

ORDINANCE NO. O- -2016

**AN ORDINANCE OF EAGLE MOUNTAIN CITY, UTAH
AMENDING CHAPTER 17 OF THE EAGLE MOUNTAIN
MUNICIPAL CODE FOR SPECIAL USES,
RESIDENTIAL ZONING AND SIGN REGULATIONS**

WHEREAS, the Eagle Mountain City Council (the “Council”) met in regular meeting on January 5, 2016, to consider, among other things, amending sections of the Eagle Mountain Municipal Code;

NOW, THEREFORE, BE IT ORDAINED by the City Council of Eagle Mountain City, Utah:

1. The City Council finds that all required public hearings have been held and all legal requirements have been met to amend the sections of the Municipal Code which are attached to this Ordinance as Exhibit A.
2. Chapter 17, Sections 17.10 and 17.75 are amended for Special Uses, Sections 17.25 and 17.30 are amended for Residential Zoning and Section 17.80 is amended for Sign Regulations. They are hereby amended as set forth more specifically on Exhibit A.
3. This Ordinance shall take effect upon its first posting or publication.

ADOPTED by the City Council of Eagle Mountain City, Utah, this 5th day of January, 2016.

EAGLE MOUNTAIN CITY, UTAH

Chris Pengra, Mayor

ATTEST:

Fionnuala B. Kofoed, MMC
City Recorder

CERTIFICATION

The above Resolution was adopted by the City Council of Eagle Mountain City on this 5th day of January, 2016.

Those voting aye:

- Adam Bradley
- Colby Curtis
- Stephanie Gricius
- Benjamin Reaves
- Tom Westmoreland

Those voting nay:

- Adam Bradley
- Colby Curtis
- Stephanie Gricius
- Benjamin Reaves
- Tom Westmoreland

Fionnuala B. Kofoed, MMC
City Recorder

EXHIBIT A



EAGLE MOUNTAIN CITY
City Council Staff Report

JANUARY 5TH, 2016

Project: Development Code Amendments: Chapters 17.10 (Definitions) & 17.75
(Standards for Special Uses)

Applicant: City Staff

Type of Action: Action Item (Recommendation to the City Council); Public Hearing

Planning Commission Recommendation

On December 8th 2015 the Planning Commission recommended approval of the code amendments with the recommendation that staff include a provision that construction office trailers must be removed if the project is abandoned.

Background

The Eagle Mountain Municipal Code (EMMC) doesn't currently address construction office trailers, nor does the code specifically permit construction office trailers. These amendments are intended to define construction office trailers and allow for them.

Proposed Amendments

Staff recommends that the codes be adopted to define construction office trailers and allow for them in the Standards for Special Use in chapter 17.75. Here are the proposed amendments:

17.10.030 Definitions.

Construction Office Trailer: "A mobile home, travel trailer, truck trailer, or other temporary structure used as an office in conjunction with a construction project."

17.75.035 Construction Office Trailers

- A construction officer trailer may not be parked or stored on any construction or development project site without a permit from the planning director. The application for a construction office trailer permit must be made to the planning director on the form provided by the City, and shall include a site plan showing the proposed location of the construction office trailer and distances from roads, building and property lines. The planning director shall not issue the permit unless the planning director determines that the following conditions are met:
- the construction office trailer is located entirely onsite, and does not infringe on the public right-of-way;
- the construction office trailer is not located in the clear vision triangle;
- the construction office trailer is not located within ten feet (10') of any building;
- the construction office trailer is not located in a position that will create unreasonable traffic or noise for neighboring homes or business; and
- the construction officer trailer is not located on any easement.

A construction office trailer shall be removed from the construction site at the earlier of the deadline prescribed in the permit, thirty (30) days after a final certificate of occupancy has been issued for the project, or the project has been abandoned as defined in chapter 17.10 of the EMMC. Only one construction office trailer shall be allowed on any construction project unless the planning director determines that unique circumstances exist that warrant more the one construction office trailer on any construction project.



EAGLE MOUNTAIN CITY
City Council Staff Report

JANUARY 5TH 2016

Project: Development Code Amendment: Chapter 17.80 Sign Regulations and Sign Permits
Applicant: City Staff
Type of Action: Action Item (Recommendation to the City Council); Public Hearing

Planning Commission Recommendation

On December 8th 2015 the Planning Commission recommended approval of the code as presented by staff 4-1.

Background

The Eagle Mountain Code Enforcement Officer has requested the following changes be made to Chapter 17.80 of the Eagle Mountain Municipal Code (EMMC) to codify the notice and fine structure for violations of Chapter 17.80 Sign Regulations and Sign Permits.

Proposed Amendments

Staff recommends that the changes to chapter 17.80 be adopted to codify noticing and fine structure for violation of title 17.80 Sign Regulation and Sign Permits. Here is the proposed amendment:

17.80.040 Application.

3. Fee. The processing fee required for a Sign Permit of \$50 per sign face, as required by the current consolidated fee schedule approved by the city council. [Ord. O-06-2010 § 2 (Exh. A); Ord. O-12-2009 § 2 (Exh. A); Ord. O-26-2008 § 2 (Exh. A § 16.4); Ord. O-18-2008 § 2 (Exh. A § 16.4); Ord. O-17-2006 § 2 (Exh. 1 § 16.4); Ord. O-23-2005 § 3 (Exh. 1(1) § 16.4)].

17.80.100 Yard sale temporary signage.

E. Noticing and Fines. Signs larger than what is allowed by this chapter, placed without proper approval, and/or signs that exceed the duration allowed by this chapter shall be subject to the Fee structure in the consolidated fee schedule approved by the City Council.

17.80.120 Exempt signs.

A. On-Premises Project Sign. One on-premises project sign may be erected for projects that have received either site plan approval or final subdivision approval. This sign may contain information about the approved business or project, and shall not exceed eight feet in height and ~~32~~ Sixty-four (64) square feet of sign copy per side if double-faced. This sign shall be allowed until the development is complete or within one year of posting, whichever occurs first.

17.80.130 Prohibited signs.

The following signs as defined in EMMC [17.80.160](#) shall be prohibited: snipe/bootleg signs, vehicular signs **Including trailer signs**, pole signs, inflated signs, and billboards. In addition, any signs that emit sound, smoke or steam are prohibited. [Ord. O-02-2012 § 2 (Exh. A); Ord. O-06-2010 § 2 (Exh. A); Ord. O-12-2009 § 2

(Exh. A); Ord. O-26-2008 § 2 (Exh. A § 16.11); Ord. O-18-2008 § 2 (Exh. A § 16.11); Ord. O-17-2006 § 2 (Exh. 1 § 16.11); Ord. O-23-2005 § 3 (Exh. 1(1) § 16.10). Formerly 17.80.120].

17.80.150 Sign enforcement.

D. Notices of Violation **and Fines**. Issue verbal or written notice of violation, **and assess fines as required by the consolidated fee schedule as adopted by the City Council** to owners or persons having control, charge or benefit of any sign that is found to be unsafe, ~~or~~ in violation of city ordinances, ~~or~~ this chapter, including all general provisions (EMMC 17.80.060) **or not approved by the Planning Department or not possessing required permits.**



EAGLE MOUNTAIN CITY
City Council Staff Report

JANUARY 5TH, 2016

Project: Development Code Amendments: Chapters 17.25 (Residential Zone) & 17.30 (Residential Zone Bonus Density Entitlements)
Applicant: City Staff
Type of Action: Action Item (Recommendation to the City Council); Public Hearing

Planning Commission Recommendation

On December 8th 2015 the Planning Commission recommended approval of the code amendments as presented by staff.

Background

The Eagle Mountain Municipal Code (EMMC) has been changed to require 1,000 Square Feet of improved Open Space for every lot/unit in all subdivisions; this replaced the various percentage requirements under each level of the Tier system. Staff has recently discovered the language in chapter 17.25 was not updated to be consistent with current requirements. This amendment is to correct and ensure language is consistent from chapter to chapter. A change is also made to **Table 17.30.110 (C) Tier III Residential Bonus Density Entitlements (Required)** that clarifies Swimming Pools are required only in Tier III developments where there are more than 150 units in a development pod or grouping, making the table consistent with language in the chapter.

Proposed Amendments

Staff recommends that the changes to chapters 17.25 and 17.30 be adopted to clarify the code and ensure consistency of the code. Here are the following Code Amendments.

**Chapter 17.25
RESIDENTIAL ZONE**

17.25.110 Base density residential development standards.

G. Open Space and Trail Requirements. There is no minimum open space requirement for base density residential developments. This does not exempt owners or developers from complying with other provisions that may require public improvements including, but not limited to, drainage facilities or other minimum standard infrastructures. Pedestrian trails along collector or arterial roads shall be a required improvement when the subdivision is being developed without sidewalks. Equestrian trails that adjoin each lot shall be a required improvement when the subdivision is designed to accommodate horse raising and keeping. ~~The planning commission may recommend and the city council may approve that open space requirements are satisfied by the developer paying a fee in lieu. The city engineer will recommend the fee for the city council to approve.~~ [Ord. O-07-2015 § 2 (Exh. A); Ord. O-09-2013 § 2 (Exh. A); Ord. O-05-2011 § 2 (Exh. A); Ord. O-11-2010 § 2 (Exh. A); Ord. O-18-2008 § 2 (Exh. A § 5.11); Ord. O-10-2007 § 2 (Exh. A § 5.11); Ord. O-18-2006 § 2 (Exh. 1 § 5.11); Ord. O-02-2006 § 3 (Exh. 1 § 5.11); Ord. O-23-2005 § 3 (Exh. 1(1) § 5.11)].

17.25.120 Tier I residential development standards.

C. Open Space Requirement. ~~The developer shall provide 1,000 square feet per lot to be dedicated as improved open space in all Tier I residential developments in Eagle Mountain City. are required to dedicate to the city at least four percent of the project's buildable land area as improved open space (which includes parks and trails).~~ The planning commission may recommend and the city council may approve that open space requirements are satisfied by the developer paying a fee in lieu ~~The city engineer will recommend the~~

~~fee for the city council to approve, according to EMMC 16.35.105(A)(11). Parks and trails must be improved as required by the standards set forth in Chapter 16.35 EMMC.~~

17.25.130 Tier II residential development standards.

B. Open Space Requirement. ~~The developer shall provide 1,000 square feet per lot to be dedicated as improved open space in all Tier II residential developments in Eagle Mountain City. are required to dedicate to the city at least eight percent of the project's buildable land area as improved open space (which may include parks and trails).~~ The planning commission may recommend and the city council may approve that open space requirements are satisfied by the developer paying a fee in lieu ~~The city engineer will recommend the fee for the city council to approve, according to EMMC 16.35.105(A)(11). Parks and trails must be improved as required by the standards set forth in Chapter 16.35 EMMC.~~

17.25.140 Tier III residential development standards.

B. Open Space Requirement. ~~The developer shall provide 1,000 square feet per lot to be dedicated as improved open space in All Tier III residential developments. are required to dedicate to the city at least 10 percent of the development density area acreage as improved open space, which may also be used and credited for buffering requirements around and among Tier III residential development areas.~~ The planning commission may recommend and the city council may approve that open space requirements are satisfied by the developer paying a fee in lieu ~~The city engineer will recommend the fee for the city council to approve, according to EMMC 16.35.105(A)(11). Parks and trails must be improved as required by the standards set forth in Chapter 16.35 EMMC.~~

17.25.150 Tier IV residential development standards.

B. Open Space Requirement. ~~The developer shall provide 1,000 square feet per lot to be dedicated as improved open space in all Tier IV residential developments are required to dedicate to the city at least 10 percent of the development density area acreage as improved open space, which may also be used and credited for buffering requirements around and among Tier IV residential development areas.~~ The planning commission may recommend and the city council may approve that open space requirements are satisfied by the developer paying a fee in lieu ~~The city engineer will recommend the fee for the city council to approve, according to EMMC 16.35.105(A)(11). Parks and trails must be improved as required by the standards set forth in Chapter 16.35 EMMC.~~

**Chapter 17.30
RESIDENTIAL ZONE BONUS DENSITY ENTITLEMENTS**

Table 17.30.110(c) Tier III Residential Bonus Density Entitlements (Required)

Bonus Density	Improvement	Required/Optional
0.8	<i>Base Density Improvements</i>	<i>Required</i>
0.8	<i>Tier I Improvements</i>	<i>Required</i>
3.6	<i>Tier II Improvements</i>	<i>Required</i>
7.0	<u>Improved open space</u> : 1,000 square feet improved open space per lot/unit	<i>Required</i>
	Clubhouse (all multifamily development)	<i>Required</i>
	Swimming pool (for all pods/groupings of 150 or more Tier III units)	<i>Required</i>

Table 17.30.110(c) Tier III Residential Bonus Density Entitlements (Required)

Bonus Density	Improvement	Required/Optional
12.2	Total density granted required to do all improvements noted above	

5.21 to 12.2 dwelling units per acre: Tier III.

**EAGLE MOUNTAIN CITY
CITY COUNCIL MEETING
JANUARY 5, 2016**

TITLE:	<u>ORDINANCE--An Ordinance Of Eagle Mountain City, Utah Amending Section 7.05.04.U. And Deleting Section 12.30.020.T. of the Eagle Mountain Municipal Code.</u>		
FISCAL IMPACT:	\$0		
APPLICANT:	Eagle Mountain City		
GENERAL PLAN DESIGNATION	CURRENT ZONE	ACREAGE	COMMUNITY
N/A	N/A	N/A	

NOTICES:

- Posted in 2 public places
- Posted on City webpage
- Public Notice Webpage

REQUIRED FINDINGS:

**Public Works Board
Recommendation**

Vote: N/A

Prepared By:
Jeremy Cook
City Attorney

NOTES/COMMENTS:

RECOMMENDATION:

The City Attorney recommends that the City Council approves the Ordinance.

BACKGROUND:

Utah Code Ann. § 53-5a-102(5) states: “Unless specifically authorized by the Legislature by statute, a local authority or state entity may not enact, establish, or enforce any ordinance, regulation, rule, or policy pertaining to firearms that in any way inhibits or restricts the possession or use of firearms on either public or private property.” Utah Code Ann. § 10-8-47 states, in part: “the municipal legislative body may regulate and prevent the discharge of firearms, rockets, powder, fireworks or any other dangerous or combustible material” The amendments allow for a person to carry a firearm in a park (as required by Utah law), but not to discharge the firearm in a park (as allowed by Utah law). The amendments also remove the requirement that an applicant for a public assembly license require that no firearms are allowed in the assembly.

ORDINANCE NO. O- -2016

**AN ORDINANCE OF THE CITY COUNCIL OF EAGLE MOUNTAIN CITY, UTAH
AMENDING SECTION 7.05.04.U. AND DELETING SECTION 12.30.020.T.
OF THE EAGLE MOUNTAIN MUNICIPAL CODE**

WHEREAS, the Eagle Mountain City Council (the “Council”) met in regular meeting on January 5, 2016, to consider, among other things, amending Section 7.05.04.U. and deleting Section 12.30.020.T. of the Eagle Mountain City Municipal Code to amend the City’s policy on carrying firearms in City parks and conditions for issuance of a special events permit; and

WHEREAS, the amendments are reasonable and necessary to comply with Utah Code Ann. § 53-5a-102; and

WHEREAS, the Council determines that it is appropriate to amend Chapter 15.25 of the Eagle Mountain City Municipal Code;

NOW, THEREFORE, BE IT ORDAINED by the City Council of Eagle Mountain City, Utah, that Section 7.05.04.U. of the Eagle Mountain Municipal Code shall be amended and Section 12.30.020.T. of the Eagle Mountain Municipal Code shall be deleted as set forth in Exhibit A, attached hereto and incorporated herein.

Adopted this 5th day of January, 2016.

EAGLE MOUNTAIN CITY, UTAH

Chris Pengra, Mayor

ATTEST:

Fionnuala B. Kofoed, MMC
City Recorder

CERTIFICATION

The above Ordinance was adopted by the City Council of Eagle Mountain City on this 5th day of January, 2016.

Those voting aye:

- Adam Bradley
- Colby Curtis
- Stephanie Gricius
- Benjamin Reaves
- Tom Westmoreland

Those voting nay:

- Adam Bradley
- Colby Curtis
- Stephanie Gricius
- Benjamin Reaves
- Tom Westmoreland

Fionnuala B. Kofoed, MMC
City Recorder

EXHIBIT A

Chapter 7.05 Parks, Trails and Special Events

7.05.040 Permits, regulations and use requirements.

U. Firearms and Explosives Prohibited – Exceptions. No person within a park shall ~~carry or~~ discharge any firearms, or carry or discharge any firecrackers, rockets, torpedoes, powder, or any other fireworks or explosives, except persons who have obtained a special permit from the city manager:

1. To put on a fireworks show, in which event the person conducting the display shall be trained in fireworks pyrotechnics; or
2. To operate a special event involving firearms. This prohibition is inapplicable to law enforcement personnel while they are engaged in the execution of their official duties.

Chapter 12.30 Public Assemblies

12.30.020 Conditions for issuing a license.

In the application for a license, each applicant shall disclose the maximum number of people which will be assembled or admitted to the location of the assembly. The maximum number shall not exceed the maximum number that can reasonably assemble at the location of the assembly in consideration of the nature of the assembly. All outdoor public assemblies under this chapter shall be discontinued no later than 2:00 a.m. on the day following the licensed assembly and the security deposit furnished by the applicant shall guarantee the timely closure of the property licensed for the assembly in compliance with the terms of this chapter.

Before a license is issued, the applicant shall provide proof satisfactory to the city council that it will furnish at its own expense prior to the commencement of the assembly, and as a condition of issuance of the license, the following:

~~T. The applicant must require and enforce as a condition of admission to the assembly that no firearms or deadly weapons, as defined by Utah law, are allowed in the assembly, except for weapons held by owners of concealed weapons permits issued by the state of Utah. [Ord. O 30-2004 § 2; Ord. O 13-2001 § 2].~~