy occurring on the Planning Commission by reason of death, resignation, removal or disqualification shall be filled by the mayor with the advice and consent of the council for the unexpired term of such member.
2. The mayor, with the advice and consent of the council, may remove a member of the Planning Commission for cause after filing written charges against the member. The member will be provided with a hearing on the charges if requested by the member being removed.

C. Organization—Procedures.

1. The Planning Commission shall elect a chairperson from its members who shall serve a one-year term. The chairperson is a voting member.
2. The Planning Commission shall elect a vice chairperson from its members who shall serve a one-year term. The vice chairperson is the designated chair pro-tempore and a voting member.
3. The Planning Commission may create and fill any other necessary offices it deems necessary and may adopt policies and procedures for the conduct of its meetings, the processing of applications, and for any other purpose the Planning Commission considers necessary for its proper function.
4. A minimum of three (3) full and/or alternate members in attendance at the meeting is required to constitute a quorum.
5. The minimum number of "yes" votes necessary to carry an action of the commission shall be a majority of the members of the quorum in attendance but shall never be less than three (3).
6. Alternate members shall be designated to sit as voting members of the commission at any time one or more regular members are absent from the meeting. The designation of the alternate member to voting status shall be made by the chairman at the commencement of the meeting in accordance with the seniority of the alternate members in attendance at the time, and any alternate so designated shall serve as a voting member until the conclusion of the meeting.

D. Powers and Duties. The Planning Commission shall:

1. Prepare and recommend a general plan and amendments to the general plan to the council;
2. Prepare and recommend zoning ordinances and maps and amendments to zoning ordinances and maps to the council;
3. Prepare and recommend subdivision ordinances and amendments to those ordinances to the council;
4. Review subdivision plats as set forth in Title 18 Subdivisions;
5. Approve or deny conditional use permits;
6. Advise the council on matters that the council directs;
7. To make, at the request of the Director, an interpretation of the zone map regarding the location of zone boundary lines;
8. To decide, at the request of the Director, the meaning of disputed terms or phrases within the text of the zoning regulations;
9. To make a determination whether a change of a non-conforming use is more intensive pursuant to 19.06.050;
10. To hear appeals of administrative determinations by the Director as to the classification of uses not specifically listed in this Ordinance;

11. Determine building height for conditional uses pursuant to 19.24.050;
12. Review waivers for slope requirements pursuant to 19.24.140 , 19.38.060 (D)and 19.38.080 (C);
13. Review modifications of setbacks pursuant to 19.38.130 (G);
14. Determinations for Mandatory Design Standards pursuant to 19.38.170;
15. Make determinations as required in the Commercial (CV) zone pursuant Chapter 19.32;
16. Make determinations as required in Chapter 19.58 Geologic Hazards; and
17. Provide other functions as specified in this chapter or as directed by the council.

19.12.040 - Land Use Hearing Officer

A. Creation.

1. The position of Land Use Hearing Officer is created pursuant to the enabling authority granted by the Land Use, Development, and Management Act, § 10-9a-701 of the Utah Code Annotated.
2. The Land Use Hearing Officer shall be an administrative law judge appointed as provided in the Municipal Code.
3. The Land Use Hearing Officer shall act in a quasi-judicial manner.

B. Procedures.

1. The Land Use Hearing Officer may administer oaths and compel the attendance of witnesses.
2. Hearings the Land Use Hearing Officer holds on appeals of a land use decision are open to the public.
 - a. The Land Use Hearing Officer shall:
 - (1) Keep minutes of all proceedings;
 - (2) Keep records of all examinations and other official actions; and
 - (3) File all records in the office of Planning and Development Services. All such records are public records.
3. Decisions of the Land Use Hearing Officer become effective immediately on the date when the written decision is issued, unless a different time is designated at the time the decision is made.

C. Powers and Duties. The Land Use Hearing Officer shall:

1. Act as the appeal authority for zoning ordinance decisions applying this Title as provided in Section 19.16.020
2. Act as the appeal authority for conditional use decisions by a Planning Commission;
3. Hear and decide the special exceptions to the terms of the zoning ordinance set forth in Section 19.20.020.B.3;

4. Hear and decide variances from the terms of the zoning ordinance as set forth in Section 19.20.010;
5. Hear and decide appeals, interpretation of the zone map regarding the location of zone boundary lines or decision of the meaning of disputed terms or phrases within the text of the zoning regulations by either the director or the Planning Commission.
6. Hear and decide appeals of determinations made by the Director for Non Complying Structure or Nonconforming Use pursuant to 19.06.020.
7. Provide other functions as specified in this Title or as directed by the council.

19.12.050 - Director

The Director has the following powers:

- A. To make an interpretation of the zoning map regarding the location of zone boundary lines, or decide the meaning of disputed terms or phrases within the text or the zoning regulations. The Director, at his or her discretion, may request the Planning Commission make the determination of interpretations of the zoning map or the meaning of disputed terms or phrases within the text of the zoning regulations to the Planning Commission;
- B. To make a determination on granting an extension for an inactive application pursuant to 19.02.060.
- C. To make administrative determinations as to the classification of uses not specifically listed in this Ordinance subject to appeal to the Planning Commission. Administrative determinations shall be based upon a comparison of the nature and characteristics of the proposed use with those uses specifically authorized in the intended zone;
- D. To review conditional use amendments as set forth in 19.16.040.G.1
- E. To review and make decisions on occupancy permits;
- F. To review and make decisions on permitted uses
- G. To review and make decisions ordinance interpretations and other duties outlined in Chapter 19.16 Land Use Processes and Procedures
- H. To receive and forward applications for zoning amendments, variances, conditional uses, takings petitions, zoning appeals and other administrative reviews required by this Title to the appropriate board, commission or official;
- I. To maintain permanent and current records as required by this Ordinance including, but not limited to, all relevant information and official action on zoning amendments, variances, conditional uses, zoning appeals and other administrative reviews;
- J. To conduct inspections of structures or the use of land to determine whether there is compliance with this Title, and, in case of any violation, to order corrective action;
- K. To enforce the requirements of this Title.
- L. To administer application review procedures as set forth in chapter 19.16; and

- M. To review and make determinations of a Noncomplying Structure or a Nonconforming use pursuant to 19.06.020 or Abandonment pursuant to 19.06.040.
- N. Make determinations as required in the Commercial (C-V) zone pursuant Chapter 19.32
- O. Hold pre-application meetings and make determinations as required in Chapter 19.38 FCOZ
- P. Make determinations as required in Chapter 19.42 Specific Use Standards
- Q. Make determinations as required in Chapter 19.46 Site Development Standards
- R. Make determinations as required in Chapter 19.48 Off Street Parking
- S. Make determinations as required in Chapter 19.52 Signs
- T. Make determinations as required in Chapter 19.54 Dark Skies
- U. Act as the Floodplain Administrator for Floodplain Hazards pursuant to Chapter 19.56
- V. Make determinations as required in Chapter 19.58 Geological Hazards
- W. Provide other functions as specified in this Title or as directed by the Council.

ATTACHMENT B

19.14 ZONES, ZONING MAP, AND BOUNDARIES

19.14.010 - Zones Established

For the purpose of this Title, the Emigration Canyon is divided into classes of zones, as follows:

FR-0.5	Forestry and Recreation Zone
FR-1	Forestry and Recreation Zone
FR-2.5	Forestry and Recreation Zone
FR-5	Forestry and Recreation Zone
FR-10	Forestry and Recreation Zone
FR-20	Forestry and Recreation Zone
C-2	Commercial Zone

19.14.020 - Zoning Maps

Each of the sections of Emigration Canyon City which are zoned by this Title are shown on the maps on file with Planning and Development Services, and such maps are made by this reference, as such, a part of this Title as if fully described and detailed herein. Said maps may be in an electronic or Geographic Information System (GIS) format. Amendments to the zoning map shall follow the process outlined in Section 19.16.080 of this Title.

19.14.030 - Filing of This Title and Zoning Maps

This Title and the maps shall be filed in the custody of the City Clerk and may be examined by the public subject to any reasonable regulations established by the City Clerk.

19.14.040 - Boundary Location Rules

- A. Where uncertainty exists as to the boundary of any zone, the following rules shall apply:
1. Wherever the zone boundary is indicated as being approximately upon the centerline of a street, alley or block, or along a property line, then, unless otherwise definitely indicated on the map, the centerline of the street, alley or block, or such property line, shall be construed to be the boundary of the zone;
 2. Whenever such boundary line of such zone is indicated as being approximately at the line of any river, irrigation canal or other waterway or railroad right-of-way, or public park, or other public land, or any section line, then in such case the center of the stream, canal or waterway, or of the railroad right-of-way, or the boundary line of such public land or such section line shall be deemed to be the boundary of the zone;
- B. Where the application of the above rules does not clarify the zone boundary location, the Land Use Hearing Officer shall interpret the map.

19.14.050 - Zoning of Annexed Areas

Properties that are annexed into the Emigration Canyon shall be given a zoning designation by action of the Council at the time of annexation. The Council shall be guided by the general plan and by the criteria set forth in Table 19.16-2 in zoning the subject property. Annexations of multiple parcels may result in more than one zone applying to the annexation area; however, except in the case of overlay zones, only one zone may apply to each parcel.

ATTACHMENT C

19.16 LAND USE PROCESSES AND PROCEDURES

19.16.010 - Purpose

The purpose of this chapter is to delineate the procedures, requirements and approval standards that apply to land use and zoning applications and approvals.

19.16.015 - Table of Land Use Decision Processes

This table is an illustrative summary of the administrative and legislative decision processes in Title 19. If there are any inconsistencies between this table and the other provisions of this Title, the other provisions of the Title govern.

TABLE 19.16.010: LEGISLATIVE AND ADMINISTRATIVE DECISION PROCESSES.					
REFERENCE TABLE: APPLICATIONS & APPROVALS	ZONING TEXT AND MAP AMENDMENTS AND OTHER LEGISLATIVE ACTS	PERMITTED USE	CONDITIONAL USE	VARIANCES	SPECIAL EXCEPTIONS
APPLICATION INITIATION	Property owner, person authorized in writing by the property owner, Council or Planning Staff	Property owner or a person authorized in writing by the property owner	Property owner or a person authorized in writing by the property owner	Property owner or a person authorized in writing by the property owner	Property owner or a person authorized in writing by the property owner
NOTICE (1)	In accordance with Utah Code 10- 9a	Not required	Required (1)	Required (1)	Required (1)
RECOMMENDATION	Planning Commission, public input	Public agency review	Public agency review	Public agency review	Public agency review
FINAL DECISION	Council	Director or designee	Planning Commission	Land Use Hearing Officer	Land Use Hearing Officer, or Director (dependent on application type)
APPEAL BODY	3rd District Court	Land Use Hearing Officer	Land Use Hearing Officer	3rd District Court	3rd District Court

TABLE 19.16-1: FOOTNOTES

(1) Courtesy Notices shall be mailed ten (10) days prior to the meeting to property owners within three hundred feet (300') of the subject property's boundary.

19.16.020 - General Administrative Procedures

The Director is the administrator of the Zoning Ordinance with power to review and make decisions on zoning ordinance interpretations. The authority and responsibility of the Director shall include the following:

- A. Review of Development Plans. The Director shall establish development plan review processes to ensure that proposed land uses and development plans comply with the provisions of this Ordinance and protect the public health, safety, and general welfare. At the discretion of the Director or Designee, review of permit or license applications may be conducted without submittal of a land use application if compliance can be ascertained based on the permit or license application documents.
- B. Interpretation of Permitted and Conditional Uses – Administrative Determination. The Director shall determine whether proposed uses of property are consistent with the permitted and conditional uses within each zone. The procedure to request the Director's determination shall be as follows:
 1. Written Request. A written request for a determination shall be filed with the Director or Designee, which shall include a detailed description of the proposed use and such other information as the Director may require.
 2. Investigation. The Director shall undertake such investigations as deemed necessary to compare the proposed use with those uses specifically listed in this Title, and to make a determination of the proper classification.
 3. Determination. Within 30 days of the filing of a written request, the Director shall prepare a written determination, which shall be provided to the applicant. The determination shall state the zone classification in which the proposed use will be permitted as well as the basis for finding that such use is of the same character as uses allowed in that zone classification. The determination and all information related thereto shall become a permanent public record in the office of the Director.
 4. Effect. The use as specified in the determination of the Director shall thereafter become a permitted or conditional use in the class of zoning district specified in the determination, and shall have the same status as a permitted or conditional use specifically named in the regulations for the zone classification.
 5. Appeal. The Director's determination may be appealed to the Land Use Hearing Officer. Such appeal shall be filed in writing within 10 days after written notification to the applicant of the Director's determination.

19.16.030 - Land Use Applications

- A. Pre-Application. At any time prior to or during the Completeness Review process outlined below, a pre-application meeting may be requested by the applicant or Director or Designee to discuss the application, plans, and anticipated review process, However, such pre-application meeting does not result in vesting of the pre-application or the application. In order to facilitate efficiency of review

process, the Director or Designee may invite representatives from other reviewing agencies as well as the applicant's design professionals to the meeting.

B. Applications. A property owner, or other person expressly authorized in writing by the property owner, may file for a land use permit. All land use applications for permitted or conditional uses shall be filed with the Director or Designee. Applications shall contain:

1. An application form provided by Planning and Development Services which form may be via online submitting software.
2. Property identification documents such as a legal description, plat map, and if applicable, site survey. This is not required for text amendments.
3. A title report of the property from within 6 months of the application.
4. Plans and other documents as necessary to evaluate the proposed application for compliance with applicable codes, including a site plan (see Subsection 19.16.030.C), building elevations, preliminary landscape and amenities plans, preliminary grading/drainage plan, and any other pertinent documents.
5. Applications are subject to the Completeness Review process outlined in 19.16.030.D. An application is considered as having been accepted only when deemed a complete application and the applicable application fees have been paid. The payment of a partial fee and preliminary plans for a pre-submittal review does not constitute a complete application.

C. Plans.

1. Site Plan. A detailed site plan is required as part of all applications for land use or development approval, including conditional uses, permitted uses, variances, special exceptions, site development plans for the Foothills and Canyons Overlay Zone, and building permits. The Director may specify the number of plans required and the medium (electronic, paper, etc.) in which site plans may be submitted. The site plan shall show:
 - a. Scale;
 - b. Direction of Cardinal North;
 - c. Lot lines and adjacent streets, roads and rights-of-way;
 - d. Location of all existing structures on subject property and adjoining properties, completely dimensioned, including utility lines, poles, fire hydrants, etc;
 - e. Location and building elevations of any proposed construction and improvements, including the location of all signs;
 - f. Vehicle access, including circulation patterns and the location of individual parking stalls, curbs, gutters, and sidewalks or trails;
 - g. Any necessary explanatory notes, including calculations of lot coverage, parking ratios, gross floor area of buildings, easements, floodplains, topography, rights of way and other notes necessary to evaluate for compliance with all applicable land use requirements;

- h. Areas for snow storage;
 - i. Name, address and telephone number of builder and owner, and;
 - j. Any other information required by the Director or indicated on the application form.
2. Building Elevations. Building elevations, when required, shall show:
- a. Note of scale used;
 - b. Orientation of each elevation, including distance to nearest property line;
 - c. Explanatory notes describing building, cladding and trim materials;
 - d. Original and finished grade at all points along each elevation of the building;
 - e. A building envelope that describes that maximum buildable height of all elevations as measured from original grade;
 - f. Finished floor elevations of all levels of a building including, but not limited to, basements, garages, patios, and decks;
 - g. Top of footing elevations at each corner of the building;
 - h. Total height of building, as measured from original ground surface to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the highest point of pitched or hipped roofs, or gambrel roofs;
 - i. Necessary explanatory notes to address any requirements particular to the zone in which the property is located, and;
 - j. All other information that may be required, as determined by the Director.
3. Preliminary Landscape or Reclamation Plan. Preliminary landscape or reclamation plans, when required, shall show:
- a. Note of scale used, north arrow and preparation date;
 - b. Project name and address;
 - c. General reclamation of area intent statement including the general character and location of proposed reclamation of the land and open areas;
 - d. A legend showing all plant types and sizes, symbols, line types, hatching and abbreviations used in the plan set;
 - e. Site boundary, property lines, and any construction phasing lines;
 - f. All existing significant vegetation, including an indication of what is proposed to be removed;
 - g. All existing and proposed structures;
 - h. All proposed softscape and hardscape areas;

- i. A tabulation of the total project area, reclaimed area, impervious areas, building coverage areas and building coverage percentage;
 - j. Detailed landscape improvements with planting symbols clearly drawn to indicate each plant, and;
 - k. The name and contact information of the landscape design professional who prepared the plan.
4. Other plans and documents. Other plans and documents may be required in order to verify compliance with this Title or other applicable codes, ordinances, statutes and regulations.

D. Completeness Review for a complete application.

- 1. Upon receipt of an application request and associated documents, the Director or Designee shall review the application to determine whether:
 - a. Complete and accurate plans have been submitted;
 - b. The application itself contains complete information regarding the property, applicant, proposed land use;
 - c. Evidence that all prerequisite conditions for the specific land use have been addressed, and;
 - d. The property owner or authorized agent has authorized the submittal of the application.
- 2. If the application is determined to be incomplete, the Director or Designee shall notify the applicant by mailing a written notice in writing within thirty (30) days:
 - a. That the application is incomplete, and;
 - b. The specific components of the application deemed insufficient.
 - c. If this notice is not timely mailed, the application shall be considered complete, for the purposes of further substantive land use authority review.
- 3. Upon notice being given, an application deemed incomplete shall be terminated after 60 days if the necessary components to complete the application have not been submitted.
- 4. The applicant may raise and resolve in a single appeal any determination made under this Subsection to Land Use Hearing Officer, including an allegation that a reasonable period of time has elapsed under Subsection 2.
- 5. If the application is determined to be complete, the Director or Designee shall authorize the payment of the applicable application fees.

E. Application Review. The application review process may include:

- 1. The creation of a planning file for reference by the applicant, Staff and the public.
- 2. An on-site review by the Director or Designee as allowed in Utah Code § 10-9a-303.
- 3. Review of the submitted site plan and elevations for compliance with this Ordinance.

4. Referral of the application and site plans to those government agencies and development review agency authorized to protect the health, safety and welfare of the public and to ensure the project's compliance with this Ordinance and all other applicable ordinances and codes.
5. Referral of the application for conditional uses to the appropriate decision-making body as set forth in section 19.16.040.
6. An action letter informing the applicant as to whether the application has been approved, approved with conditions, denied, or tabled pending the submittal of additional information or amended plans. An application requiring submittal of additional information or amended plans shall be terminated after 60 days if the necessary components to complete the application have not been submitted, unless an extension is granted by the Director in writing.

19.16.035 - Allowed or Permitted Uses

- A. Initiation. A property owner, or other person expressly authorized in writing by the property owner, must file a complete application, as required in 19.16.030 (D).
- B. Determination. On any application to construct a building or other improvement to property which is defined by this Code as an Allowed or Permitted Use in the Zone in which the Building is proposed, the Director or Designee must review the Application to determine whether the proposal:
 1. Is an Allowed Use within the zone for which it is proposed;
 2. Complies with all applicable Development requirements of that zone, including Building Height, Front, Side, and Rear Setbacks, and Lot coverage;
 3. Respects Lot Lines of a Legal Lot;
 4. Meets the applicable parking requirements;
 5. Can be adequately serviced by roads, and existing or proposed utility systems or lines;
 6. Pertains to land in which all tax assessments have been paid, and;
 7. The plans shall be reviewed for Building Code compliance and permit issuance procedures. Approval of Allowed Uses must be noted by the issuance of a Building Permit in compliance with the provisions of the International Building Code, as adopted by Emigration Canyon.
- C. If the Application does not comply with the requirements of the zone, the Director or designee shall notify the Owner of the project or the Owner's Agent, if any, stating specifically what requirements of the zone have not been satisfied.
- D. **DISCLAIMER.** No permit issued shall be valid if any of the criteria listed in this section have not been met.

19.16.040 - Conditional Uses

- A. Requirement. A conditional use permit shall be required for all uses listed as conditional uses in Title 19.

B. Initiation.

1. A property owner, or other person expressly authorized in writing by the property owner, may file for a conditional use permit for that property. In addition to the request for land use approval, a conditional use application may include a request for land development plan approval.
2. The Planning Commission is the land use authority and shall take formal action on requests for conditional use permits. When a land development plan is submitted in conjunction with a conditional use application, the land development plan shall be included in the materials presented to the Planning Commission. In rendering an approval, conditions of approval may be imposed by the Planning Commission that necessitate changes to the land development plan.
3. As administrator of the zoning ordinance, the director is responsible to ensure the land development plan not only complies with the applicable codes and ordinances, but also complies to the conditions of approval imposed by the Planning Commission. If, during the course of land development plan review, the director finds changes are made to the site plan not in harmony with the conditions imposed by the Planning Commission, the Director may, at their discretion, refer the land development plan to the Planning Commission for review.

C. Land Use Approval.

1. Approval Process.

- a. The Planning Commission shall consider applications for a conditional use permit in a public meeting and shall make a decision on the proposed conditional use, evaluating the application in accordance with the standards in subsection D below.
- b. MAILED NOTICE. Courtesy notice shall be mailed ten (10) days prior to the public meeting to adjacent and surrounding Property Owners within three hundred feet (300') of the subject property's boundary. The Property Owner or agent must provide the Planning Department with an electronic list of each Property Owner of record of each Parcel located entirely or partly within three hundred feet (300') of the subject property's boundary. The addresses for neighboring Property Owners must be as shown on the most recently available Salt Lake County tax assessment rolls. Any defect in such courtesy mailed notice shall not affect or invalidate any hearing or action by the Planning Commission on the Conditional Use Permit.
- c. The Planning Commission shall take action in the form of approval, modified approval or denial on applications for conditional uses. Unless otherwise designated, a decision by the Planning Commission approving a conditional use application authorizes the director to proceed with approval of the land development plan.
- d. Failure by the applicant to provide information that has been requested by the Planning Commission or the Director to resolve conflicts with the standards in Subsection D may result in an application being denied.
- e. The Director, under authority of the Planning Commission, shall grant final approval of conditional use permit applications after all of the conditions and requirements of the

preliminary approval have been met. Applications with a land development plan element shall not receive final conditional use approval until the land development plan has been approved by the director. As a condition of preliminary approval, the Planning Commission may require that final land development plan be brought before the Planning Commission for final approval.

- f. Final approval of a conditional use permit application is in the form of a letter to the applicant, which, together with the approved land development plan if required, constitutes the conditional use permit. Final approval shall not modify or invalidate any of the conditions or terms imposed by the Planning Commission.
2. Approval Standards. The Planning Commission shall review the site plan and other information submitted to evaluate the impacts of the proposed conditional use. The Planning Commission may impose conditions to mitigate the reasonably anticipated detrimental impacts of the proposed use. A conditional use permit shall be approved unless the imposition of conditions cannot mitigate reasonably anticipated detrimental effects as stated in Utah Code 10-9a-507.
- D. Rules for Approved Conditional Uses. The following general rules apply to all approved conditional uses:
1. Approval of a conditional use authorizes only the particular use for which the conditional use is issued.
 2. No use authorized by a conditional use may be enlarged, extended or relocated, unless an application is made for approval of a new conditional use in accordance with the procedures set forth in this section.
 3. Development of the property shall not commence until the applicant has secured all the permits and approvals required by municipal ordinances and any permits required by regional, state, and federal agencies.
- E. Expiration and Extension of Time.
1. A conditional use expires 12 months from the date of final approval by the Director, unless a building permit is obtained within such period and substantial construction is started or the use is commenced within such period in compliance with all required conditions and this Ordinance.
 2. One 12-month extension may be granted upon the payment of an additional filing fee equal to the original filing fee. Such an extension shall be filed before the end of the initial 12-month period.
- F. Revocation of Conditional Use.
1. The Planning Commission may revoke a conditional use permit upon a finding of failure to comply with the terms and conditions of the original approval or for any violation of this Ordinance or other applicable law.

2. The Planning Commission shall hold a public hearing prior to taking action on revocation. Notice of the hearing and the grounds for consideration of revocation shall be mailed to the permittee and affected entities at least 10 days prior to the hearing.

- G. Appeals. Appeals may be made to the Land Use Hearing Officer within 10 days of the date of the decision of the Planning Commission.

19.16.050 - Withdrawal of Application

- A. An applicant may withdraw an application at any time prior to the final decision on the application, including any time during which the application has been tabled.
- B. An applicant may request a refund of fees at the time the application is withdrawn. The Director shall consider the amount of work performed by Staff on the application when determining whether or to what extent fees may be refunded. Fees associated with a public meeting or hearing shall not be refunded if the item is heard at a public meeting or hearing.
- C. A notice of withdrawal of an application and a request for refund of fees shall be in writing and submitted to the Director.

19.16.060 - Performance Bonds

- A. Any required improvements such as curb, gutter and sidewalk (or pedestrian paths), fences, and landscaping shall be satisfactorily installed prior to the Emigration Canyon authorizing electrical service or, if no electrical service is required, prior to issuance of any occupancy permit.
- B. In lieu of completing such improvements, the developer may file a cash or surety bond, escrow agreement, or letter of credit with the Planning and Development Services Director, in an amount sufficient to ensure completion of improvements within one year.
 1. Ten percent (10%) of a bond amount for public improvements shall extend for a one-year period beyond the date the improvements are completed to guarantee replacement of any defective public improvements.
 2. Ten percent (10%) of a bond amount for live plants shall extend for a one-year period beyond the date of planting to guarantee replacement of diseased or dead plants.
 3. Upon completion of the improvements for which a bond or escrow agreement has been filed, the developer may call for inspections of the improvements by the Director.
- C. Whenever necessary in order to protect the health, safety and welfare of City residents from traffic, flood, drainage or other hazards, the Land Use Authority may require as part of bond approval that improvements be completed in a specified sequence and in less than one year. Such requirements shall be incorporated into the bond.
- D. Bonds will be processed and released in accordance with the procedures set forth in Section 18.24.170 of the Municipal Code.
- E. When the developer is a school district, Emigration Canyon, service area, special-purpose district or other political subdivision of the State, the Mayor may waive the bond and accept in lieu thereof a

letter from the governing body guaranteeing installation of the improvements. Before approving any such waiver, the Mayor shall receive a recommendation from the Director.

19.16.070 - Occupancy Permits

- A. A permit of occupancy is required prior to the occupancy of any building hereafter erected, enlarged or structurally altered, or where any vacant land is hereafter proposed to be occupied or used for anything other than permitted agricultural uses.
- B. The permit of occupancy shall be issued by the Chief Building Official and the Director if the use and/or building or premises conforms to the provisions of this Title and related ordinances.
- C. A permit of occupancy shall be required whenever the character or use of any building or land is proposed to be changed from one use to another use.
- D. Upon written request from the owner, a permit of occupancy shall also be issued covering any lawful use of a building or premises existing on the effective date of this Ordinance, including nonconforming buildings and uses.

19.16.080 - Zoning Text, Land Use Regulation and Map Amendments

- A. Initiation. A zoning text, land use regulation, or map amendment may be initiated the Council, the Planning Commission, the Director, a property owner(s) in Emigration Canyon, or a person authorized in writing by the property owner(s).
- B. Authority. The Council shall take formal action on requests for zoning text, land use regulation, or map amendments after receiving a recommendation from the Planning Commission.
- C. Procedure.
 - 1. Filing of Application.
 - a. All zoning map or text amendment applications shall be filed with the Director or Designee in accordance with this Chapter. The Director or Designee shall forward the application to the Planning Commission for further review and recommendation after the date the application is deemed complete.
 - b. Disapproval of an application to amend the zoning map shall preclude the filing of another application to amend the zoning map to reclassify the same parcel of property, or any portion thereof to the same zone classification, or if the application is for a commercial classification to the same or any other commercial classification, within one year of the date of the final disapproval of the application unless the council finds that there has been a substantial change in the circumstances or sufficient new evidence since the disapproval of the application to merit consideration of a second application within the one-year time period.
 - 2. Notice. The Director or designee shall provide notice of proposed zoning text or map amendments in accordance with Utah Code §10-9a-205. An “adjacent property owner” under this section of State law is an owner of property located within three hundred feet (300’) of land that is directly affected by the land use ordinance change.

3. Action by Planning Commission.

- a. The Planning Commission shall consider a proposed zoning text or map amendment in a public hearing.
- b. After the close of the public hearing, the Planning Commission may evaluate the application against the applicable considerations in subsection D below and shall make a recommendation to the Council for approval, modified approval, or denial.

4. Action by Council.

- a. After considering the recommendation of the Planning Commission at a public meeting, the Council may approve, deny, alter, or remand for further review and consideration any application.

D. Approval Considerations. Table 19.16-2: Guidelines for Zoning Map and Text Amendments. The Planning Commission recommendation and the Council decision on any zoning text or map amendment are matters of legislative discretion. In making a recommendation and decision, the Planning Commission and the Council, respectively, may consider one or more of the factors in Table 19.16-2 below.

TABLE 19.16-2: GUIDELINES FOR CONSIDERING ZONING MAP & TEXT AMENDMENTS		
FACTORS	MAP AMENDMENTS	TEXT AMENDMENTS/ LAND USE REGULATIONS
1. The proposed amendment is compatible with the Adopted General Plan.	X	X
2. The proposed amendment promotes the public health, safety and welfare.	X	X
3. The proposed amendment is a more suitable zoning classification for the property than the current classification.	X	
4. The proposed amendment is compatible with the intent and general purposes of this Ordinance.	X	X
5. The proposed amendment corrects an error or omission, adds clarification to existing requirements, or reflects a change in policy.	X	X
6. The proposed amendment benefits the citizens of Emigration Canyon as a whole.	X	X
7. The proposed amendment does not create a significant number of nonconformities.	X	X

8. The proposed amendment is compatible with the trend of development, if any, in the general area of the property in question.	X	
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- E. Appeals. Any person adversely affected by a zoning amendment decision of the Council may appeal the decision to the 3rd District Court of Salt Lake County as provided for in § 10-9a-801 of the Utah Code, as amended.

ORDINANCE 2025-O-__

Ordinance No. 2025-O-__

Date: ____, 2025

**AN ORDINANCE OF THE EMIGRATION CANYON COUNCIL ADOPTING
CHAPTER 19.46, SITE DEVELOPMENT STANDARDS.**

RECITALS

WHEREAS, Emigration Canyon 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 consolidate and update its site development standards; and

WHEREAS, the Council deems it necessary to amend its land use ordinances to update the chapter establishing the zones used in Emigration Canyon; and

WHEREAS, the Council deems it necessary to amend its land use ordinances to consolidate and update its chapters regulating the land use processes and procedures; and

WHEREAS, the Emigration Canyon Planning Commission held a public hearing on August 14, 2025, to consider adopting Chapter 19.46, Site Development Standards; and

WHEREAS, the Planning Commission has recommended that the Council adopting Chapter 19.46, Site Development Standards for the protection and preservation of the public health, safety and general welfare.

BE IT ORDAINED BY THE EMIGRATION CANYON CITY COUNCIL as follows:

1. Chapter 19.46, Site Development Standards, which is adopted to read as shown in **Attachment A** to this Ordinance.
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 ___ day of _____ 2025.
EMIGRATION CANYON CITY COUNCIL

By: Joe Smolka, Mayor

ATTEST

Diana Baun, Recorder

Voting:

Mayor Smolka	voting ____
Deputy Mayor Hawkes	voting ____
Council Member Brems	voting ____
Council Member Harris	voting ____
Council Member Pinon	voting ____

(Complete as Applicable)

Date ordinance summary was posted to the [insert name] website, the Utah Public Notice website, and in a public place within [insert name] per Utah Code §10-3-711:_____

Effective date of ordinance: _____

SUMMARY OF
EMIGRATION CANYON CITY
ORDINANCE NO. 2025-O-

On _____, 2025, the Emigration Canyon Council enacted Ordinance No. 2025-O-____, adopting Chapter 19.46, Site Development Standards.

By: Joe Smolka, Mayor

ATTEST

APPROVED AS TO FORM

Diana Baun, Recorder

Polly McLean, City Attorney

Voting:

Mayor Smolka	voting ____
Deputy Mayor Hawkes	voting ____
Council Member Brems	voting ____
Council Member Harris	voting ____
Council Member Pinon	voting ____

A complete copy of Ordinance No. _____ is available in the office of the Emigration Canyon Recorder, 860 Levoy Drive, Suite 300 Taylorsville, UT 84123.

Attachment A

CHAPTER 19.46 SITE DEVELOPMENT STANDARDS

19.46.010 - Purpose of Provisions

- A. It is the purpose of the site development standards to promote the health, safety, and welfare of the community. In support of these purposes, this Ordinance contains regulations designed to:
1. Protect existing neighborhoods, preventing their decline, and promoting their livability;
 2. Conserve land and water resources;
 3. Recognize geologic features, soil, and topography;
 4. Improve air quality;
 5. Minimize congestion in the streets and reduce reliance on automobiles by providing walking, bicycling, and transit use;
 6. Secure safety from fire and other dangers;
 7. Provide adequate space for utilities, open space, water supplies, sewer service, and transportation;
 8. Promote compatibility between the natural and man-made environments;
 9. Promote the desired high-quality site planning, building, lighting, signage, and streetscape design; and
 10. Minimize the potential adverse effects of highway traffic noise by complying with state and federal requirements for highway traffic noise abatement projects.

19.46.020 - Applicability

The provisions of this Ordinance shall apply to all new development within Emigration Canyon City that occurs after the adoption of this Ordinance. No building shall be erected or structurally altered, nor shall any land development activity take place, unless it conforms to the provisions of this Ordinance.

19.46.030 - Relationship to Adopted Plans

Emigration Canyon City's adopted General Plan indicates desired development at various levels of intensity. This Ordinance is intended to implement the General Plan; therefore the Plan should be used as a guide for the application of this Ordinance to land within the areas covered, as well as for the provision of the public services.

19.46.040 - All Uses, Buildings, and Structure to Comply with Zoning Requirements

Every building or structure erected, reconstructed, altered, enlarged or moved, and every building, structure, or land, rearranged, designed or intended for any use shall be built or used only as allowed by the requirements of this Ordinance, including the requirements of the zone in which the building, structure, or use is located, and all other Land Use Ordinances.

19.46.050 - Minimum Requirements and Underlying or Overlay Zones.

- A. The provisions of this Chapter are the minimum requirements. Where the provisions of this Ordinance conflict with other ordinances, the most restrictive provision shall prevail.
- B. The underlying zone of a property may impose site development standards in addition to the minimum requirements provided in this Ordinance. Where the provisions of this Ordinance conflict with other ordinances, the most restrictive provision shall prevail.
- C. Overlay zones may impose site development standards in addition to the minimum requirements provided in this Ordinance. Where the provisions of this Ordinance conflict with other ordinances, the most restrictive provision shall prevail.

19.46.060 - Application Required.

All requests to establish a use, or construction, alteration, enlargement, repair, or removal of any building, structure, or part thereof, shall be initiated by the submission of a Land Use Application, as required by all Land Use Ordinances and/or Building Permit Application, as required by the adopted Building Code, as applicable.

19.46.070 - Occupancy Permit.

- A. Buildings in any zone may hereafter be used only for the purpose listed in this Title as allowed in that zone, and in accordance with the regulations established in this Title in that zone.
- B. The permit of occupancy shall be issued by the chief building inspector and the Director to the effect that the use and/or building or premises conforms to the provisions of this Title and related Chapters prior to the occupancy of any building hereafter erected, enlarged or structurally altered, or where any vacant land is hereafter proposed to be occupied or used, except for permitted agricultural uses.
- C. Such a permit shall also be required whenever the character or use of any building or land is proposed to be changed from one use to another use.
- D. Upon written request from the owner, such a permit shall also be required covering any lawful use of a building or premises existing on the effective date of the amendment codified herein, including nonconforming buildings and uses.

19.46.080 - Sale of Lots Below Minimum Width and Area.

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

19.46.090 - Sale of Space Needed to Meet Requirements.

No space needed to meet the width, yard, area, setback, coverage, parking, landscaping, or other requirements of this Title for a lot or building may be divided, sold, or leased from such lot or building.

19.46.100 - General Site Standards.

- A. Lot Frontage Required. Every lot shall have frontage upon a dedicated or publicly approved road or street, or right-of-way providing direct access to a dedicated or publicly approved road or street. The required lot frontage shall be not less than half of the minimum lot width required in the zone as measured at the front property line except for lots that have been approved as a flag lot.
- B. Yards and Setbacks Measurement.
1. Yards and setbacks shall be measured according to the lengths required in the underlying zone.
 2. Yards and setbacks shall be measured from the property's boundary line, as determined by the legal description or subdivision plat on record at the Salt Lake County Recorder's Office, to the exterior foundation of the proposed or existing building.
- C. Required Yards for One Building Only. No required yard or setback area for a lot or building shall be considered as providing the required yard or setback for any other lot or building.
- D. Required Yards to be Unobstructed.
1. All required setback areas shall be open to the sky and unobstructed except for permitted and approved accessory structures and for projections allowed under section 19.46.110 (I.) Projections.
 2. Walls and fences, complying with the requirements of this Title may encroach into required yards.
- E. Buildable Area. Every lot or parcel created after the effective date of this Ordinance shall have a buildable area sufficient to establish a building or structure thereon, which meets the minimum standards of the Zone in which the lot or parcel is located. Buildable areas shall be required to be identified for each lot on all subdivision plats and plans for the purposes of ensuring that an adequate buildable area is provided, and to inform future owners of the allowable buildable area. Any area located within an easement may not be included within any buildable area unless the easement beneficiary executes and records a release of the easement in a form acceptable to the Municipal Attorney.

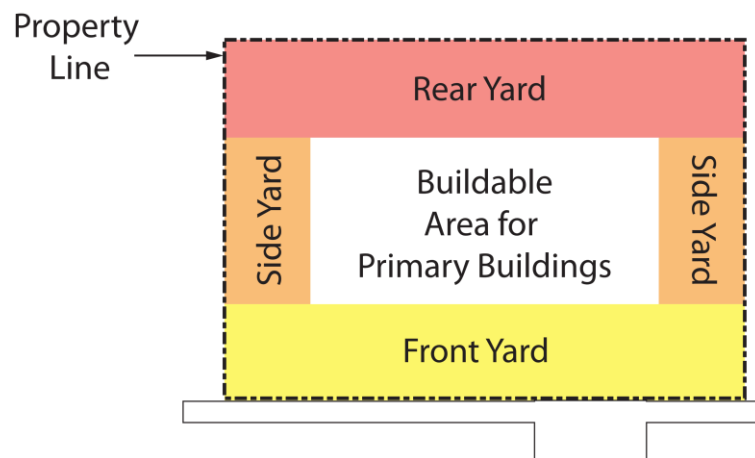


Figure 19.46.100(E): Buildable Area, Required by the Underlying Zone

- F. Snow Storage and Drainage. Where snow removal and storage may pose a problem to traffic circulation or reduce the amount of adequate parking for winter business, the property owner shall designate a snow storage area and remove snow as necessary.
1. Required Area: Snow storage areas not less than thirty-three percent (33%) of the parking, sidewalk, and driveways areas shall be incorporated into the site design.
 2. Location:
 - a. Snow storage shall be located to avoid the piling of snow against significant trees, fences or structures.
 - b. Snow storage shall not block necessary clear view triangles other necessary sight lines required for vehicular safety.
- G. Buildings to be on Lots. All buildings and structures, as defined herein, shall be located and maintained on a separate legal lot, such lot meeting all requirements of the Title 19, including the requirements of the Zone in which the lot is located.
- H. Fencing.
1. Fencing Setbacks. A fence, hedge, wall, column, pier, post or any other similar structure for fencing or any combination of such structures is permitted in the required setback if it meets the following conditions:
 - a. No fence, hedge, or wall extends beyond or across a property line without a recorded agreement with the abutting property owner; and
 - b. Only one fence or wall shall be allowed per property line. Double fences, walls, or combination thereof are prohibited.
 2. Fencing Height.
 - a. Except as otherwise authorized under this Ordinance, no fence or wall may exceed seven feet (7') in height, four feet (4') in height from the front of the primary structure forward, or three feet (3') in the sight distance triangle, measured as follows:
 - i. In a required yard abutting a street, the total effective height above the finished grade measured on the side nearest the street;
 - ii. In any other required yard, the total effective height above the finished grade measured on the side nearest the abutting property;
 - iii. On a property line, measured from the finished grade of either side when the abutting property owners are in agreement; and
 - b. A temporary fence on a construction site may be as high as required to protect the property during the period of construction.

3. Fencing Materials. Fencing materials shall be made of high quality, durable materials that require minimal maintenance. The following fencing materials shall be allowed for properties that require fencing:
 - a. Brick, block, or stone;
 - b. Architecturally designed pre-cast concrete, decorative precast concrete or integrally colored and textured block, brick, stone, or other masonry materials;
 - c. Solid or private heavy gauge vinyl, polyethylene, or similar materials;
 - d. Composite materials, wood, cement, stucco, architectural or decorative metal panels, including weathering steel; or
 - e. Visually permeable fencing, such as chainlink, mesh, picket, or split rail fences constructed of metal, vinyl, wood, or composite.
4. Prohibited Fencing Materials. The following fencing materials are prohibited:
 - a. Materials not typically used or designated/manufactured;
 - b. Scrap material;
 - c. Security wire; or
 - d. Electrified fencing.
- I. Landscaping. Landscaping shall follow the requirements set forth in Chapter 19.72 Foothills and Canyons Overlay Zone of this Title.
- J. Accumulation of Junk.
 1. The accumulation of junk is prohibited in Emigration Canyon unless occurring in a fully enclosed and permitted structure.
 2. Exceptions. The following exceptions apply:
 - a. A property owner may have up to two (2) inoperable vehicles on their property, provided that:
 - (1) The vehicle(s) are parked on private property on parking surface in compliance with Chapter 19.48;
 - (2) The vehicle(s) are secured with the windows closed, the trunk and hood closed, and the doors locked, and all four tires shall be on the ground;
 - (3) The vehicle(s) are not exposing jagged metal or other safety hazards due to damage;
 - (4) The vehicle(s) are completely on private property and not encroaching on any sidewalk, park strip, or public street; and
 - (5) The vehicle(s) do not visibly drip any fluids such as oil, transmission fluid, brake fluid, or coolant onto the parking surface or its surroundings; and

3. A property owner may have up to (2) two inoperable vehicle that do not meet the requirements of Subsection 19.46.070.J.2.a. Subsections (2) and (3) for a total of fourteen (14) days while the vehicle is undergoing major engine, transmission or similar work. At the end of the fourteen (14)-day timeframe, the vehicle shall be brought back into compliance with Subsection 19.46.070.J.2.a.

K. Signs. Any development shall follow the sign standards set forth in Chapter 19.52 of this Title.

19.46.110 - Building Standards.

- A. Conform to Building Code. The building must meet Emigration Canyon City's building code or, if it is a manufactured home, it must be certified under the National Manufactured Housing Construction and Safety Standards Act of 1974 and must have been issued an insignia and approved by the U.S. Department of Housing and Urban Development and must not have been altered in violation of such codes. A used manufactured home must be inspected by the building official or designee prior to placement on a lot to ensure it has not been altered in violation of such codes.
- B. Buildings Taxed. The building must be taxed as real property. If the building is a manufactured home, an affidavit must be filed with the State Tax Commission pursuant to Utah Code 59-2-602.
- C. Utilities. If the building provides human-occupiable space and is constructed in a permanent nature, the building must be connected to and approved for all required utilities. Utilities shall be buried underground with the following exceptions:
 1. Transformers, pedestals, fire hydrants, and other appurtenances normally associated with "underground" utility installations are permitted on the surface of the ground.
 2. The development of existing lots in areas of Emigration Canyon City now served with existing aboveground utilities, are exempt from this requirement.
- D. Permanent Foundation. The building must be attached to a site-built permanent foundation which meets the Uniform Building Code or, if the dwelling is a manufactured home, the installation must meet the International Conference of Building Officials (ICBO) Guidelines for Manufactured Housing Installations, including any successors to these standards, and the space beneath the structure shall be enclosed at the perimeter of the dwelling in accordance with such ICBO Guidelines, and constructed of materials that are weather-resistant and aesthetically consistent with concrete or masonry type foundation materials. At each exit door there must be a landing that is a minimum of thirty-six inches (36") by thirty-six inches (36") and that is constructed to meet the requirements of the Uniform Building Code. All manufactured home running gear, tongues, axles, and wheels must be removed at the time of installation.
- E. Roofs. The building shall have a roof surface of asphalt, composition, concrete, fiberglass or metal tiles or slate or built-up gravel materials.
- F. The Director or Designee may approve deviations from one or more of the developmental or architectural standards provided in subsections A through F of this section on the basis of finding that the architectural style proposed provides compensating design features and the proposed building will be compatible and harmonious with existing structures in the vicinity. The determination of the Director or Designee may be appealed to the Land Use Hearing Officer pursuant to the provisions in Chapter 19.20.

G. Building and Street Relationships.

1. Buildings may not be oriented away from the street. The front of the building shall be parallel with the adjacent right-of-way and frontage.

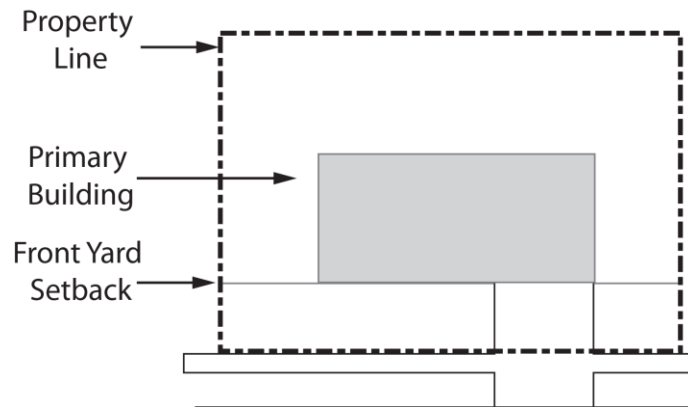


Figure 19.46.110 (G): Primary Building Oriented to the Street

2. The front of the building shall be accessible by a pedestrian from an adjacent right-of-way.

H. Projections.

1. The following may be erected on or projected into any required yard space in all Zones:
 - a. Fences and walls in conformance with this Code.
 - b. Landscape elements, including trees, shrubs and other plants.
 - c. Planter boxes or masonry planters not exceeding twenty-four inches (24") in height.
 - d. Necessary appurtenances for utility services associated with minor public utilities.
 - e. Decks not more than two feet (2') high.
 - f. Cornices, eaves, sills, planter boxes, stairways, landings, porches, decks, awnings or similar architectural features attached to the building and not enclosed by walls, extending not more than two feet (2') into a side yard, or four feet (4') into a front or rear yard.
 - g. Bay windows, cantilevered floors and fireplace structures may project into any yard not more than two feet (2'), provided that they are not wider than eight feet (8') wide.
 - h. Chimneys, fireplace keys, box or bay windows or cantilevered walls attached to the building no greater than eight feet (8') wide and extending not more than two feet (2') into a side yard, or four feet (4') into a front or rear yard.
2. Projections into Required Yards. The following structures may be erected on or projected into any required yard:
 - a. Accessory structures subject to this Title.

I. Building Height Limitations and Exceptions.

1. Buildings shall not be erected that contain less than one story above grade, as defined in this Title.
 2. Roof structures above the maximum height that provide utilities, safety measures, or building code requirements may be erected above the height limits prescribed in this Title, but no space above the height limit shall be allowed for the purpose of providing additional floor space. Roof structure for this purpose may not exceed a maximum of twenty feet (20') above the maximum allowed building height unless otherwise specified in this Title.
 3. Public or semipublic utility buildings, when authorized in a zone, may be erected to a height not exceeding thirty-five feet (35') if the building is set back from each otherwise established building line at zone in which the building is erected. Public or semipublic utility buildings do not include cell towers.
 4. Flag Poles and Church steeples are not included in building height calculations.
- J. Parking and Loading. Any development shall follow the parking and loading standards set forth in Chapter 19.48 Off-Street Parking and Mobility of this Title.

19.46.120 - Infrastructure and Public Improvements

The minimum requirements for public improvements shall be a combination of standards set forth in Title 14 Highways, Sidewalks, and Public Places, and applicable standards set forth in this Title or adopted in the Emigration Canyon City's Master Transportation Plan.

A. Public Streets.

1. Street Signs and Markers. Standard street name signs shall be installed at one corner of all street intersections. The size, design, materials, location, fabrication, installation, and maintenance of the signs and poles within the public right of way and elsewhere shall be in accordance with the Utah Department of Transportation, the Manual of Uniform Traffic Control Devices for Streets and Highways (MUTCD), or the Emigration Canyon's adopted policies, as applicable.

B. Private Streets and Roadways.

1. Private streets or roads shall be designed and constructed to meet or exceed the private roadway standards set forth in Subsection 14.12.130 Private Roadways.
2. Private streets or roads are allowed in the following circumstances:
 - a. If shown on an approved development plan as private streets;
 - b. For multi-family developments; or
 - c. For residential subdivisions where the street is equally shared between properties. Such streets shall be required to have a maintenance and operations plan included in the declaration of covenants, conditions, and restrictions for the subdivision.

- C. Ingress and Egress Requirements. No building with human occupiable space shall be erected or enlarged on a parcel in any zone unless such parcel abuts upon or has access to a publicly accepted and maintained street, a private driveway, a private road, or a public or private alley.

- D. Intersecting Streets and Clear Visibility. In all zones which require a front yard, no obstruction to view in excess of three feet (3') in height shall be placed on any corner lot within a triangular area formed by the street property lines or right-of-way lines and a line connecting them at points forty feet (40') from the intersection of the street lines, except mature trees which are located in the clear sight triangle shall be pruned to a height of at least seven feet (7') above the established sidewalk, pedestrian path, or street elevation.

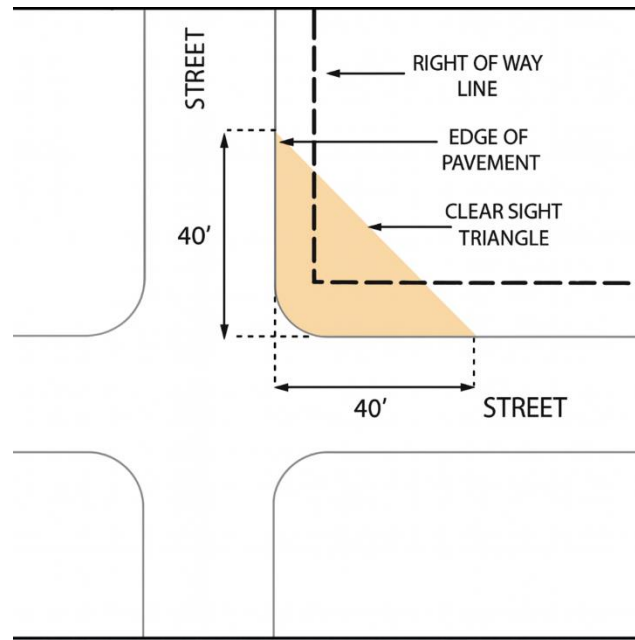


Figure 19.46.120(D): Intersecting Streets and Clear Visibility.

- E. Intersecting Streets and Driveways. In all zones, no view obstruction, including a sight-obscuring fence, wall, sign, other similar structures, and landscaping which exceeds three feet (3') in height shall be placed within a triangular area formed by a diagonal line connecting lines located at the edge of roadway pavement and driveway line ten feet (10') from the projected intersection of such lines.

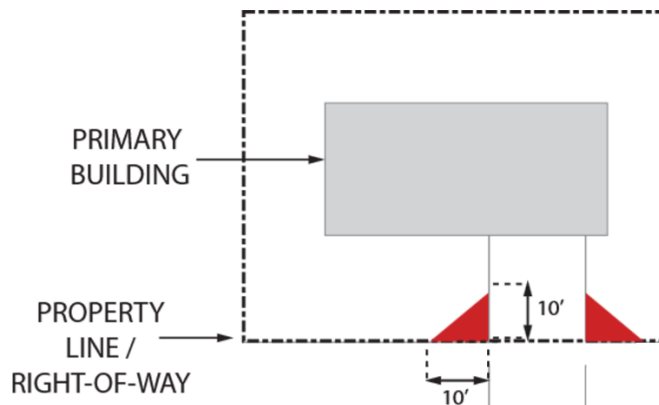


Figure 19.46.120(E): Intersecting Streets and Driveways

- F. Acceptance of Private Streets. Prior to acceptance by Emigration Canyon City, any private street, or any driveway allowed for access with a development that is not constructed and maintained to the Emigration Canyon's adopted street standards shall be improved to the Emigration Canyon's adopted street standards.
- G. Driveways. A driveway shall be allowed for vehicular access according to the standards set forth in Title 14 Highways, Sidewalks, and Public Places. Chapter 19.48 Parking and Mobility.
- H. Pedestrian and Bicycle Mobility.
 - 1. Each lot shall have pedestrian walkways that provide connections between the building entrances, parking areas, and any public open space and trails. Design, location, dimensions, dedications, easements, and reservations shall conform to applicable Municipal policies and standards for walkways, bicycle routes, and trails.
 - 2. Walkways and trails shall be designed to maximize the safety of users and the security of adjoining properties with respect to location, visibility, and landscaping.
 - 3. Bicycle Facilities. Bicycle facilities shall be provided in accordance with the standards set forth in Chapter 19.48 Parking and Mobility.

19.46.150 - Utility and Facility Placement Regulations.

- A. Systems Required to Be Underground. Unless exempted under Section 19.46.040 of this Chapter, the following systems are required to be installed underground:
 - 1. All new transmission systems installed after the effective date of the ordinance codified in this Chapter.
 - 2. All upgraded transmission systems which would increase the height of poles from less than sixty-five feet (65') to more than sixty-five feet (65') above existing grade.
- B. Exemptions. The following systems are exempt from the provisions of Section 19.46.130 of this Chapter:
 - 1. Except as provided in Section 19.46.030(B) of this Chapter, this Chapter does not require the burial of any existing aboveground systems, nor does it prohibit or restrict the repair, relocation, maintenance, or replacement of any existing systems.
 - 2. Aboveground installation of the following systems is permitted, subject to compliance with all other applicable statutes, ordinances, and regulations:
 - a. New service drops and/or distribution lines where service is available from existing aboveground systems;
 - b. Temporary systems required for construction projects not to exceed a period of twelve months;
 - c. Street light poles, wireless telecommunications towers, and accessory equipment;

3. In cases where unusual topographical, aesthetic, or other exceptional conditions or circumstances exist such that the installation of a system would have minimal visual, health, or safety impact on the public, variations or exceptions to the requirements of this Chapter may be approved by Emigration Canyon City; provided, that the variations and exceptions are consistent with the purposes of this Chapter.
4. In cases where Emigration Canyon City determines that insufficient funds are available to pay for the incremental costs of underground installation of a system or determines that the public benefit to be derived from underground installation is not cost effective or is otherwise not in the public interest:
 - a. Emigration Canyon City shall give notice to the utility or facility company that Emigration Canyon City will not require the underground installation and will not pay the incremental costs of underground installation of the system:
 - (1) Within ninety days after notice is given under Section 19.46.050 of this Chapter in the case of a new transmission system; and
 - (2) Within sixty days after notice is given under Section 19.46.050 of this Chapter in the case of a new distribution system or an upgraded transmission system which would increase the height of poles from less than sixty-five feet (65') to more than sixty-five feet (65') above existing grade.
 - b. If Emigration Canyon City has not given notice to the utility or facility company regarding underground installation as provided in subsection (D)(1) of this section it shall be deemed that Emigration Canyon City has determined that insufficient funds are available to pay for the incremental costs of underground installation or has determined that the public benefit to be derived from underground installation is otherwise not in the public interest.
- C. Notification of Affected Property Owners. At least sixty (60) days prior to beginning a project involving the installation or upgrading of four or more poles, a utility/facility company providing electrical power for general consumption shall send written notification of the project to all adjacent property owners and the director of public works. The purpose of such notification is to allow Emigration Canyon City and potentially affected property owners to determine whether there are reasons to require the underground installation of the system, to determine whether sufficient funds are available to pay the incremental costs of underground installation of the new or upgraded system, and provide Emigration Canyon City an opportunity to meet with the company to discuss the project.
 1. Such notification shall include a full description of the project including:
 - a. The need for the project;
 - (1) Location of the project;
 2. Height, width, type and general location of poles; and
 - a. Amount of voltage.
 3. Failure of property owners to receive notice of the project shall in no way affect the validity of action taken. Failure to reach an agreement within the sixty-day period shall not be grounds for

the delay of the project. Notification is not required for emergency projects, relocations, replacements and systems which are exempt under Section 19.46.040 of this Chapter except for an exemption resulting after notification under Section 19.46.040(D) of this Chapter.

- D. Excavation Permit Required. All underground systems to be installed in the right-of-way of any municipal road shall be made in accordance with the provisions of Chapter 14.16 of this code, Excavations.

19.46.160 - Easements.

- A. Storm drainage and utility easements for water, sanitary sewer, electricity, gas, and communications improvements shall be provided in the location and to the width as required by the provider.
- B. Easements for other purposes as required by the Director or designee shall be designed, designated, reserved, and dedicated as appropriate.
- C. All site plans and plats shall exhibit standard easement notes stating the type and purpose of the easement along with a list of prohibited uses/activities within the easement.
- D. Any cross-access agreement shall specify maintenance responsibilities and require that access be unrestricted. The agreement and a plat depicting the easement shall be recorded. Copies of the recorded documents and an attorney certification that the requirements for this paragraph have been met shall be provided to the Director or designee.



Planning and Development Services

2001 S. State Street N3-600 • Salt Lake City, UT 84190-4050

Phone: (385) 468-6700 • Fax: (385) 468-6674

MEETING MINUTE SUMMARY EMIGRATION CANYON PLANNING COMMISSION MEETING Thursday, May 8, 2025, 8:30 a.m.

Approximate meeting length: 2 hours 8 minutes

Number of public in attendance: 1

Summary Prepared by: Wendy Gurr

Meeting Conducted by: Commissioner Harpst

***NOTE:** Staff Reports referenced in this document can be found on the State website, or from Planning & Development Services.

ATTENDANCE

Commissioners and Staff:

Commissioners	Public Mtg	Business Mtg	Absent
Andrew Wallace	x	x	
Jim Karkut	x	x	
Dale Berreth			x
Tim Harpst (Chair)	x	x	
Jodi Geroux (Vice Chair)	x	x	

Planning Staff / DA	Public Mtg	Business Mtg
Wendy Gurr	x	x
Jim Nakamura		
Curtis Woodward	x	x
Tamaran Woodland	x	
Adam Long	x	x

PUBLIC HEARING(S)

Meeting began at – 8:37 a.m.

OAM2025-001372 – Consideration of an ordinance adopting Emigration Canyon Engineering Standard Drawings and Specifications. The proposed ordinance includes the adoption by reference of the latest revision of AASHTO “A Policy on Geometric Design of Highways and Streets” (Green Book), the Utah Manual on Uniform Traffic Control Devices (MUTCD), and APWA Manual of Standard Plans and Manual of Standard Specifications, with some exceptions noted in the document. **Presenter:** MSD Engineering (Discussion/Recommendation)

Greater Salt Lake Municipal Services District Engineering Manager Tamaran Woodland provided an analysis of the Engineering Standard Drawings and Specifications.

Commissioners and staff had a brief discussion regarding presentation to the council, cut, mill, and replace asphalt, mill and overlay not required if repaired or replaced in the last three years, complete Emigration Canyon Road micro-pave in July, and T-Patch repair.

Commissioner Harpst opened the public hearing.

PUBLIC PORTION OF HEARING OPENED

No one from the public is present to speak.

Commissioner Harpst closed the public hearing.

PUBLIC PORTION OF HEARING CLOSED

Motion: To recommend file #OAM2025-001372 Consideration of an ordinance adopting Emigration Canyon Engineering Standard Drawings and Specifications. The proposed ordinance includes the adoption by reference of the latest revision of AASHTO “A Policy on Geometric Design of Highways and Streets” (Green Book), the Utah Manual on Uniform Traffic Control Devices (MUTCD), and APWA Manual of Standard Plans and Manual of Standard Specifications, with some exceptions noted in the document and based on the discussion to the Emigration Canyon Council for approval.

Motion by: Commissioner Karkut

2nd by: Commissioner Geroux

Vote: Commissioners voted unanimously in favor (of commissioners present)

OAM2025-001375 – Consideration of a resolution amending Emigration Canyon’s land use fee schedule.

Presenter: Brian Hartsell (Discussion/Recommendation)

Smith Hartvigsen Adam Long, Counsel provided an analysis of the amended fee schedule.

Commissioners, Counsel, and staff had a brief discussion regarding business and building consistency and building permit fees.

Commissioner Harpst opened the public hearing.

PUBLIC PORTION OF HEARING OPENED

Speaker # 1: Citizen

Name: Ryan Leick

Address: 1475 North Pinecrest Road

Comments: Mr. Leick said permitting conditional uses site plan review fee would be on top of any other permitted uses. \$1000 fence fee or any other review fee would be in addition to FCOZ fees. No minimum threshold.

Commissioners and staff had a brief discussion regarding site plan review fees or removal of the FCOZ fees, over the counter plan check staff review, and review cycles preliminary and technical.

Commissioner Harpst closed the public hearing.

PUBLIC PORTION OF HEARING CLOSED

Commissioners and staff discussed plan check fees and plan check FCOZ fees, potentially deleting all FCOZ references, time and effort in plan check, removing residential FCOZ and site plan review, adjusting plan check fees to over the counter at \$110, clarifying plan check fees are a percentage in addition to or comes out of percentage identified, fee adjusting, and stormwater fees.

Motion: To recommend file #OAM2025-001375 consideration of a resolution amending Emigration Canyon's land use fee schedule with amendments to: under plan check fees, adding a new line item #1 describes SWPPP review, strike the plan check fee over the counter permit in the amount of \$110, changing the plan check fee residential amount from 40% to 65% of building permit fee, and striking plan check fee FCOZ projects from the plan check fee schedule, land use fees permitted and conditional uses, striking residential development and FCOZ from the fee schedule, and suggest that Mr. Long review with the council SWPPP elicited discharge fees reviewed and potentially reassessed and retitle first line item under land use fees permitted and conditional uses to site plan review over the counter to the Emigration Canyon Council for approval.

Motion by: Commissioner Geroux

2nd by: Commissioner Karkut

Vote: Commissioners voted unanimously in favor (of commissioners present)

BUSINESS MEETING

Meeting began at – 10:37 a.m.

- 1) Approval of the April 3, 2025, Planning Commission Meeting Minutes. (Motion/Voting)

Motion: To approve April 3, 2025, Planning Commission Meeting Minutes with amendments.

Motion by: Commissioner Karkut

2nd by: Commissioner Wallace

Vote: Commissioners voted unanimously in favor (of commissioners present)

Commissioners and staff discussed the simplification of the March minutes, amendments, and documented defensible space discussion to be struck.

- 2) Other Business Items. (As Needed)

No other business items to discuss.

Commissioner Geroux motioned to adjourn, Commissioner Karkut seconded that motion.

MEETING ADJOURNED

Time Adjourned – 10:45 a.m.