

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, Mapes 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. Terms shall commence on May 15 of each year.
4. 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.
5. The members and alternate members of the planning commission shall reside within Emigration Canyon.
6. Upon expiration of a Commissioner's term, the seat shall be appointed by the mayor with the advice and consent of the City council.
7. 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.