

ORDINANCE 2025-O-__

Ordinance No. 2025-O-__

Date: _____, 2025

AN ORDINANCE OF THE EMIGRATION CANYON CITY COUNCIL REPEALING CHAPTER 19.60 C-V COMMERCIAL ZONE AND CHAPTER 19.62 C-2 COMMERCIAL ZONE AND ENACTING CHAPTER 19.32 COMMERCIAL ZONE.

RECITALS

WHEREAS, Emigration Canyon is a municipality and has authority to adopt land use regulations pursuant to Utah Code Annotated § 10-9a-501 Municipal Land Use, Development, and Management Act; and

WHEREAS, the Council deems it necessary to update and consolidate Chapter 19.60 C-V Commercial Zone and Chapter 19.62 C-2 Commercial Zone in a new Chapter 19.32; and

WHEREAS, the Emigration Canyon Planning Commission held a public hearing on _____, to consider repealing Chapter 19.60 C-V Commercial Zone and Chapter 19.62 C-2 Commercial Zone and replacing them with Chapter 19.32 Commercial Zone (the “Proposed Action”) in accordance with Utah Code Annotated §§ 10-9a-205 and 10-9a-502; and

WHEREAS, the Planning Commission recommends the Proposed Action to the Emigration Canyon City Council for the protection and preservation of the public health, safety, and general welfare of the citizens of Emigration Canyon.

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

1. Repeal. Chapter 19.60 C-V Commercial Zone is hereby repealed and Chapter 19.62 C-2 Commercial Zone is hereby repealed.
2. Enact. Chapter 19.32 Commercial Zone is hereby enacted in substantially the form set forth in **Attachment A** of this Ordinance, subject only to administrative or grammatical corrections
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: (i) Correct any administrative or grammatical errors within this Ordinance and Attachment A; and (ii) Codify and publish this Ordinance and Attachment A pursuant to all governing law, including, but not limited to, Utah Code Annotated § 10-3-711.

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 approved Ordinance No. 2025-O_____, repealing Chapter 19.60 C-V Commercial Zone and Chapter 19.62 C-2 Commercial Zone and enacting Chapter 19.32 Commercial Zone.

By: Joe Smolka, Mayor

ATTEST

APPROVED AS TO FORM

Diana Baun, Recorder

Polly McLean, City Attorney

Voting:

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

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

ATTACHMENT A

CHAPTER 19.32 COMMERCIAL ZONE

19.32.010 Purpose of Provisions.

The purpose of the Commercial Zone is to designate areas in Emigration Canyon for a wide range of commercial and retail trades and uses, offices, businesses, professional services, and other uses that contribute to the economic stability of the community. The Commercial Zone is intended to provide employment opportunities and expand the municipal tax base, while also encouraging sustainable development and providing an attractive transition between residential and non-residential uses.

19.32.020 Establishment of the Commercial Zone.

The Commercial Zone is identified as district C-2 and intended to provide areas in appropriate locations where commercial centers may be established, maintained, and protected. The regulations of the Commercial Zone are designed to encourage the provision of restaurants, retail and service-oriented spaces, and other commercial activities.

19.32.030 Schedule of Permitted Uses.

- A. Schedule of Permitted Uses. The specific uses listed in Table 19.32.030 are permitted in the C-2 Zone and designated as either Permitted Use or Conditional Use, and are subject to the general provisions, special conditions, additional restrictions, and exceptions set forth in this Title.
- B. Procedure for Multiple Uses (Combination of Uses). If a development proposal involves a combination of both Permitted and Conditional Uses as identified in Table 19.32.030, the development proposal shall be considered a Conditional Use.
- C. Abbreviations. The abbreviations in Table 19.32.030 are defined as follows:
 1. P = Permitted Use. Uses allowed in the C-2 Zone, but may be subject to additional restrictions and approval processes as provided in this Title.
 2. C = Conditional Use. Uses that because of their unique characteristics or potential impacts on Emigration Canyon, surrounding neighbors, or adjacent uses, may not be compatible in some areas of the C-2 Zone, or may be compatible only if certain conditions are imposed to mitigate the reasonably anticipated detrimental impacts of the proposed use. Conditional Uses are subject to the requirements of this Chapter, all general and specific conditions, criteria, and approval procedures set forth in Chapter 19.84 Conditional Uses. The Planning Commission is the approval authority for Conditional Uses.
 3. Uses not specifically permitted in Table 19.32.030 are prohibited in the C-2 Zone.

Table 19.32.030 – Schedule of Permitted Uses in the C-2 Zone

Use Categories	
<u>RETAIL AND SERVICE:</u>	
Liquor and/or Wine Store and Package Agency	P

Retail and Service Commercial	C
Retail Shops or Galleries where Primary Product is Produced On-Site	C
Child Care Center	P
Office, Medical	P
FOOD AND DRINK:	
Bars	P
Breweries and Distilleries in association with a Restaurant	P
Restaurant, Sit-Down with or Without Alcohol	P
OFFICE:	
Office, General	P
INSTITUTIONAL USES:	
Church, Synagogue, Mosque, Temple, Cathedral, or other religious buildings	P
Parks/Open Space	P
Public or Quasi-Public Uses	P
Public Utilities, Minor	P
ACCESSORY USES:	
Accessory Outside Storage	C
Outdoor dining appurtenant to a permitted restaurant use	P
Temporary buildings subject to requirements in Chapter 19.44.030	P

19.32.040 Development Standards.

- A. All lots in the C-2 Zone must be accessible to the public either directly from a public street or by way of a recorded easement or right-of-way in favor of, or appurtenant to, the lot.
- B. The C-2 zone has no Minimum Project Area, Minimum Lot Size, Minimum Lot Width, or Frontage requirements.

19.32.050 Site Standards.

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

- A. Limits of Disturbance. Building footprint areas shall comply with the Foothills and Canyons Overlay Zone, Section 19.72.160 Limits of Disturbance.
- B. Setbacks. Site Setback Requirements are set forth in Table 19.32.050:

Table 19.32.050 – Site Setback Requirements

Location	Setback
Front Yard Setback, Emigration Canyon Road	20' landscaped setback from a public right-of-way
Front Yard Setback, All Other Streets	10' landscaped setback from a public right-of-way
Side Yard Setback – Corner Lots	10' landscaped setback from a public right-of-way
Side Yard Setback – Interior Lots	8' setback to the property line or 16' between buildings where building pads are used. 10' landscaped buffer required to separate residential uses from commercial uses.
Rear Yard Setback	10' setback to the property line or 20' between buildings where building pads are used. 10' Landscaped buffer required to separate residential uses from commercial uses.
Perennial Stream, Ephemeral Stream, and Wetland Setbacks	See Subsection 19.72.130(D)

C. Walkways or Trails.

1. **Public Entrances.** Walkways or Trails shall be at least six feet (6') wide and are required along the entire length of the parking area to provide continuous access to the public entrance.
2. **Pedestrian Buffer.** A landscaped strip at least six feet (6') wide is required between a public street and a walkway or trail.
3. **Fences.** Fences parallel to any walkway or trail are prohibited within two feet (2') of the edge of the walkway or trail.

D. Outdoor Dining. If outdoor dining is permitted, the patio or dining area may encroach into the applicable required setback up to fifty percent (50%) of the width of the setback.

E. Utilities. All utilities shall be placed underground, except as may be provided in Chapter 19.79 Utility and Facility System Placement Regulations.

F. Screening.

1. All trash or recycling receptacles, dumpsters, or bins shall be enclosed by a gated wall or architectural design with materials complementary to the building's materials and the natural environment. The gated enclosure shall comply with the following standards:
 - a. The enclosure gate shall be accessible to service vehicles.
 - b. The enclosure wall and gate shall be a minimum of twelve inches (12") higher than the receptacle, dumpster or bin, but may not exceed the fence height requirements in 19.72.100.

- c. Chain link or transparent materials are prohibited materials for screening.
- 2. Service areas, mechanical equipment, and meters shall be completely screened from the street.

G. Benches, Bike Racks, and Receptacles. Development in the C-2 Zone requires the following furnishings:

- 1. Seating/Benches. Each development proposal shall provide outdoor seating with a minimum capacity to seat four (4) persons per commercial building that is twenty thousand (20,000) square feet or smaller. For each commercial building that is greater than twenty thousand (20,000) square feet, outdoor seating with a minimum capacity to seat eight (8) persons is required. Seating/Benches are encouraged in places where people congregate and at pedestrian intersections and nodes. Benches shall be durable and permanently installed on a hardscape surface such as concrete, pavers, etc.
- 2. Bike Racks. One bike rack with three (3) stalls is required for each development. Additional bike racks with a minimum of three (3) stalls are required for every twenty (20) vehicle parking stalls. Bike racks shall be located near the entrance to the building and visible from the street or drive. Bike racks shall be durable and permanently installed over a hardscape surface.
- 3. Trash and Recycle Receptacles. A minimum of two receptacles, one (1) trash and one (1) recycle, are required for each public entrance of commercial buildings.

H. Turf Area Limitations.

- 1. Turf areas shall not exceed 20% of the total landscaped area, outside of active recreation areas.

19.32.060 Architectural Requirements.

All new development must present a coordinated streetscape and architectural and site design elements that provide for the safety and convenience of pedestrians. All new development in the C-2 Zone shall comply with the following architectural requirements:

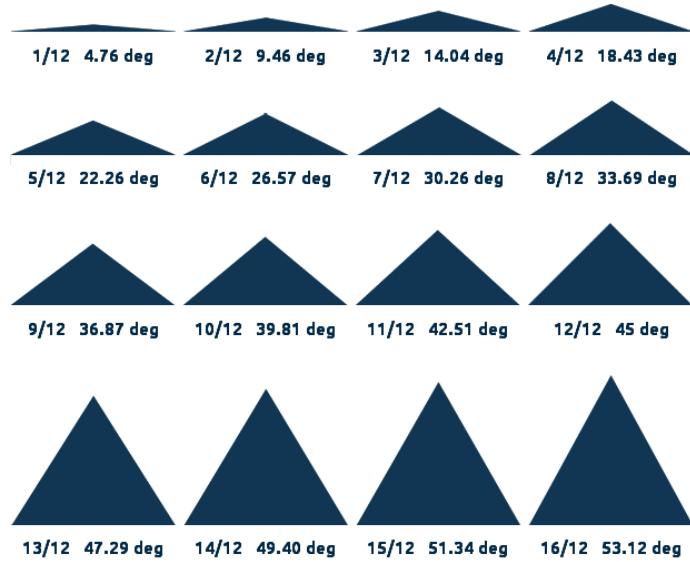
A. General Design Requirements.

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

Table 19.32.060A - Commercial Development Requirements	
Standard	C-2
Building Height	<p>Minimum: Commercial buildings shall be a minimum of fifteen feet (15') above grade.</p> <p>Maximum: Commercial buildings shall not exceed thirty-five (35') above grade.</p>
Step-down Height Adjacent to Residential Areas.	Commercial buildings within thirty feet (30') of any of the Forestry Zones, or a parcel used as a residential dwelling, shall not exceed thirty feet (30') above grade.

3. Roofs. All roofs and dormer roofs of a commercial building shall be constructed of the same material. Roof slopes shall be of equal pitch if a gable or hip roof is employed. All metal roofs must be of a subdued color. Painted roof shingles are prohibited.
 - a. Low Slope (Flat) Roofs (less than 2" of vertical rise per 12" of horizontal run; 2:12 slope) on stand-alone buildings are allowed when variation to the roof line is provided using parapets, towers, step-backs, or accessory structures.
 - b. Large roofs shall have parapets and enclosures concealing flat roofs and rooftop equipment from public view. Parapet and enclosure materials shall match the building in quality and detail.
 - c. For pitched roofs that slope 2:12 or steeper, the slope is measured with the vertical rise divided by the horizontal span or run.
 - d. All roofs may not be sloped more than 16:12 (Rise/Run) 53.12 deg.
 - e. Any first-story roof may not be sloped flatter than a 4:12 (rise: run) 18.43 deg.
 - f. Slopes less than 4:12 (rise: run) 18.43 deg. are permitted to occur on second-story or higher roofs.

SLOPE ILLUSTRATION TABLE



CREDIT: RAMCO ROOF PITCH ANGLES: <https://www.famcomfg.com/resources/roof-pitch-angles/>

- g. Hipped, gabled, and combination of hips and gables with or without dormers are permitted.
- h. Gambrel, butterfly (inverted gable roof), and mansard roofs are not permitted.
- i. A gabled end or perpendicular ridge line shall occur at least every one-hundred feet (100') of a roof when the ridge line runs parallel to the front lot line.

B. Exterior Structure Requirements. All exterior walls of all structures shall be constructed in compliance with the following:

1. Materials.
 - a. All structures shall use one or more of the following durable materials as significant finish: architectural precast concrete, architecturally treated concrete masonry units (CMU), brick cladding, natural and cast stone, architectural metals, and glazing.
 - b. Architectural site-cast concrete may be allowed if designed, articulated, and architecturally finished.
 - c. At least fifty percent (50%) of any portion of a structure façade visible from Emigration Canyon Road shall be composed of one or more of the following materials: brick, stone, architecturally treated CMU, architectural precast concrete, architectural metals, and glazing.
2. Exterior Insulation and Finish System (EIFS)/Stucco. The design and application of EIFS or synthetic stucco shall be of a high enough quality to allow for crisp detailing and substantial relief.
3. Detail and Finish. Structure façades that face a public street, but do not have public entrances, shall be composed of high-quality materials such as brick or stone and shall provide variety and interest in the façade through the introduction of such elements as pilasters, recessed or

protruding bays, changes in materials and/or colors, display windows with products or product graphics, transparent windows or clerestories, and well-designed signs and graphics.

4. Façade Articulation.

- a. Continuous exterior wall surfaces shall be relieved with significant variations of wall planes or overhangs that create shadow areas and add visual interest.
- b. Variations from significant dimensional changes in plane, color, or detail as accomplished by such devices as protruding bays, recessed entries, upper-level step-backs, arcades, offsets in the general plane of the façade, changes in materials or color, bay windows, vestibules, porches, balconies, exterior shading devices, nonretractable canopies or awnings, projecting cornices, or eaves are required.

5. Visual Height of Façade.

- a. Buildings in excess of two (2) stories in height shall exhibit architectural detailing that establishes a separation between the lower and upper stories to reduce the visual height of the facade. This may be accomplished by a mid-façade cornice or trim, a change in material, style or color, a façade step-back or roof pitch with dormer windows, or other methods of incorporating architectural detailing within twelve feet (12') of the ground plane.

6. Façade Features.

- a. All retail building façades visible from public streets shall include architectural treatments that add detail, character, and reduce the appearance of blank walls. Techniques such as color and material changes, expression of structure, shifts in plane, offsets and projections, belt courses, reveals, pilasters, windows, doors, arcades, canopies, and other similar elements may achieve this standard.
- b. Opaque or solid storefront security closures, such as rolling doors, are not permitted.

C. Public Entrances. Public entrances shall comply with the following standards:

1. Street front entrances are required for new buildings on Emigration Canyon Road.
2. Primary public entrances shall be architecturally emphasized and identifiable.
3. Weather protection features such as awnings, canopies, doors inset by at least three feet (3'), or arcades are required for all public entrances.

19.32.070 Off-Street Parking Requirements.

The parking requirements set forth in Chapters 19.72 and 19.73 of this Title shall apply in the C-2 Zone. In addition, the following standards are required:

A. Change Of Use. Whenever the existing use of a structure or the existing use of land is changed to another use or another occupancy, parking and loading facilities shall be provided as required by this Title.

- B. Screening. Except for approved street parking, surface parking areas located within thirty feet (30') of a public right-of-way shall be screened by grading, landscaping, walls/fences, or a combination of these, with a minimum height of three feet (3') above the surface of the parking area.
- C. Cross Access. All commercial development shall be designed to allow for cross-access to adjacent properties to encourage shared parking and shared access points on public or private streets. When cross-access is deemed impractical by the Planning Commission on the basis of topography, the presence of natural features, or vehicular safety factors, this requirement may be waived provided that the appropriate bicycle and pedestrian connections are provided between adjacent developments or land uses.
- D. The Planning Commission may approve an exception to the requirements of this Section 19.32.070 Off-Street Parking Requirements if the requirements are not reasonably possible based on the unique characteristics of the site such as topography, geological hazards, or flood zones.

19.32.080 Connections and Landscaping for Parking

All landscaping and parking in the C-2 Zone shall be designed and installed in accordance with Chapter 19.72 Foothills and Canyons Overlay Zone. In addition, the following standards are required:

- A. Physical Connections. Each lot shall have a system of pedestrian walkways and trails that provide connections between the public entrances, neighboring public entrances, walkways, parking areas, open spaces, and public trails.
- B. Landscaped Setback from the Edge of a Public or Private Street.
 - 1. The entirety of the required setback between a building or parking lot and a street or drive shall consist of landscaping, walkways, bike lanes, or a combination thereof.
 - a. Courtyard or plaza areas shall be deemed to be a part of the front setback of the building.
- C. Prohibitions. Maintenance buildings, trash collection, recycling areas, storage and service areas, mechanical equipment, and off-street loading areas shall not be permitted in the front setback of any building and shall be located behind the main building structure or completely screened from public view.
- D. Building Foundation Landscaping. The ground adjacent to the building foundation shall be landscaped if it is visible from public vantage points.
- E. Visual Separation between Commercial and Residential Uses. A landscaped buffer shall be required to separate residential uses from commercial uses.
 - 1. The landscape buffer area must be a minimum of six feet (6') wide to provide adequate screening, buffering, and separation of these uses. The landscape treatment shall use a combination of high and low-level screening to separate the uses to soften the visual impact of the commercial use.
 - 2. The landscaped buffer area shall include a minimum of one tree for every two hundred fifty square feet (250 sq. ft).
 - 3. Landscape plant material shall be locally compatible.

19.32.090 – Lighting

All new development must comply with 19.73.110 Night Lighting.

19.32.100 – Fences, Hedges and Walls.

Fences, hedges, and walls in the C-2 Zone shall comply with the requirements set forth in Foothills and Canyons Overlay Zone, Section 19.72.100 and the following standards:

- A. Required Setbacks. A fence, hedge, wall, column, pier, post, or any similar structure or any combination of such structures (herein individually “Structure” and collectively “Structures”) are permitted provided all of the following conditions are met:
 1. The Structures are located within the required setback in Table 19.32.050;
 2. The Structures do not extend beyond or across a property line without a recorded agreement with the abutting property owner;
 3. Only one Structure is permitted per property line.
 4. Barbed wire or other sharp, pointed, or electrically charged fence is not permitted.
 5. Temporary fences on construction sites are allowed during the construction period and may not exceed eight feet (8') in height. Temporary fences must be removed when the certificate of occupancy is issued or when the construction is complete.
- B. Athletic Facilities. Fencing around athletic facilities, including, without limitation, tennis courts, shall be a maximum of fourteen feet (14') in height and all portions of the fence above six feet (6') shall be constructed with a minimum of fifty percent (50%) nonopaque materials.

19.32.110 General Information.

Compliance with all other requirements of Title 19 and all other Emigration Canyon ordinances is required.