

**ORDINANCE 2025-O-08**

Ordinance No. <sup>2025-0-08</sup>  
~~000~~

Date: December 17, 2025

**AN ORDINANCE OF THE COPPERTON TOWN COUNCIL AMENDING TITLE 18 SUBDIVISIONS AND TITLE 19 ZONING TO: ELIMINATE RECLAMATION BOND REQUIREMENTS; BRING PERFORMANCE AND WARRANTY BOND PROCEDURES, AND FINAL DISPOSITION AND RELEASE REQUIREMENTS INTO COMPLIANCE WITH RECENT LEGISLATION; ELIMINATE FEES IN LIEU OF THE INSTALLATION OF SUBDIVISION IMPROVEMENTS; ELIMINATE THE REQUIREMENT FOR ANY ENTITY TO SIGN CONSTRUCTION PLANS, THEREBY SUBJECTING AN APPLICANT TO REQUIREMENTS NOT ADOPTED BY COPPERTON IN VIOLATION OF UTAH CODE; ELIMINATE LANGUAGE ALLOWING THE CITY TO WITHHOLD PERMITS OR OCCUPANCY FOR THE FAILURE TO INSTALL PRIVATE LANDSCAPING; AMENDING THE SIDE AND REAR YARD SETBACKS IN THE MANUFACTURING ZONES; AND ADDING OR CLARIFYING DEFINITIONS FOR "ANIMAL RIGHTS", "ALTERATION", "CLUSTERING", "DRIVE APPROACH", "DRIVEWAY", "DRIVEWAY, CROSS ACCESS", "DRIVEWAY, MULTIFAMILY", "DRIVEWAY, PRIVATE", "DRIVEWAY, SHARED", "DWELLING", "EXPANSION", "GRADING", "HARD SURFACE", "NATURAL OPEN SPACE", "NET DEVELOPABLE ACREAGE", "PAVEMENT", "PAVED, ROAD, PRIVATE", "PORTABLE STORAGE CONTAINER", "RECREATIONAL VEHICLE", "RESIDENTIAL ROADWAY", "RETAINING WALL", "SITE PLAN", "SLOPE", "STREAM, EPHEMERAL", "STREAM, PERENNIAL", "STREAM CORRIDOR", "STREET, PRIVATE", "SUBSTANTIAL ECONOMIC HARDSHIP", "UNDEVELOPABLE", AND "WAIVER"**

**RECITALS**

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

**WHEREAS**, House Bill 368 was adopted by the Utah Legislature during its 2025 regular session, mandating that cities no longer require improvement

completion assurances to be posted prior to constructing subdivision improvements unless the developer wants to record the final subdivision plat prior to constructing those improvements; and

**WHEREAS**, House Bill 368 mandated that cities revise their policies on inspecting and releasing improvement completion assurances; and

**WHEREAS**, Utah Code precludes cities from extending the warranty period for improvement completion assurances for more than one year; and

**WHEREAS**, under House Bill 368 fees in lieu are no longer a workable alternative to installing required public improvements; and

**WHEREAS**, mandating that a water master signs a set of construction plans that an applicant must build to has the effect of subjecting an applicant to standards that are not adopted by Copperton, and is therefore contrary to Utah Code Utah Code 10-9a 509(1)(g); and

**WHEREAS**, House Bill 368 precludes the city from holding or revoking building permits and certificates of occupancy from an applicant based on the failure of the applicant to install landscaping; and

**WHEREAS**, The existing side and rear yard setbacks in the Manufacturing Zones are excessive when located in a manufacturing district or adjacent to other manufacturing, industrial, or warehousing uses; and

**WHEREAS**, Where manufacturing, industrial or warehousing uses are proposed adjacent to zones that are primarily residential or commercial, due to the incompatibility of uses, a substantial setback is appropriate; and

**WHEREAS**, Where buildings are allowed within five feet of a property line, drainage must still be routed to stormwater facilities on the subject parcel; and

**WHEREAS**, Clear definitions of the words and phrases used in titles 18 and 19 are essential to administering those titles; and

**WHEREAS**, the Planning Commission has held a public hearing and recommended that the Council amend its land use ordinances to comply with Utah Code, to clarify its legislative intent, and the public health, safety and general welfare.

**BE IT ORDAINED BY THE COPPERTON TOWN COUNCIL** as follows:

1. Chapter 18.16 Performance Bonds, is hereby adopted as set forth in Exhibit A.

2. Section 18.14.150 Open Ditches and Canals, is hereby adopted as set forth in Exhibit B.
3. Section 19.50.190 Enforcement of Landscape Regulations, is hereby adopted as set forth in Exhibit C.
4. Section 19.34.030 Required Yards and Setbacks in Manufacturing Zones, is hereby adopted as set forth in Exhibit E.
5. Section 19.04.020 General Definitions and Section 19.04.030 Site Development Definitions, are hereby adopted as set forth in Exhibit F.
6. 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.
7. 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.
8. Effective Date. This Ordinance will take effect immediately upon posting pursuant to Utah Code § 10-3-712.

**PASSED AND ADOPTED** this 17<sup>th</sup> day of December 2025.

COPPERTON TOWN COUNCIL

  
By: Sean Clayton, Mayor

ATTEST

  
Diana Baun, Recorder

Voting:

Council Member	<u>Clayton</u>	voting	<u>aye</u>
Council Member	<u>Bailey</u>	voting	<u>ABSENT</u>
Council Member	<u>McCalmon</u>	voting	<u>aye</u>
Council Member	<u>Severson</u>	voting	<u>aye</u>
Council Member	<u>Stitzer</u>	voting	<u>aye</u>

*(Complete as Applicable)*

Date ordinance summary was posted to the Utah Public Notice website, and in a public place within Copperton Town per Utah Code §10-3-711: December 17, 2025

Effective date of ordinance: December 17, 2025

**SUMMARY OF**  
**COPPERTON TOWN**  
**ORDINANCE NO. 2025-O-08**

On December 17, 2025, the Copperton Town Council enacted Ordinance No. 2025-O-08 amending Chapter 18.16, and Sections 18.14.150, and 19.50.190 of Copperton Code to: eliminate reclamation bond requirements; bring performance and warranty bond procedures, and final disposition and release requirements into compliance with recent legislation; eliminate fees in lieu of the installation of subdivision improvements; eliminate the requirement for any entity to sign construction plans, thereby subjecting an applicant to requirements not adopted by Copperton in violation of Utah Code; and eliminate language allowing the City to withhold permits or occupancy for the failure to install private landscaping.

  
By: Sean Clayton, Mayor

ATTEST

  
Diana Baun, Recorder

  
APPROVED AS TO FORM

Nathan Bracken, City Attorney

Voting:

Council Member Clayton voting aye  
Council Member Bailey voting ABSENT  
Council Member McAlmon voting aye  
Council Member Severson voting aye  
Council Member Stitzer voting aye

A complete copy of Ordinance No. 2025-O-08 is available in the office of the Copperton Recorder, 860 W. Levoy Dr., Suite 300, Taylorsville, Utah.

## EXHIBIT A

### CHAPTER 18.16 PERFORMANCE GUARANTEES

#### 18.16.010 Performance Guarantee Required

- A. Wherever a performance guarantee is required under the terms of this Title, the performance guarantee shall be submitted:
1. In conformance with this Chapter; and
  2. Prior to the commencement of any improvements covered by the performance guarantee.

#### 18.16.020 Performance Bonds

- A. Prior to the recording of a plat or conducting any development activity, in lieu of actual completion of the improvements listed in this Title, ~~subdividers~~applicants may file with Planning and Development Services a performance bond to assure actual construction of such improvements within a one-year period after the recording of the plat.
- B. If the applicant elects to post a performance bond in lieu of completing the improvements prior to the recording of the final plat, the applicant shall provide a performance bond for:
1. The completion of one hundred percent (100%) of the required improvements; or
  2. If the Municipal Engineering Division has inspected and accepted a portion of the required improvements, one hundred percent (100%) of the incomplete or unaccepted improvements.
- C. The amount of the performance bond for public improvements such as curb, gutter, sidewalk, road construction and surfacing, flood control and fire hydrants ~~shall may~~ not exceed the sum of:
1. One hundred percent (100%) of the estimated cost of the infrastructure improvements as ~~be~~ established by (1) the Municipal Engineering Division's estimated cost of completion or (ii) a licensed contractor's bid; and
  - 3.2. Ten percent (10%) of the amount of the bond to cover administrative costs incurred by the City to complete the improvements.
- ~~C.~~D. The performance bond shall also secure any required improvements on individual lots within the subdivision which are required in this Chapter.



~~D.E.~~ The performance bond shall be in the form of a cash bond, an escrow agreement, or an irrevocable letter of credit from a financial institution located in the State of Utah.

~~E.F.~~ A performance bond agreement shall be entered into by the Municipal Engineering Division Planning and Development Services and the subdivider applicant:

1. The performance bond agreement shall include a provision that the performance bond shall expire within thirteen (13) months from the date issued if the bonded improvements are not completed, and that the Municipal Engineer ~~Director~~ can grant an extension(s) of this period upon a showing of good cause.
2. If the project has not been completed by that date, then the performance bond shall be considered foreclosed upon.
3. If the project is not timely completed, all remaining funds shall be thereafter remitted to the Municipal Engineering Division Planning and Development Services Division as set forth in the performance bond agreement.
4. The 13-month period in subsection (F)(1) may be extended only if special circumstances warrant an extension, as determined by the ~~Director after consultation with the Municipal Engineering Division~~.

~~F.~~ A performance bond may be partially released if the performance to which it relates has been satisfactorily completed, except that not less than ten percent (10%) of the performance bond shall be retained to ensure completion of the entire performance which shall be in addition to the 10% that must be retained as a warranty for all bonded improvements that have been installed.

G. The ~~Director or designee~~ Municipal Engineer may establish objective procedures consistent with this Section relating to the administration of performance bonds, including fund management, default and collection.

#### **18.16.030 Final Disposition and Release**

A. Upon completion of the work for which a performance bond has been posted, including warranty work related thereto, the developer shall submit to the Municipal Engineering Division ~~Director or designee, one copy of~~ a written request for release.

~~A.B.~~ A performance bond may be partially released if the infrastructure improvement category to which it relates has been satisfactorily completed, except that not less than ten percent (10%) of the performance bond shall be retained to ensure completion of the entire performance which shall be in addition to the 10% that must be retained as a warranty for all bonded improvements that have been installed.

~~C.~~ After receipt of the notice and request under Subsection A of this Section, within five (5) days ~~the~~ the Municipal Engineering Division shall accept or reject the improvements

within fifteen (15) days after receiving an applicant's written request under Subsection (A). Notwithstanding the foregoing, if inspection of the subdivision improvements during that fifteen (15) day period is impeded by winter weather conditions such that a full and complete inspection of the improvement or warranty work is not reasonably possible, the Municipal Engineering Division shall within a reasonable time thereafter, make a preliminary inspection of the improvements and shall submit a report to the Director or designee setting forth the condition of the facilities.

1. Notify the applicant in writing before the end of the applicable time period described in Subsection described in Subsection C that, because of winter weather conditions, the land use authority will require additional time to accept or reject the performance of warranty work; and

4.2. Complete the inspection of the performance of warranty work and provide the applicant with an acceptance or rejection as soon as practicable.

B.D. The Municipal Engineer ~~Director or designee~~ shall ~~receive the report and, within seven (7) days of the inspection,~~ authorize release of a portion of the performance bond corresponding to the work completed and approved if the Municipal Engineering Division finds, based on objective inspection standards, that the condition of the improvements is satisfactory.

E. The portion of the bond ~~to which may~~ be held as a durability warranty bond under Sections 18.16.050 and 18.16.060 of this Chapter may not be released until the durability warranty period for all of the approved subdivision improvement plans has expired and an inspection has been conducted by the Municipal Engineering Division that finds, based on objective inspection standards, that the condition of the improvements is satisfactory.

1. An applicant may request that the ten percent (10%) of the performance bond held as a warranty be released if they have first posted a separate warranty bond prior to that release.

4.2. In lieu of posting a separate warranty bond, the applicant may choose to authorize the municipality to hold ten percent (10%) of the performance bond for the duration of the warranty period.

G.F. A bond may not be released if ~~, after consulting with the Municipal Engineering Division, the Director,~~ the Municipal Engineer:

1. Finds that the installation of required subdivision improvements does not meet the City's adopted standards or if the condition of material or workmanship shows unusual depreciation or does not comply with the acceptable standards of durability;
2. Finds that any other terms of the bond agreement have not been satisfied; or



3. As built plans, including profile drawings, have not been filed and corresponding GIS data (as required) has not been submitted.

~~D.G. If the Municipal Engineering Division determines that the installation of required subdivision improvements does not meet the municipality's adopted standards, the Municipal Engineering Division shall provide the applicant with a list of required corrections within fifteen (15) days. The list of required corrections must comprehensively and with specificity list the reasons for the determination. If the bonds are not released, the reasons shall be given to the applicant in writing within seven (7) days from the time of the inspection.~~

~~E.H.~~ In the case of a dispute over the release of a performance bond under this Section, the ~~Director~~ Municipal Engineer may refer the matter to the Council for subsequent action to secure performance. Such bonds shall be processed and released in accordance with the procedures set forth in Chapter 3.56 of Municipal Code.

#### **18.16.040 Default**

- A. Upon substantiating a finding under Subsection B of this Section, the Director with approval of the Council may, with due notice to the developer:
  1. Declare the performance bond forfeited; and
  2. Install or cause the required improvement to be installed using the proceeds from the performance bond to defray the costs.
- B. A performance bond may be forfeited under Subsection A of this Section if the Director finds that a developer has failed or neglected to:
  1. Satisfactorily install the required improvements;
  2. Make required corrections;
  3. Make payment to Planning and Development Services for administration and inspections; or
  4. Otherwise failed to carry out the activity for which the performance bond was required.
- C. The developer is responsible for work beyond the limits of the bond amount.
- D. Any funds remaining after completion of the required improvements will be returned to the developer.

#### **18.16.050 Warranty Period**

- A. The warranty period does not begin until each of the following actions have been taken:

1. The applicant requests a final inspection of all of the improvements in the approved subdivision improvement plans;
  2. All of the subdivision improvements in the approved subdivision improvement plans have been inspected and accepted as complete by the Municipal Engineering Division; and
  3. The applicant posts a warranty bond, subject to Section 18.16.060, in the amount of 10% of the estimated cost of the infrastructure improvements as established by the Municipal Engineering Division's estimated cost of completion or a licensed contractor's bid. The applicant may indicate in writing that ten percent (10%) of the performance bond be retained as the warrant in lieu of posting a separate warranty bond.
- B. The applicant may request partial releases of the performance bond as subdivision improvement categories are completed in accordance with Section 18.16.030 of this Chapter. Such requests shall follow the same process described in Section 18.16.030, except that the applicant shall clearly indicate in the request the completed subdivision improvement categories, overall percentages of completion of the work covered by performance bond(s) for the project, and other relevant information reasonable requested by the Municipal Engineer to support the partial release(s). While partial releases may be granted, the warranty period for all of the subdivision improvements does not begin until all of the subdivision improvements are complete, inspected and accepted by the Municipal Engineering Division. A partial release does not start a warranty period for those improvements associated with the release.
- C. Where an applicant chooses to complete the work prior to recording the plat instead of posting an improvement bond, the subdivision plat may not be recorded until the subdivision improvements are completed, inspected by the Municipal Engineering Division, accepted by the Municipal Engineering Division, and the warranty bond is posted in accordance with Section 18.16.060.

#### **18.16.050 Warranty Bond, Phase 1: Reclamation**

- ~~A. Prior to conducting any development activity, the developer shall file with Planning and Development Services a reclamation bond to ensure that the site can be made safe in the event the developer is unable to complete the required improvements.~~
- ~~B. The amount of the reclamation bond for public improvements such as curb, gutter, sidewalk, road construction and surfacing, flood control and fire hydrants shall be not less than ten percent (10%) of the Municipal Engineering Division's estimated cost of completion.~~



~~C. The reclamation bond shall be in the form of a cash bond, an escrow agreement, or an irrevocable letter of credit from a financial institution located in the State of Utah.~~

~~D. At the end of the construction phase of the project, when the Municipal Engineering Division has approved and accepted the required improvements, the reclamation bond becomes the durability bond, with the final disposition and release subject to the same standards as the durability bond.~~

#### **18.16.060 Warranty Bond, ~~Phase 2: Durability~~**

~~A. The Planning and Development Services Division shall retain a durability warranty bond in the amount of not less than ten percent (10%) of the initial amount of the performance bond or the applicant's reasonable proven cost of completion. The durability warranty bond shall be in the form of a cash bond, an escrow agreement, or an irrevocable letter of credit. The durability warranty bond shall be for the purpose of warranting the improvements and shall be for a period of:~~

~~B.A. One (1) year after final acceptance of the improvement or warranty work; or~~

~~1. Two (2) years after final acceptance of the improvement or warranty work, if the Director:~~

~~a. Determines for good cause that a lesser period would be inadequate to protect the public health, safety, and welfare; and~~

~~b. Has substantial evidence of any of the following:~~

~~(1) Prior poor performance of the applicant;~~

~~(2) Unstable soil conditions within the subdivision or development area; or~~

~~(3) Extreme fluctuations in climatic conditions that would render impracticable the discovery of substandard or defective performance within a one-year period.~~

~~C. A determination under Subsection A2 of this section shall be made by the Municipal Engineering Division in consultation with the Director.~~

~~B. At the end of the warranty period, the Municipal Engineering Division shall conduct an inspection of the required improvements to ensure that:~~

~~1. The improvements have not failed or shown unusual depreciation;~~

~~2. No portion of the required work remains incomplete; or~~

~~3. The materials or workmanship used in constructing the improvements continue to comply with accepted standards of durability.~~

~~D.C.~~ If, after the warranty period, the durability of said improvements is found to be satisfactory, the retainage may be released following the procedure outlined under Section 18.16.030 of this Chapter.

~~E. The Director may authorize a release of fifty percent (50%) of the improvement durability bond prior to the warranty period, if determined appropriate based on a finding of:~~

- ~~1. The project has been completed and found acceptable and all monies have been released except for the durability bond;~~
- ~~2. An error in the initial amount of the performance bond or the original calculation of the durability bond; or~~
- ~~3. A fact that was previously unknown to the Municipal Engineering Division that is material in a determination that the municipality's public health, safety, and welfare would still be adequately protected.~~

~~D. If during or at the end of the warranty period the Municipal Engineering Division determines that the conditions under subsection B apply, the Municipal Engineering Division shall provide the applicant with a list of required corrections within fifteen (15) days. The corrections list must comprehensively and with specificity list the reasons for the determination.~~

~~F.E.~~ The person giving the durability warranty bond shall correct the improvements if at any time during the warranty period:

1. Any required improvement fails or shows unusual depreciation;
2. Certain work has not been completed or it becomes evident that certain work was not completed; or
3. The materials or workmanship used in constructing the improvements do not otherwise comply with accepted standards of durability.

~~G.F.~~ If the corrections are not made within a reasonable time, the Director, with review from the Council, in accordance with Section 18.16.040 of this Chapter, may declare the person in default and use the retainage to defray the cost of any required work.

#### **18.16.070 Fee In Lieu Of Required Improvements**

~~A. Where present conditions exist which make it unfeasible or impractical for the developer or property owner to install any required public improvements, the Director may require the subdivider to pay to the municipality a fee equal to the estimated cost of~~

~~such improvements as determined by the Municipal Engineering Division. Upon payment of the fee by the developer, the municipality shall assume the responsibility for future installation of such improvements.~~

~~The auditor shall establish a special account for such fees and shall credit to such account a proportioned share of interest earned from investment of municipal moneys. Records relating to identification of properties for which fees have been collected, fee amounts collected for such properties and money transfer requests shall be the responsibility of the Planning and Development Services Division.~~



## EXHIBIT B

### 18.14.150 Open Ditches and Canals, Permitted When

A. Open ditches or canals may not be allowed within or adjoining a subdivision except along rear or side lot lines. The subdivider shall work with irrigation, drainage or ditch companies as to:

1. Methods of covering, realigning or eliminating ditches or canals within or adjoining the subdivision;
2. The size of pipe and culverts required;
3. The responsibility for the periodic inspection, cleaning and maintenance of such ditches, pipes and culverts. In cases where canals or ditches cross public roads or proposed public roads, specifications and grades for pipe or culvert must be approved by the Planning and Development Services Division.

~~B. Irrigation components, whether open or piped, require water master approval.~~

- ~~1. If existing irrigation components are suspected and not identified, then verification is required.~~
- ~~2. If irrigation components are present, they are checked to comply with the ordinance.~~
- ~~3. The Water Master's signature is required on any sheet in the final construction plans which show irrigation components.~~
- ~~4. Final approval of the construction plans shall be withheld until Water Master's signature is confirmed.~~

## EXHIBIT C

### 19.50.170 Enforcement of Landscape Regulations

~~A. No building permit or occupancy permit may be issued for any lot or use subject to the requirements of this Chapter unless all the requirements of this Chapter have been fulfilled.~~

~~B.A.~~ If weather or other factors prohibit the installation of landscaping at the time an occupancy permit is applied for, the applicant shall post a bond to guarantee the completion of the public landscaping, which shall be returned upon completion of required landscaping.

~~C.B.~~ Failure to implement the landscape plan, or to maintain the lot or use in substantial conformance with the landscape plan, shall be cause for ~~revocation of the occupancy permit and/or~~ the application of fines and penalties, as established in this Code. In addition, all landscaping is subject to periodic inspection.

## EXHIBIT D

### 19.34.050 Required Yards and Setbacks

A. Development in the M-1 or M-2 Zones shall comply with the yard and setback standards shown in Table 19.34.050 and all other applicable standards in this Title.

**Table 19.34.050: Required Yards and Setbacks for M-1 and M-2 Zones.**

Standard	M-1	M-2
Front Yard <u>and Side Yard, Corner Lot</u> Setback (in feet)	Minimum: 20 Maximum: NA	Minimum: 25 Maximum: NA
Side Yard, <u>Interior Lot</u> Setback <del>—Interior Lots—</del> (in feet)	Minimum: <u>200<sup>B</sup></u> Maximum: NA	Minimum: <u>200<sup>B</sup></u> Maximum: NA
<del>Side Yard Setback—Corner Lots (in feet)</del>	<del>Minimum: 20 Maximum: NA</del>	<del>Minimum: 25 Maximum: NA</del>
Rear Yard Setback (in feet)	Minimum: <u>250<sup>B</sup></u> Maximum: NA	Minimum: <u>350<sup>B</sup></u> Maximum: NA
Minimum Distance between Primary and Accessory Structures (in feet)	10	10
<u>Side Yard, Interior Lot and Rear Yard Setback (in feet) from a residential zone boundary</u>	<u>Minimum: 30<sup>C</sup></u> <u>Maximum: NA</u>	<u>Minimum: 30<sup>C</sup></u> <u>Maximum: NA</u>
<u>Side Yard, Interior Lot and Rear Setback (in feet) from a nonresidential or nonmanufacturing zone boundary</u>	<u>Minimum: 20</u> <u>Maximum: NA</u>	<u>Minimum: 20</u> <u>Maximum: NA</u>

B. Required Setback to Contain Roof Drainage. All buildings located closer than five feet (5') from a property line shall be equipped with facilities for the discharge of all roof drainage onto the subject lot or parcel.

B.C. Residential Buffer. A six-foot (6') masonry wall is required between residential and non-residential uses in accordance with Section 19.50.050.B.

## EXHIBIT G

### **19.04.20 General Definitions**

A. General terms used in Title 19 are defined as follows:

1. "Affected Entity" means a county, municipality, local district, special service district under Title 17D, Chapter 1, Special Service District Act, school district, interlocal cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act, specified public utility, property owner, property owners association, or the Utah Department of Transportation, if:
  - a. The entity's services or facilities are likely to require expansion or significant modification because of an intended use of land;
  - b. The entity has filed with the municipality a copy of the entity's general or long-range plan; or
  - c. The entity has filed with the municipality a request for notice during the same calendar year and before the municipality provides notice to an affected entity in compliance with a requirement imposed under this Ordinance or Utah Code.
- ~~2.~~ "Agent" means a person with written authorization to represent a property owner.
- ~~2.3.~~ "Alteration" means any change or rearrangement in the supporting members of an existing structure, such as bearing walls, columns, beams, girders, or interior partitions, or any change in the dimensions or configurations of the roof or exterior walls.
- ~~3.4.~~ "Appeal Authority" means the same as "Land Use Hearing Officer."
- ~~4.5.~~ "Applicant" means the person who makes formal application for a license, permit, subdivision or submits any application pursuant to Titles 18 or 19 of Copperton Municipal Code.
- ~~5.6.~~ "Bench Mark" means a mark affixed to a permanent or semi-permanent object along a line of survey to furnish a datum level.
- ~~6.7.~~ "Boundary Line Agreement" means an agreement to establish the location of a boundary between adjoining properties where the location of the boundary is ambiguous, uncertain, or disputed.
- ~~7.8.~~ "Buffer, Riparian" means an area along the course of any watercourse or roadway or boundary line to be maintained without the disturbance of buildings or structures other than fencing, if allowed.

9. "Business Day" means a day in which normal business operations are conducted. Saturdays, Sundays, Holidays and days Planning and Development Services are not open are not considered business days.

8-10. "Clustering" means a development or subdivision design technique that concentrates buildings or lots on a part of the site to allow the remaining land to be used for recreation, common open space, and/or preservation of environmentally sensitive areas.

9-11. "Concept Plat / Drawing" means a drawing that shows the overall concept of a proposed development, as further defined in these regulations.

10-12. "Conditional Use" means a land use that has unique characteristics or negative effects that may not be compatible in an area without conditions to mitigate or eliminate the detrimental impacts. A land use listed as a conditional use is a use of land for which a conditional use permit is required pursuant to this Title.

11-13. "Conservation Easement" means an easement that perpetually prohibits further development or use inconsistent with, or harmful to, the enhancement, preservation, and protection of a defined area for the benefit of fish, wildlife, plants, or other similar ecosystems, or preserves such areas predominantly in their natural scenic or open condition; but which may, in the sole discretion of the [insert name of conservation easement holder], permit recreational and/or agricultural uses which do not involve significant alteration or development of the restricted area in a manner which is inconsistent with, or harmful to, the preservation and protection of the restricted area.

12-14. "Council" means the municipal council, unless otherwise clearly indicated.

13-15. "Culinary Water Authority" means the department, agency, or public entity with the responsibility to review and approve the feasibility of the culinary water system and sources for the subject property.

14-16. "Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

15-17. "Development Code" means Titles 18 and 19 of Copperton Municipal Code.

16-18. "Development Review Committee (DRC)" means Planning and Development Services staff, in consultation with agencies contracted with the municipality for engineering, health, fire, and surveying reviews and services.



Comments from other affected entities, service providers or other reviewing agencies may also be solicited as needed.

~~17.~~19. "Director" means the Greater Salt Lake Municipal Services District Director of Planning and Development Services.

~~18.~~20. "Drive Approach" means an area of the public right-of-way located between the roadway and property adjacent to the public right-of-way that is intended to provide access for vehicles from the roadway to the adjacent property.

~~19.~~21. "Driveway" means a path of ingress and egress constructed within and adjoining a roadway, connecting the roadway with adjacent or nearby property in accordance with Magna Municipal Code. A "driveway" is an unobstructed access from a public or private right of way to an adjacent or nearby property that does not interfere with vehicular or pedestrian travel within the right of way.

22. "Driveway, Cross Access" means a service drive providing vehicular access between two or more contiguous sites, so the driver need not enter the public street system.

23. "Driveway, Multifamily" means a driveway providing access to more than four dwelling units.

24. "Driveway, Private" means a driveway limited to the use of the owner or a group of owners who share the use and maintain the access and those having express or implied permission from the owner or owners, but not by other persons.

25. "Driveway, Shared" means a driveway serving more than one lot.

~~20.~~26. "Dwelling" means any building or structure, or portion thereof, intended for residential use.

~~21.~~27. "Dwelling" means any building or structure, or portion thereof, intended for residential use.

~~22.~~28. "Dwelling Unit" means one or more rooms physically arranged so as to create an independent housekeeping establishment for occupancy by one family with separate toilets and facilities for cooking and sleeping. Buildings with more than one (1) kitchen or set of cooking facilities are considered to contain more than one (1) dwelling unit unless the additional cooking facilities are clearly accessory to a dwelling unit as determined by the development services director. Factors for determining whether cooking facilities are accessory to a dwelling unit may include but are not limited to:

- a. A building design which allows all occupants ready access to all portions of the building including cooking facilities;
- b. No portion of the building containing cooking facilities may be separated from the remaining rooms to form a separate dwelling unit; and
- c. There is only one (1) electric and/or gas meter for the building.

29. "Easement" means the quantity of land set aside or over which a liberty, privilege or advantage in land without profit, existing distinct from the ownership of the land, is granted to the public or some particular person or part of the public.

23-30. "Expansion" means an increase in the size of an existing structure or use, including physical size of the property, building, parking, and other improvements.

24-31. "Facility Company" means a company not regulated by the public service commission that provides a service including but not limited to cable television or telecommunications.

25-32. "Family" means one of the following groups of individuals, but not more than one group at the same time:

- a. An individual living alone; or
- b. Two (2) or more people, all of whom are related to one designated occupant of the dwelling by blood, marriage, adoption, or legal guardianship and their foster children, and up to two (2) other unrelated persons who do not pay rent; or
- c. Up to four (4) related or unrelated individuals who live and cook together as a single housekeeping unit; or
- d. Two (2) unrelated individuals and any children of either of them living as a single housekeeping unit.

33. "Good Cause" means incapacitating illness; death; lack of proper notice; unavailability due to unavoidable, unpreventable, or extenuating emergency or circumstance; if a required act causes an imminent and irreparable injury; or acts of nature adverse to performing required acts.

26-34. "Grading" means any change of existing surface conditions by excavating, placing of any soils or rocks, or stripping of vegetation.

27-35. "Graffiti" means inscriptions, drawings, paintings, or other visual defacing of buildings, structures, or natural features, without the consent of the owner

thereof, and which is not otherwise authorized and permitted in municipal ordinances.

~~28-36.~~ 36. “Guest” means a person paying for staying or receiving services at a bed and breakfast, hotel, motel, resort, or similar facility.

~~37.~~ “Guestroom” means a room that is designed for double occupancy by guests, for sleeping purposes.

~~29-38.~~ 38. “Hard surface” means any asphalt or concrete surface of an approved thickness, or other approved surface, but excluding rock, gravel, grass, or dirt.

~~30-39.~~ 39. “Health Department” means the Health Department of Salt Lake County, Utah.

~~31-40.~~ 40. “Inoperable Vehicle” means a vehicle that is not currently registered or licensed in the Utah or in another state, or which has been dismantled or wrecked so that it is no longer considered street legal.

~~32-41.~~ 41. “Land Trust” means a private non-stock, non-profit corporation that has as its purpose the preservation.

~~33-42.~~ 42. “Land Use Application” means an application required by the zoning or subdivision ordinances.

~~34-43.~~ 43. “Land Use Authority” means the person, board, commission, agency, or other body designated by the Magna Municipal Council to act upon a land use application.

~~35-44.~~ 44. “Land Use Decision” means any final decision of the Council, Planning Commission, or final administrative decision of the Director or other official responsible for the enforcement of zoning and subdivision regulations.

~~36-45.~~ 45. “Land Use Hearing Officer” means the “Appeal Authority” created pursuant to Utah Code §10-9a.701 to hear appeals to zoning decisions applying to the zoning ordinance as provided in Section 19.16.020 and for decisions by the Planning Commission. The Land Use Hearing Officer is also the appeal authority for subdivision appeals subject to Section 18.08.040 of Copperton Municipal Code. The Land Use Hearing Officer is also charged with the powers and duties enumerated in Section 19.12.040.C.

~~37-46.~~ 46. “Legal Lot of Record” means any land parcel that existed, as recorded in the Office of the Salt Lake County Recorder, with a separate property identification number as provided by the Office of the Salt Lake County Recorder and Office of the Salt Lake County Assessor, prior to December 17, 1952, and all land parcels that were legally created for the purposes of development pursuant

to the applicable zoning and subdivision requirements and the laws of the State of Utah after the date of the first Subdivision Ordinance enactment.

~~38-47.~~ “Local Jurisdiction” means the municipality, or other political subdivision adopting this Ordinance.

~~39-48.~~ “Membrane Covered Frame Structure” means a non-pressurized building wherein the structure is composed of a rigid framework to support a tensioned membrane that provides the weather barrier.

~~40-49.~~ “Minor Local Street” means a street, existing or proposed, often of limited continuity, the primary purpose of which is to provide access to property and serve the local needs of a neighborhood. A minor local street carries low volumes of traffic at the lowest speed limits.

~~41-50.~~ “Monument” means a permanent survey marker established by the Salt Lake County Surveyor and/or a survey marker set in accordance with the Salt Lake County Surveyor’s specifications and referenced to Salt Lake County survey monuments.

~~42-51.~~ “Municipal Engineering Division” means the division or personnel hired by or contracted with the municipality to provide engineering services. The “Municipal Engineering Division” is also referred to as the “Municipal Engineer” or “Municipal Engineering”.

~~43-52.~~ “Municipal Flood Control Division” means the division or personnel hired by or contracted with the municipality to provide flood control and water quality services.

~~44-53.~~ “Municipal Geologist” means the personnel hired by or contracted with the municipality to provide geologic hazard review and geology services.

~~54.~~ “Natural Condition” means the topography and vegetation of the area that is unaltered by clearing and grading during construction and protected in perpetuity.

~~55.~~ “Net developable acreage” is defined as land with all of the following:

a. An average slope less than thirty percent; and

a.b. Free from any identified natural hazards such as flood, avalanche, landslide, high water table and similar features. See Chapter 19.56 (Floodplain Hazard Regulations) and Chapter 19.58 (Geological Hazard Regulations).

~~45-56.~~ “Noncomplying Structure” means a building or other structure or portion thereof lawfully constructed in compliance with the zoning ordinance existing at



the time of construction, that no longer conforms to the height, area, and/or yard regulations in the zone in which it is located due to changes to the zoning ordinance or to the subsequent public acquisition of land for public improvements. A "Noncomplying Structure" may also be referred to as "Nonconforming Structures".

~~46-57.~~ "Nonconforming Use" means a use which lawfully occupied a building or land at the time the ordinance codified in this Title became effective and which does not conform with the use regulations of the zone in which it is located.

~~47-58.~~ "Nonconforming Lot" means a legally established lot or parcel that met the applicable area, width and other applicable requirements in effect at the time the lot or parcel was created, but which fails by reason of such adoption, revision or amendment of the zoning ordinance, to conform to the present requirements of the zone in which it is located.

~~48-59.~~ "Owner" includes the plural as well as the singular, and may mean either a natural person, firm, association, partnership, private corporation, public or quasi-public corporation, or any combination thereof having a majority fee simple interest in real property, or a majority interest through any other form of ownership.

~~60.~~ "Parcel of Land" means a contiguous quantity of land, in the possession of, or owned by, or recorded as the property of, the same claimant or person.

~~61.~~ "Pavement" includes the paved portion of a street, including paved shoulders and on street parking areas. "Pavement does not include curbs, gutters, park strips, sidewalks, trails, and driveways."

~~49-62.~~ "Paved" means ground covered with stone, brick, concrete, asphalt, or other approved surface, installed over a compacted base course, making a permanent surface that is firm, smooth, and level. A graded natural surface, or one covered with rolled stone or overlaid with compacted or loose gravel is not considered a paved surface.

~~50-63.~~ "Permitted Use" means any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

~~51-64.~~ "Planning and Development Services" means the Planning and Development Services Department of the Greater Salt Lake Municipal Services District.

~~52-65.~~ "Planning Commission" means the municipal planning commission.



66. "Portable Storage Container" means a transportable, weather-resistant, commercially leased or rented storage structure or container that is designed and used primarily for the storage of goods, items, and materials placed outside of the primary structure on a property. Portable Storage Container includes CONEX and other Shipping Containers. Portable Storage Container does not include yard waste containers, construction debris containers, or containers with a storage capacity less than two-hundred (200) cubic feet.

53-67. "Pre-Existing Lot" means a lot that was created prior to the adoption date of this Ordinance, through a recorded subdivision plat, deed, sales contract, or survey, and a lot that met the zoning regulations in effect at the time of its creation. For the purposes of this Title, a pre-existing lot is a nonconforming lot and shall be regulated in the same manner as nonconforming lots.

54-68. "Pre-Existing Structure" means a structure that was legally constructed prior to the adoption of this Ordinance. For the purposes of this Title, a pre-existing structure is a nonconforming structure and shall be regulated in the same manner as nonconforming structures.

55-69. "Pre-Existing Use" means a use that was legally established prior to the adoption of this Ordinance and has not been abandoned for more than one year. For the purposes of this Title, a pre-existing use is a nonconforming use and shall be regulated in the same manner as nonconforming uses.

56-70. "Provisional Parking" means an area or areas within a parking lot where parking spaces which are shown on the approved parking plan are landscaped rather than paved. Provisional parking is subject to the requirements of Chapter 19.48.

57-71. "Public Works Operations" means the division or personnel hired by or contracted with the municipality to provide road construction and maintenance, snow removal and other related services.

58-72. "Record of Survey Map" means a map of a survey of land prepared in accordance with Utah Code.

73. "Recreational Vehicle" means a vehicular unit other than a mobile home, primarily designed as a temporary dwelling for travel, recreational, or vacation use, that is either self-propelled or pulled by or on another vehicle, including but not limited to truck campers, camper trailers, motorhomes, vehicles converted to have living facilities, or other vehicles used as sleeping or living accommodations.

74. "Residential Roadway" means a public local residential road that:

- a. Will serve primarily to provide access to adjacent primarily residential areas and property;
- b. Is designed to accommodate minimal traffic volumes or vehicular traffic;
- c. Is not identified as a supplementary to a collector or other higher system classified street in an approved municipal street or transportation master plan;
- d. Has a posted speed limit of 25 miles per hour or less;
- e. Does not have higher traffic volumes resulting from connecting previously separated areas of the municipal road network;
- f. Cannot have a primary access, but can have a secondary access, and does not abut lots intended for high volume traffic or community centers, including schools, recreation centers, sports complexes, or libraries; and
- g. Primarily serves traffic within a neighborhood or limited residential area and is not necessarily continuous through several residential areas.

75. "Road" can be used interchangeably with the word street.

59.76. "Road, Private" means the same as "Street, Private"

77. "Sanitary Sewer Authority" means the department, agency, or public entity with responsibility to review and approve the feasibility of sanitary sewer services or onsite wastewater systems.

78. "Site plan" means an accurately scaled plan that illustrates the existing conditions on a land parcel and the details of a proposed development, including but not limited to: topography; vegetation; drainage; flood plains; wetlands; waterways; landscaping and open space; walkways; means of ingress and egress; circulation; utility easements and services; structures and buildings; lighting; berms, buffers and screening devices; development on adjacent property; and any other information that may be required to make an informed decision.

60.79. "Slope" means the level of inclination from the horizontal, determined by dividing, in fifty foot intervals, the average horizontal run of the slope into the average vertical rise of the same slope and converting the resulting figure into a percentage value.

61.80. "Standards and Specifications" means the construction and design requirements and standards of the municipality for the construction and installation of public infrastructure and improvements. The documents shall be approved by the Municipal Engineer and approved by Resolution of the Council.



81. "Start of Construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within one hundred eighty days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. "Permanent construction" does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory structures, such as garages or sheds not occupied as dwelling units or not as part of the main structure.

82. "Stream, Ephemeral" means those channels, swales, gullies, or low areas that do not have flow year-round or are not shown on United States Geological Services (U.S.G.S.) topographic maps as perennial streams. These are generally channels that are tributary to perennial streams, other ephemeral streams, terminal low areas, ponds, or lakes. They are typically dry except during periods of snowmelt runoff or intense rainfall. (Contrast with "Stream, Perennial.")

83. "Stream, Perennial" means those streams, excluding ephemeral streams, or ditches and canals constructed for irrigation and drainage purposes, which flow year-round during years of normal rainfall, and that are identified on the appropriate United States Geological Services (U.S.G.S.) topographic maps as perennial streams. (Contrast with "Stream, Ephemeral.")

62.84. "Stream corridor" means the corridor defined by a perennial stream's ordinary high water mark.

63.85. "Street" means a thoroughfare which has been dedicated or abandoned to the public and accepted by proper public authority, or a thoroughfare, not less than twenty-five feet wide, which has been made public by right of use and which affords the principal means of access to abutting property. Street does not include alleys or trails. May sometimes be referred to as road.

64.86. "Street, Private" means an access way, other than a driveway, similar to and having substantially the same or similar function as a public street, providing access to one or more properties, but held in private ownership. A "private street" is limited to the use of the owner or group of owners who share the use and maintain the street without the assistance of public entities. "Street, Private" and "Road, Private" can be used interchangeably.

~~65-87.~~ "Streetlight" means a raised light installed within or adjacent to the street right-of-way, turned on or lit at a certain time every night. Modern lamps may also have light-sensitive photocells to turn them on at dusk and off at sunrise or activate automatically in foul weather.

~~66-88.~~ "Structure" means anything constructed or erected which requires location on the ground, or attached to something having a location on the ground.

~~67-89.~~ "Structural Alterations" means any change in supporting members of a building or structure, such as bearing walls, columns, beams, or girders.

~~68-90.~~ "Subdivision" means any land that is divided, resubdivided, or proposed to be divided into two or more lots or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions.

a. "Subdivision" includes:

- (1) The division or development of land, whether by deed, metes and bounds description, devise and testacy, map, plat, or other recorded instrument, regardless of whether the division includes all or a portion of a parcel or lot; and
- (2) Except as provided in Subsection B, divisions of land for residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes.

b. "Subdivision" does not include:

- (1) A bona fide division or partition of agricultural land for the purpose of joining one of the resulting separate parcels to a contiguous parcel of unsubdivided agricultural land, if neither the resulting combined parcel nor the parcel remaining from the division or partition violates an applicable land use ordinance;
- (2) A boundary line agreement recorded with the county recorder's office between owners of adjoining parcels adjusting the mutual boundary in accordance with Utah Code § 10-9a-524 if no new parcel is created;
- (3) A recorded document, executed by the owner of record:
  - i. Revising the legal descriptions of multiple parcels into one legal description encompassing all such parcels; or
  - ii. Joining a lot to a parcel;

- iii. A boundary line agreement between owners of adjoining subdivided properties adjusting the mutual lot line boundary in accordance with Utah Code, § 10-9a-524 and § 10-9a-608, if:
  - 1. No new dwelling lot or housing unit will result from the adjustment; and
  - 2. The adjustment will not violate any applicable land use ordinance;
- iv. A bona fide division of land by deed or other instrument if the deed or other instrument states in writing that the division:
  - 1. Is in anticipation of future land use approvals on the parcel or parcels;
  - 2. Does not confer any land use approvals; and
  - 3. Has not been approved by the land use authority;
  - 4. A parcel boundary adjustment;
  - 5. A lot line adjustment;
  - 6. A road, street, or highway dedication plat;
  - 7. A deed or easement for a road, street, or highway purpose; or
  - 8. Any other division of land authorized by law.

69.91. "Subdivision Amendment" means an amendment to a recorded subdivision in accordance with Utah Code § 10-9a-608, that:

- a. Vacates all or a portion of the subdivision;
- b. Alters the outside boundary of the subdivision;
- c. Changes the number of lots within the subdivision;
- d. Alters a public right-of-way, a public easement, or public infrastructure within the subdivision; or
- e. Alters a common area or other common amenity within the subdivision.

92. "Subject Property" means the land area for which an approval is required to comply with this Ordinance.

70.93. "Substantial economic hardship" means a denial of all reasonable economic use of a property.

71.94. "Substantial improvement" means:



- a. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure, either:
  - (1) Before the improvement or repair is started; or
  - (2) If the structure is damaged and is being restored, before the damage occurred.
- b. For the purpose of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.
- c. The term does not, however, include either:
  - (1) Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or
  - (2) Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

95. “Trails” means a system of public recreational pathways located within the municipality for use by the public for walking, biking and/or horseback riding as designated.

72-96. “Undevelopable” means strict application of this title prevents the minimum development necessary to establish a permitted or conditional use in the underlying zone on the property.

73-97. “Utility Company” means a company regulated by the public service commission that provides a service including but not limited to electricity, telephone, or gas.

74-98. “Utilities or Improvements” means all types of necessary utilities such as gas lines, culinary and secondary water lines, storm drainage systems, sanitary sewer systems, electrical power, cable, and telephone with all poles, wires, pipes, and structures as necessary to provide services, and surface improvements such sidewalks, curbs, gutters, and streets.

75-99. “Vehicle” means a self-propelled device used for transporting persons or things, including, but not limited to, automobiles, watercraft, motorcycles, snowmobiles, and recreation vehicles. Does not include heavy machinery.

76-100. “Vehicle, Commercial” means any motorized vehicle or trailer used for or intended for business use - including but not limited to the transportation of

commercial equipment, merchandise, produce, freight, commodities, passengers, or animals - and which is characterized by any of the following:

- a. Heavy equipment, such as earth movers, backhoes, cranes, forklifts, bulldozers, and the like, which are commonly used for construction, excavation, demolition, or lifting;
- b. Vehicles used to haul equipment or materials, such as dump trucks, tanker trucks, semi-tractors, semi-trailers, cement trucks, or other similar vehicles;
- c. Pickup trucks over one ton with a commercial modification, such as a flat bed, a dumping mechanism, mechanical lifts or arms for loading and unloading materials/equipment, aerial buckets or platforms, or other similar feature;
- d. Vehicles with more than two axles; or
- e. Vehicles with a payload capacity of more than eight thousand five hundred (8,500) pounds.

77.101. "Waiver" means permission to depart from the requirements of an Ordinance with respect to the application of a specific regulation.

#### **19.04.030 Site Standard Definitions**

A. Site Development terms used in Title 19 are defined as follows:

1. "Active Recreation" means activities that involve inactive or less energetic activities often performed by leisurely walking or conducting small group gatherings that do not require physical activity.
2. "Arterial Street" means a street, existing or proposed, which serves or is intended to serve as a major traffic way and which is designated on the UDOT Functional Classification Map as a controlled-access highway, limited-access road, major street, parkway or by equivalent terms suitable to identify streets comprising the basic structure of the street plan.
3. "All Weather Surface" means a surface composed of gravel, stone, macadam, or other approved pervious material, with sufficient depth and compaction to permit vehicular traffic in extremely inclement weather.
4. "Alley" means a public or private way which affords a secondary means of access to abutting property.
5. "Basement" means any floor level below the first story in a building, except that a floor level in a building having only one (1) floor level shall be classified as a basement unless such floor level qualifies as a first story.
6. "Base Density" means the original density permitted under the property's zoning category, in dwelling units per acre.

7. "Buildable Area" means a lot or portion thereof possessing all of the following physical characteristics:
  - a. The area contains no territory having a slope of thirty percent (30%) or greater;
  - b. The area contains no territory which is located in any identified floodplain or within any recognized inundation zone, mudflow zone or zone of deformation, or lands subject to earth slippage, landslide or rockfall;
  - c. The engineering properties of the soil provide adequate structural support for the intended use; and
  - d. The area does not possess any other recognized natural condition which renders it unsafe for building purposes.
8. "Building" means any structure having a roof supported by columns or walls, for the housing or enclosure of persons, animals, or chattels.
9. "Building Alteration" means any act or process that changes the architectural detail, function, or structural design of a building, including but not limited to the erection, construction, reconstruction, or removal of any building.
10. "Building Coverage" means the maximum horizontal area within the outer perimeter of the building walls, dividers, or columns at ground level or above, whichever is the greater area, including, without limitation, courts and exterior stairways, but excluding:
  - a. Uncovered decks, porches, patios, terraces, and stairways all less than thirty inches high; and
  - b. The outer four feet of completely open, uncovered, cantilevered balconies having a minimum of eight feet (8') of vertical clearance below.
11. "Building Envelope" means the building pad, building footprint, and height restrictions, which define the maximum building area in which all development must occur. The building envelope is the area that remains for placing a structure on a site after building line, setback, side yard, height and bulk regulations are observed.
12. "Building Facade" means the exterior of a building located above ground and generally visible from public points of view.
13. "Building Footprint" means the total area of the foundation of a structure, or the furthest exterior wall or supporting column of the structure. Decks, porches, patios, stairways, terraces, planter boxes and balconies that are both uncovered and less than thirty feet (30') tall, measured from the finished grade are not part of the building footprint.
14. "Building Height" means the vertical distance above the natural grade at any point on the perimeter of the building to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to a level midway between the level of the eaves and the highest point of pitched or hipped roofs, or to a level two-thirds of the distance from the level of the eaves to the highest point of gambrel roofs. For purposes of measuring height, the "level of the eaves" means the highest level

where the plane of the roof intersects the plane of the outside wall on any side containing an eave. Buildings may be stepped to accommodate the slope of the terrain provided that each step shall be at least twelve feet in horizontal dimension. The height of each stepped building segment shall be measured separately.

15. "Building Street Frontage" means the portion of the building directly fronting or adjacent to the street. Building Street Frontage is calculated by dividing the portion of the building at the build-to-line or within a specified distance of the build-to-line by the street frontage.
16. "Build-to-Line" means the maximum distance a building may be setback from a property line or other designated location. The purpose of a build-to-line is to bring structures adjacent to streets and sidewalks to encourage pedestrian activity.
17. "Collector Street" means a street which carries traffic from local streets to the Arterial Street system, including the principal entrance streets of residence development and the primary circulating streets within such a development. A collector street may have prohibited movements and the number and spacing of driveways may be controlled.
18. "Cul-de-sac" means a minor street having one open end and being terminated at the other by a vehicular turnaround.
19. "Dedication" means the setting aside of land by an owner for any public use for the enjoyment of the public and owned by a public agency.
20. "Entrance" means the location of ingress to a room, building, or lot; a location of admittance.
21. "Exit" means the location of egress from a room, building, or lot.
22. "Fence" means any tangible barrier, latticework, screen, wall, hedge, or continuous growth of shrubs or trees with the purpose of, or having the effect of, preventing passage or view across the fence line.
23. "Final Plat" means a plat map prepared in accordance with the provisions of this ordinance for the purpose of subdividing property. A final plat must be based on an accurate survey, and such survey marked on the ground so that streets, alleys, blocks, lots, and other divisions thereof can be identified.
24. "Frontage" means the uninterrupted linear or curvilinear extent of a lot, abutting on a street, measured along the street right-of-way from the intersection of one side lot line to the intersection of the other side lot line. The measurement of lot frontage shall not include irregularities in the street line and, in the case of a corner lot, shall extend to the point of intersection of the rights-of-way. If a lot has frontage on more than one street, only the frontage on one street may be used to satisfy the minimum lot frontage.
25. "Grade, Finished" means the topographic elevations where the earth meets the building, upon project completion. Excluded from this definition are window wells serving basement rooms. Also referred to as "final grade".

26. "Grade, Natural" means the topographic elevations representing the surface of the ground prior to grading, filling, or other site alterations for a project. When natural grade is not readily apparent, an approximation of preexisting conditions using grades on adjacent sites, retaining walls, prior survey maps, etc., may be used as a reference for determining natural grade. All such grade approximations shall require the concurrence of the Director. "Grade, Natural" is also referred to as "existing grade".
27. "Green Space" means open space maintained in a natural, undisturbed, or revegetated condition.
28. "Guarantee" means a bond, escrow or irrevocable letter of credit given by the applicant(a) to ensure the proper installation of public infrastructure and improvements.
29. "Intensity" means the concentration of activity, such as a combination of the number of people, cars, visitors, customers, hours of operation, outdoor advertising, etc.; also, the size of buildings or structures, the most intense being higher, longer and/or wider.
30. "Lot" means a parcel of land occupied or proposed to be occupied by a building or buildings, together with such yards, open spaces, lot width, and lot areas as are required by this Title, having frontage upon a street or a right-of-way approved by a Land Use Hearing Officer, or upon a right-of-way not less than twenty feet (20') wide. Except as provided in this Title, not more than one (1) dwelling structure shall occupy one (1) lot.
31. "Lot, Corner" means a lot abutting on two intersecting or intercepting streets, where the interior angle of intersection or interception does not exceed one hundred thirty-five degrees.
32. "Lot, Double Fronting" means a lot having frontage on two (2) streets that are parallel or nearly so or do not intersect.
33. "Lot, Interior" means a lot other than a corner lot.
34. "Lot Line Adjustment" means the relocation of the property boundary line in a subdivision between two adjoining lots with the consent of the owners of record. "Lot Line Adjustment" does not mean a new boundary line that creates an additional lot or constitutes a subdivision or a subdivision amendment.
35. "Lot Line, Front" means the front boundary line of a lot bordering the street.
36. "Lot Line, Rear" means a lot line that is opposite and most distant from the front lot line. In the case of an irregular-shaped lot, the rear lot line shall be that lot line that is generally parallel to and at the maximum distance from the front lot line, having a length of at least ten feet (10').
37. "Lot Line, Side" means any lot boundary line not a front lot line or a rear lot line.
38. "Lot Width" means the distance between the side lot lines measured at the required front yard setback line. For a corner lot, the lot width is the distance between one



of the front lot lines and the opposite side yard line at the required front yard setback line.

39. "Primary building" means the principal building or one of the principal buildings upon a lot, or the building or one of the principal buildings housing a principal use upon a lot.

40. "Major Local Street" means a street, existing or proposed, which serves or is intended to serve to connect minor local streets with collector streets while also providing direct access to property. A major local street has more continuity for through-traffic than a minor local street.

41. "Marginal Access Street" means a local street, parallel and adjacent to a minor arterial or minor collector street providing access to abutting properties and protection from arterial or collector streets.

41.42. "Natural Open Space" means land in a predominately open and undeveloped condition that is suitable for any of the following: natural areas; wildlife and native plant habitat; important wetlands or watershed lands; stream corridors; passive, low-impact activities; little or no land disturbance; or trails for non-motorized activities.

42.43. "Off Street Parking" means a site or a portion of a site, devoted to the off-street parking of vehicles, including parking spaces, aisles, access drives, and landscaped areas, and providing vehicular access to a public street.

43.44. "Organic Disposal Site" means a disposal site where settled or precipitated solid matter produced by water and sewage treatment processes is disposed of in compliance with the board of health requirements, using sanitary land-filling techniques, in a manner that does not create a nuisance or health hazard, that protects the environment, and will not cause a pollution source of water, air, etc.

44.45. "Open Space" means an area of land or water set aside to be preserved or reserved for use by residents of the development. An expanse of lawn, trees, plants, or other natural areas. Any landscaped area of the site including: required yards, setbacks, walkways, and limited common areas. It does not include parking, driveways, or buildings with habitable space for primary uses, but may include buildings for the purpose of providing an amenity. Open space may be distributed throughout the development and need not be in a single large area. Open space may include sensitive areas, such as areas with 30% or greater slope, fault zones, floodplains, high water tables, and wetlands if they have been designed as an integral element of the project. Any additional amenity that is located on the roof of a building shall not be considered open space.

45.46. "Parking Lot" means an open area, other than a street, used for parking of more than four automobiles and available for public use, whether free, for compensation, or as an accommodation for clients or customers.

46.47. "Parking Space" means space within a building, lot, or parking lot for the parking or storage of one automobile.

~~47.48.~~ “Passive Recreation” means activities that involve inactive or less energetic activities often performed by leisurely walking or conducting small group gatherings that do not require physical activity.

~~48.49.~~ “Preliminary Approval” means an approval, with or without recommended alterations, given to a preliminary plat by the Planning Commission and provides the necessary authority to proceed with the preparation and presentation of the final plat.

~~49.50.~~ “Preliminary Plat” means a map or plan of a proposed land division or subdivision. A drawing that shows the perimeter boundary, topography, lot layout arrangement, street layout, and other features of a proposed subdivision, as specified for a preliminary plat in the Ordinance.

~~51.~~ “Public Utility Easement” An area on a recorded plat map or other recorded document that is dedicated to the use and installation of public utility lines, mains, services, and minor facilities.

~~50.52.~~ “Retaining wall” means a wall designed and constructed to resist the lateral displacement and erosion of soils or other materials.

~~51.53.~~ “Setback” means a distance from a curb, property line, or structure within which building is prohibited.

~~52.54.~~ “Side Yard, Corner Lot” means a side lot line that abuts a street.

~~53.55.~~ “Side Yard, Interior Lot” means a side lot line that abuts a side or rear lot line of another lot.

~~54.56.~~ “Stealth Design” means the use of alternative support structures to blend or hide the communication equipment with the design, shape, or color of the structure. Examples of stealth design include field lights, clock towers, bell towers, water towers, flagpoles, windmills, monuments, etc.

~~55.57.~~ “Story” means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a usable or unused underfloor space is more than six feet above grade for more than fifty percent of the total perimeter or is more than twelve feet above grade at any point, such usable or unused underfloor space will be considered as a story.

~~56.58.~~ “Story, First” means the lowest story in a building that qualifies as a story, except that a floor level in a building having only one floor level shall be classified as a first story, provided such floor level is not more than four feet below grade for more than fifty percent of the total perimeter, or not more than eight feet below grade at any point.

~~57.59.~~ “Story, Half” means a story with at least two of its opposite sides situated in a sloping roof, the floor area of which does not exceed two-thirds of the floor immediately below it.

~~58-60.~~ "Yard" means a space on a lot, other than a court, unoccupied and unobstructed from the ground upward by buildings or structures, except as "provided herein.

~~59-61.~~ "Yard, Front" means a space on the same lot with a building, between the front line of the building and the front lot line, and extending across the full width of the lot. The "depth" of the front yard is the minimum distance between the front lot line and the front line of the building.

~~60-62.~~ "Yard, Rear" means a space on the same lot with a building, between the rear line of the building and the rear lot line, and extending the full width of the lot. The "depth" of the rear yard is the minimum distance between the rear lot line and the rear line of the building.

~~61-63.~~ "Yard, Required" means the open space around buildings which is required by the terms of this Title.

~~62-64.~~ "Yard, Side" means a space on the same lot with a building, between the side line of the building and the side lot line, and extending from the front yard to the rear yard. The "width" of the side yard shall be the minimum distance between the side lot line and the side lot line of the building. See "Side Yard, Interior Lot" and "Side Yard, Corner Lot".



# Planning Commission Staff Report

**Meeting Body:** Copperton Planning Commission

**Meeting Date:** December 3<sup>rd</sup>, 2025

**File Number & Project Type:** OAM2025-001540 – Copperton Omnibus and HB 368 Amendments

**Applicability:** Citywide

**Planner:** Brian Tucker, Planning Manager

**Applicant:** Copperton Staff

**Key Findings:**

- House Bill 368 mandated certain changes to the Copperton Subdivision Ordinance,
- Other amendments clarify the legislative intent of the ordinance,
- Clear definitions of the words and phrases used in titles 18 and 19 are essential to administering those titles.

**Staff Recommendation:** The MSD Planning Staff recommend that the Copperton Planning Commission recommend that the Council approve the attached ordinance.

**Exhibits:**

**A. Proposed Ordinance**

## BACKGROUND/ ISSUES TO CONSIDER

During the 2025 Session, the Utah Legislature adopted House Bill 368, which necessitates that the city make certain changes to Title 18 Subdivisions and Title 19 Zoning regarding subdivision bonding processes, warranty bond timing, warranty bond inspections and releases, and regulating landscape installation relative to building permits and certificates of occupancy. In addition, an existing ordinance requires that a signature is required on construction plans contrary to Utah Code because it has the effect of subjecting an applicant to standards and requirements that are not adopted by Copperton.

## PROPOSED ORDINANCE

The proposed ordinance eliminates the requirement that a developer post a reclamation bond prior to beginning construction. HB 368 prohibits a city from requiring that a warranty bond or any other bond be posted prior to a developer beginning construction on approved subdivision improvements if the developer chooses to complete the installation of those prior to recording the subdivision plat. HB 368 also prohibits a city from requiring that the warranty portion of the bond be posted prior to the release of the improvement bond. The developer may not record the plat until either the improvements are complete and accepted by the city or the developer posts an improvement bond. Cities are required to allow a developer to choose either of those two paths.

The proposed ordinance amends the procedures and timeframes for inspecting and releasing improvement bonds to comply with HB368.

The proposed ordinance eliminates the option of extending the warranty period for two years to comply with Utah Code 10-9a-103(27).

The proposed ordinance eliminates Fees in Lieu of required improvements.



The proposed ordinance eliminates a requirement that a water master sign subdivision improvement construction plans. According to Utah Code 10-9a 509(1)(g), A municipality may not impose on an applicant who has submitted a complete application a requirement that is not expressed in Chapter 10-9a-509; a municipal ordinance in effect on the date that the applicant submits a complete application; or a municipal specification for public improvements applicable to a subdivision or development that is in effect on the date that the applicant submits an application. While the owner of a ditch or canal may be able to enforce their standards, the city cannot enforce those standards because those standards are not expressed in municipal ordinance or in standards and specifications adopted by the city. The requirement for a water master to sign the plans is contrary to Utah Code Chapter 10-9a-509 because it has the effect of subjecting an applicant to standards and specifications that are not adopted by Copperton.

The proposed ordinance modifies the setback requirements in the M-1 and M-2 (Manufacturing) zones when uses in those zones border on other parcels in the manufacturing/industrial zones. The setback requirements that Copperton had used as part of Unincorporated Salt Lake County and later as a Metro Township utilized a lightly adapted version of the county code, which had no side or rear yard setback requirements. Salt Lake City and West Valley City also do not have side and rear yard setback requirements for their manufacturing/industrial zones. West Jordan has setback requirements when adjacent to commercial and residential zones, but not when manufacturing uses are found in an industrial park or district. The proposed ordinance eliminated side and rear yard in the the M-1 and M-2 zones when located in industrial parks or districts. In those relatively rare occasions where the flex manufacturing zone is located adjacent to potentially incompatible uses a setback is required depending on the category of the adjacent use; and

The proposed ordinance adds or clarifies the definitions for "Animal Rights", "Alteration", "Clustering", "Drive Approach", "Driveway", "Driveway, Cross Access", "Driveway, Multifamily", "Driveway, Private", "Driveway, Shared", "Dwelling", "Expansion", "Grading", "Hard Surface", "Natural Open Space", "Net Developable Acreage", "Pavement", "Paved, Road", "Portable Storage Container", "Private", "Recreational Vehicle", "Residential Roadway", "Retaining Wall", "Site Plan", "Slope", "Stream, Ephemeral", "Stream, Perennial", "Stream Corridor", "Street, Private", "Substantial Economic Hardship", "Undevelopable", and "Waiver".

### **STAFF RECOMMENDATION**

Staff finds that:

1. House Bill 368 was adopted by the Utah Legislature during its 2025 regular session,

2. This bill mandated that cities no longer require bonds to be posted prior to constructing subdivision improvements unless the developer wants to record the final subdivision plat prior to constructing those improvements,
3. The bill mandated that cities revise their policies on inspecting and releasing improvement bonds,
4. Utah Code precludes cities from extending the warranty period for subdivision improvements for more than one year,
5. Fees in lieu are not a workable alternative to installing required improvements or delay agreements,
6. Mandating that a water master signs a set of construction plans that an applicant must build to has the effect of subjecting an applicant to standards that are not adopted by Copperton, and is therefore contrary to Utah Code Utah Code 10-9a 509(1)(g),
7. The existing side and rear yard setbacks in the Manufacturing Zones are excessive when located in a manufacturing district or adjacent to other manufacturing, industrial, or warehousing uses.
8. Where manufacturing, industrial or warehousing uses are proposed adjacent to zones that are primarily residential or commercial, due to the incompatibility of uses, a substantial setback is appropriate.
9. Where buildings are allowed within five feet of a property line, drainage must still be routed to stormwater facilities on the subject parcel.
10. Clear definitions of the words and phrases used in titles 18 and 19 are essential to administering those titles.

Given the above findings, staff recommends the following action:

The MSD Planning Staff recommend that the Copperton Planning Commission recommend that the Council approve the attached ordinance.