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Copperton Metro Township Planning Commission

Public Meeting Agenda

Tuesday, July 9, 2019 6:00 P.M.

AMENDED

Location

BINGHAM CANYON LIONS CLUB
95 EAST HILLCREST STREET
COPPERTON, UTAH
(385) 468-6700

UPON REQUEST, WITH 5 WORKING DAYS NOTICE, REASONABLE ACCOMMODATIONS FOR QUALIFIED INDIVIDUALS MAY BE PROVIDED. PLEASE CONTACT WENDY GURR AT 385-468-6707.
TTY USERS SHOULD CALL 711.

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

PUBLIC HEARINGS

30939 – Ordinance Amendments – Enactment of an administrative code enforcement process to be codified in Title 12 of the Copperton Metro Township Municipal Code.

BUSINESS MEETING

1) Approval of Minutes from the May 14, and June 11, 2019 meetings.
2) General Plan discussion
3) Continued discussion of zoning and subdivision ordinances
4) Other Business Items (as needed)

ADJOURN

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TITLE 12 – CODE ENFORCEMENT AND COMMUNITY PRESERVATION

CHAPTER 12.1 – GENERAL

12.1.010 SHORT TITLE.

This Title shall be known as the "Code Enforcement and Community Preservation Program." This Chapter shall also be known as Chapter 12.1, of the [insert Metro Township name] Municipal Code. It may be cited and pleaded under either designation.

12.1.020 AUTHORITY.

The Metro Township promulgates this Ordinance pursuant to Utah Code Ann. §§ 10-3-702– 703.7; 10-3-716; 10-8-60; 10-11-1, et seq.; 76-10-801, et seq.; and any other applicable law or successor statute(s).

12.1.030 DECLARATION OF PURPOSE.

The [insert Metro Township name] Metro Township finds that the enforcement of its Municipal Code and applicable state codes throughout the municipality is an important public service. Code enforcement and abatement are vital to the protection of the public's health, safety, and quality of life. The Council recognizes that enforcement starts with the drafting of precise regulations that can be effectively applied in administrative code enforcement hearings and judicial proceedings. The Council further finds that a comprehensive code enforcement system that uses a combination of judicial and administrative remedies is critical to gain compliance with these regulations in a manner that is fair and equitable to the Metro Township and its citizens. Failure to comply with an administrative code enforcement action may require the Metro Township Attorney to file a judicial action to gain compliance.

12.1.040 SCOPE.

The provisions of this Title may be applied to all violations of the [insert Metro Township name] Code. It has been designed as an additional remedy for the Metro Township to use in achieving compliance of its ordinances.

12.1.050 EXISTING ORDINANCES AND LAWS CONTINUED.

The provisions of this Title do not invalidate any other title or ordinance but shall be read in conjunction with those titles and ordinances as an additional remedy available for the enforcement of those ordinances together with any and all other applicable laws. If there is a conflict between this Title and another provision of the Metro Township Code, this Title shall control.

12.1.060 CRIMINAL PROSECUTION RIGHT.

The Metro Township has sole discretion in deciding whether to file a civil or criminal case for the violation of any of its ordinances. The Metro Township may choose to file both, or one, or the

other. The enactment of the administrative remedies set forth in this Title shall in no way interfere with the Metro Township's right to prosecute ordinance violations as criminal offenses in a court of law. The Metro Township may use any of the remedies available under the law in both civil and criminal prosecution. If the Metro Township chooses to file both civil and criminal charges for the same day of violation, no civil penalties may be assessed, but all other remedies will be available.

12.1.070 EFFECT OF HEADINGS.

Title, chapter, part and section headings contained herein shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent of the provisions of any title, chapter, part, or section hereof.

12.1.080 VALIDITY OF TITLE – SEVERABILITY.

If any chapter, part, section, subsection, sentence, clause, phrase, portion, or provision of this Title is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Title. The Council hereby declares that it would have adopted this Title and chapter, part, section, subsection, sentence, clause, phrase, portion, or provision thereof, irrespective of the fact that any one or more sections, subsections, clauses, phrases, portions, or provisions be declared invalid or unconstitutional. This Section shall apply to all amendments heretofore or hereafter made to this Title.

12.1.090 NO MANDATORY DUTY – CIVIL LIABILITY.

It is the intent of the Council that in establishing performance standards or establishing an obligation to act by a Metro Township officer, employee, or designee, these standards shall not be construed as creating a mandatory duty for purposes of tort liability if the officer, employee, or designee fails to perform his or her directed duty or duties.

12.1.100 GENERAL RULES OF INTERPRETATION OF ORDINANCES.

For purposes of this Title:

(1) Any gender includes the other gender(s).

(2) "Shall" is mandatory; "may" is permissive.

(3) The singular number includes the plural, and the plural the singular.

(4) Words used in the present tense include the past and future tense, and vice versa.

(5) Words and phrases used in this Title, and not specifically defined, shall be construed according to the context and approved usage of the language.

12.1.110 DEFINITIONS APPLICABLE TO TITLE GENERALLY.

The following words and phrases, whenever used in this Title, shall be constructed as defined in this section, unless a different meaning is specifically defined elsewhere in this Title and specifically stated to apply:

(1) "Abate" or "Abatement" means any action the Metro Township may take on public or private property and any adjacent property as may be necessary to remove or alleviate a violation, including, but not limited to, demolition, removal, repair, boarding, and securing or replacement of property.

(2) "Administrative Code Enforcement Order" means an order issued by an Administrative Law Judge. The order may include an order to abate the violation, pay civil penalties and administrative costs, or take any other action as authorized or required by this Title and applicable state codes.

(3) "Administrative Law Judge" or "hearing officer" means the position established by the [insert Metro Township name] § Code 1.16 "Administrative Hearing."

(4) "Animal Control Administrator" means the supervisor of the Animal Control Division, established in [insert Metro Township name] § Code 8.1.

(5) "Chief Building Inspector" means the official authorized and responsible for planning, directing, and managing the building inspection activities within the Metro Township.

(6) "Council" means the Council of [insert Metro Township name].

(7) "Code Enforcement Lien" means a lien recorded to collect outstanding civil penalties, administrative fees, and costs.

(8) "Code Enforcement Performance Bond" means a bond posted by a responsible person to ensure compliance with the Metro Township Code, applicable state titles, a judicial action, or an administrative code enforcement order.

(9) "County" means Salt Lake County, Utah.

(10) "Department" means the Metro Township's Planning and Development Services Department, or its designee.

(11) "Director" means the director of the Metro Township's Planning and Development Services Department or his/her authorized agent(s) or any other person/entity and their authorized agent(s) that the Metro Township has authorized to provide code enforcement services.

(12) "Enforcement Official" means any person authorized to enforce violations of the Metro Township Code or applicable state codes.

(13) "Financial Institution" means any person that holds a recorded mortgage or deed of trust on a property.

(14) “Fire Department” means the applicable entity or official(s) that is authorized and responsible for providing fire and emergency services to the Metro Township.

(15) “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; and acts of nature adverse to performing required acts.

(16) “Imminent Life Safety Hazard” means any condition that creates a present, extreme, and immediate danger to life, property, health, or public safety.

(17) “Legal Interest” means any interest that is represented by a document, such as a deed of trust, quitclaim deed, mortgage, judgment lien, tax or assessment lien, mechanic's lien, or other similar instrument that is recorded with the County Recorder.

(18) “Metro Township” or “Municipality” means the area within the territorial municipal limits of [insert Metro Township Name], and such territory outside of this Metro Township over which the [insert Metro Township Name] has jurisdiction or control by virtue of any constitutional or incorporation provisions or any law.

(19) “Minor violation” means nuisance violations, as defined in state law and by Utah State Courts, to include:

a. Land uses that do not conform to existing zoning of the property;

b. Unauthorized collections of motor vehicles that are unlicensed, unregistered, and/or inoperable;

c. Trash, litter, illegal dumping, and weeds;

d. Nuisance noise and lighting;

e. Illegal advertising; and

f. The unauthorized use of public streets and sidewalks that stem from news racks, merchandise displays, mobile food vending, and other such illegal uses.

(20) “Notice of Compliance” means a document issued by the Metro Township, representing that a property complies with the requirements outlined in the notice of violation.

(21) “Notice of Satisfaction” means a document or form approved by the Administrative Law Judge or his or her designee, which indicates that all outstanding civil penalties and costs have been either paid in full, or that the Metro Township has negotiated an agreed amount, or that a subsequent administrative or judicial decision has resolved the outstanding debt. In addition to the satisfaction of the financial debt, the property must also be in compliance with the requirements outlined in the notice of violation.

(22) “Notice of Violation” means a written notice prepared by an enforcement official that informs a responsible person of code violations and orders them to take certain steps to correct the violations.

(23) “Oath” includes affirmations and oaths.

(24) “Person” means any natural person, firm, joint venture, joint stock company, partnership, association, club, company, corporation, business trust, organization, or the manager, lessee, agent, sergeant, officer, or employee of any of them, or any other entity that is recognized by law as the subject of rights or duties.

(25) “Program” means the Code Enforcement and Community Enhancement Program authorized under this Title.

(26) “Property Owner” means the record owner of real property based on the county assessor's records.

(27) “Public Nuisance” means any condition caused, maintained, or permitted to exist that constitutes a threat to the public's health, safety, and welfare, or that significantly obstructs, injures, or interferes with the reasonable or free use of property in a neighborhood or community or by any considerable number of persons. A public nuisance also has the same meaning as set forth in the Utah Code Annotated.

(28) “Responsible Person” means a person who has charge, care, or control of any premises, dwelling, or dwelling unit as the legal or equitable owner, agent of the owner, lessee, or as an executor, administrator, trustee or guardian of the estate of the owner. In all cases, the person with legal title to any premises, dwelling, or dwelling unit shall be considered a responsible person, with or without accompanying actual possession thereof.

(29) “Treasurer” means the [insert Metro Township name] Treasurer as designated pursuant to Utah Code Ann. § 10-3c-203.

(30) “Written” includes handwritten, typewritten, photocopied, computer printed, or facsimile.

(31) “[Insert Metro Township name],” means [insert Metro Township name], a municipal corporation under state law. May also be referred to “the Metro Township” and/or “the Municipality” pursuant to Utah Code § 68-3-12.5(6).

12.1.111 ACTS INCLUDE CAUSING, AIDING, AND ABETTING.

Whenever any act or omission is made unlawful in this Title, it shall include causing, permitting, aiding, or abetting such act or omission.

12.1.200 PART 2 – SERVICE REQUIREMENTS.

12.1.210 SERVICE OF PROCESS.

(1) Whenever service is required to be given under this Title, service shall be made on the property owner and any non-owner occupant of the property, if applicable, in accordance with Utah Code Ann. § 10-11-2 or any applicable successor statute(s), unless another form of service is required by law.

(2) If service complies with the requirements of this Section, it shall be deemed a valid service

even if a party claims not to have received the service and it shall not affect the validity of any proceedings taken under this Title.

(3) The failure to serve all responsible person(s) shall not affect the validity of any proceedings.

12.1.220 CONSTRUCTIVE NOTICE OF RECORDED DOCUMENTS.

Whenever a document is recorded with the County recorder as authorized or required by this Title or applicable state codes, recordation shall provide constructive notice of the information contained in the recorded documents.

12.1.300 PART 3 – GENERAL AUTHORITY AND OFFENSES.

12.1.310 GENERAL ENFORCEMENT AUTHORITY.

Whenever the Director or enforcement official finds that a violation of the Metro Township Code or applicable state codes has occurred or continues to exist, the appropriate administrative enforcement procedure may be used as outlined in this Title. The Director or any designated enforcement official has the authority and power necessary to gain compliance with the provisions of the Metro Township Code and applicable state codes. These powers include the power to issue notices of violation and administrative citations, inspect public and private property, abate public and private property, and use whatever judicial and administrative remedies are available under the Metro Township Code or applicable state codes.

12.1.320 ADOPTION OF POLICY AND PROCEDURES.

The Administrative Law Judge is authorized to develop policies and procedures relating to the hearing procedures, scope of hearings, subpoena powers, and other matters relating to the Program.

12.1.330 AUTHORITY TO INSPECT.

The Director or any designated enforcement official is authorized to enter upon any property or premises to ascertain whether the provisions of the Metro Township Code or applicable state codes are being obeyed and to make any examinations and surveys as may be necessary in the performance of the enforcement duties. This may include the taking of photographs, samples, or other physical evidence. All inspections, entries, examinations, and surveys shall be done in a reasonable manner based upon cause. If the responsible person refuses to allow the enforcement official to enter the property, the enforcement official shall obtain a search warrant.

12.1.340 POWER TO ARREST.

The Director or any designated enforcement official is authorized to issue a misdemeanor citation or administrative citation whenever there is reasonable cause to believe that the person has committed a violation of the Metro Township Code or applicable state codes in the enforcement official's presence.

12.1.350 FALSE INFORMATION OR REFUSAL PROHIBITED.

It shall be unlawful for any person to willfully make a false statement or refuse to give his or her name or address with intent to deceive or interfere with a duly authorized Metro Township official or agent, including but not limited to the Director any authorized enforcement officials, when in the performance of his or her official duties under the provisions of this Title. A violation of this Section is a class B misdemeanor.

12.1.360 FAILURE TO OBEY A SUBPOENA.

It is unlawful for any person to refuse or fail to obey a subpoena issued for an administrative code enforcement hearing. Failure to obey a subpoena constitutes contempt and is a class B misdemeanor.

CHAPTER 12.2 – ADMINISTRATIVE CODE ENFORCEMENT PROCEDURES

12.2.010 AUTHORITY.

Any condition caused, maintained, or permitted to exist in violation of any provisions of the Metro Township Code or applicable state codes that constitutes a violation may be abated by the Metro Township pursuant to the procedures set forth in this Chapter.

12.2.020 NOTICE OF VIOLATION.

(1) Whenever the Director or any designated enforcement official determines that a violation of the Metro Township Code or applicable state codes has occurred or continues to exist, the Director or enforcement official will issue a notice of violation to a responsible person. The notice of violation shall include the following information and shall comply with Utah Code § 10-11-2 or the applicable successor statute(s):

a. Name of the property owner of record according to the records of the County Recorder;

b. Street address of violation;

c. Nature and results of the examination and investigation conducted;

d. Date and approximate time the violation was observed;

e. All code sections violated and description of condition of the property that violates the applicable codes;

f. A statement explaining the type of remedial action required to permanently correct outstanding violations, which may include corrections, repairs, demolition, removal, eradication, destruction, or other appropriate action;

g. A specific date for the responsible party to correct the violations listed in the notice of violation, which date shall be at least ten days from the date of service unless the Director determines that the violation requires emergency abatement under Section 12.2.200;

h. Explanation of the consequences should the responsible person fail to comply with the terms and deadlines as prescribed in the notice of violation, which may include, but is not limited to, criminal prosecution; civil penalties; revocation of permits; recordation of the notice of violation; withholding of future municipal permits; abatement of the violation by the Metro Township and re-payment to the Metro Township for the costs of the abatement; other costs incurred by the Metro Township; administrative fees; and any other legal remedies;

i. That civil penalties will begin to accrue immediately on expiration of the date to correct violations;

j. The amount of the civil penalty on each violation and that the penalty will accrue daily until the property is brought into compliance;

k. That only one notice of violation is required for any 12-month period, and that civil penalties begin immediately upon any subsequent violations of the notice. The responsible person may request a hearing on the renewed violations by following the same procedure as provided for the original notice;

l. Procedures to appeal the notice and request a hearing as provided in Section 12.2.530, and consequences for failure to request one; and

m. Procedures to request an inspection after the violation has been abated pursuant to Section 12.2.040.

(2) The notice of violation shall be served by one of the methods of service listed in Section 12.1.210 of this Title.

(3) More than one notice of violation may be issued against the same responsible person, if it encompasses different dates, or different violations.

12.2.030 FAILURE TO BRING PROPERTY INTO COMPLIANCE.

(1) If a responsible person fails to bring a violation into compliance within the compliance period specified in the notice of violation, civil penalties shall be owed to the Metro Township for each and every subsequent day of violation.

(2) Failure to comply with the notice of violation is a Class C misdemeanor.

12.2.040 INSPECTIONS.

It shall be the duty of the responsible person served with a notice of violation to request in writing an inspection when his or her property has been brought into compliance. It is prima facie evidence that the violation remains on the property if no inspection is requested. Civil penalties accumulate daily until the property has been inspected and a notice of compliance is issued. Re-inspection fees shall be assessed if more than one inspection is necessary.

12.2.200 PART 2 – EMERGENCY ABATEMENT

12.2.210 AUTHORITY.

(1) Whenever the Director determines that an imminent life safety hazard exists that requires immediate correction or elimination, the Director may exercise the following powers without prior notice to the responsible person:

a. Order the immediate vacation of any tenants, and prohibit occupancy or entry until all repairs are completed, provided that an order prohibiting entry shall specify how entry is to be made to mitigate damage, complete repairs, retrieve personal property, or for any other purpose, if any, during the abatement process.

b. Post the premises as unsafe, substandard, or dangerous;

c. Board, fence, or secure the building or site;

d. Raze and grade that portion of the building or site to prevent further collapse, and remove any hazard to the general public;

e. Make any minimal emergency repairs as necessary to eliminate any imminent life safety hazard; or

f. Take any other action appropriate to eliminate the emergency.

(2) The Director and his or her agents have the authority, based on cause, to enter the property without a search warrant or court order to accomplish the above listed acts to abate the safety hazard.

(3) The responsible person shall be liable for all costs associated with the abatement of the life safety hazard. Costs may be recovered pursuant to this Title.

12.2.220 PROCEDURES.

(1) The Director shall pursue only the minimum level of correction or abatement as necessary to eliminate the immediacy of the hazard. Costs incurred by the Metro Township during the emergency abatement process shall be assessed and recovered against the responsible person through the procedures outlined in Chapter 12.3 of this Title regarding "Administrative and Judicial Remedies" section.

(2) The Director may also pursue any other valid and legal administrative or judicial remedy to abate any remaining violations.

12.2.230 NOTICE OF EMERGENCY ABATEMENT.

After an emergency abatement, the Metro Township shall notify the owner or responsible person of the abatement action taken in writing. This notice shall be served within ten days of completion

of the abatement and will describe in reasonable detail the abatement actions taken.

12.2.300 PART 3 – DEMOLITIONS

12.2.310 AUTHORITY.

Whenever the Director determines that a property or building requires demolition, he or she may demolish or remove the offending structure, or exercise any or all of the powers listed in Section 12.2.210 once appropriate notice has been given to a responsible person pursuant to the Uniform Abatement of Dangerous Buildings Code or Uniform Fire Codes as required under state law, provided that the notice shall include a written description of the Director's findings explaining the need for the demolition and citations to the applicable ordinances or laws authorizing the demolition. The responsible person shall be liable for all costs associated with the demolition. Costs may be recovered pursuant to this Title.

12.2.320 PROCEDURES.

Once the Director has determined that the Metro Township Chief Building Inspector or the Fire Department has complied with all of the notice requirements of the applicable laws, the property will be demolished. Other applicable remedies may also be pursued.

12.2.400 PART 4 – ADMINISTRATIVE CITATIONS

12.2.410 DECLARATION OF PURPOSE.

The Council finds that there is a need for an alternative method of enforcement for minor violations of the Metro Township Code and applicable state codes. The Council further finds that an appropriate method of enforcement is an administrative citation program.

The procedures established in this Part shall be in addition to criminal, civil, or any other legal remedy established by law that may be pursued to address violations of the Metro Township Code or applicable state codes.

12.2.420 AUTHORITY.

(1) Any person violating any minor provision of the Metro Township Code or applicable state codes may be issued an administrative citation by an enforcement official as provided in this Part.

(2) A civil penalty shall be assessed by means of an administrative citation issued by the enforcement official, and shall be payable directly to the Metro Township Treasurer's Office, or other offices designated to receive payment on behalf of the Metro Township.

(3) Penalties assessed by means of an administrative citation shall be collected in accordance with the procedures specified in the remedies section of this Title.

12-2-403. PROCEDURES.

(1) Upon discovering any violation of the Metro Township Code, or applicable state codes, an enforcement official may issue an administrative citation to a responsible person in the manner prescribed in this Part or as prescribed in Section 12.1.210. The administrative citation shall be issued on a form approved by the Director.

(2) If the responsible person is a business, the enforcement official shall attempt to locate the business owner and issue an administrative citation to the business owner. If the enforcement official can only locate the manager of the business, the administrative citation may be given to the manager of the business. A copy of the administrative citation may also be mailed to the business owner or any other responsible person in the manner prescribed in Section 12.1.210 of this Title.

(3) Once the responsible person has been located, the enforcement official shall attempt to obtain the signature of that person on the administrative citation. If the responsible person refuses or fails to sign the administrative citation, the failure or refusal to sign shall not affect the validity of the citation and subsequent proceedings.

(4) If the enforcement official is unable to locate the responsible person for the violation, then the administrative citation shall be mailed to the responsible person in the manner prescribed in Section 12.1.210 of this Title.

(5) If no one can be located at the property, then the administrative citation may be posted in a conspicuous place on or near the property and a copy subsequently mailed to the responsible person in the manner prescribed by Section 12.1.210 of this Title.

(6) The administrative citation shall also contain the signature of the enforcement official.

(7) The failure of any person with an interest in the property to receive notice shall not affect the validity of any proceedings taken under this Part.

12.2.440 CONTENTS OF ADMINISTRATIVE CITATION.

Administrative citations shall include the information required in Section 12.2.020 and shall:

(1) State the amount of penalty imposed for the minor violations; and

(2) Explain how the penalty shall be paid, the time period by which the penalty shall be paid, and the consequences of failure to pay the penalty.

12.2.450 CIVIL PENALTIES ASSESSED.

(1) The Metro Township Council shall establish policies to assist in the assessment of civil penalties for administrative citations.

(2) Civil penalties shall be assessed immediately for each violation listed on the administrative citation. The penalties shall be those established in the Consolidated Fee Schedule.

(3) Payment of the penalty shall not excuse the failure to correct the violations, nor shall it bar further enforcement action by the Metro Township.

12.2.500 PART 5 – HEARING PROCEDURES

12.2.510 DECLARATION OF PURPOSE.

The Council finds that there is a need to establish uniform procedures for administrative code enforcement hearings conducted pursuant to the Metro Township Code. It is the purpose and intent of the Council to afford due process of law to any person who is directly affected by an administrative action. Due process of law includes notice, an opportunity to participate in the administrative hearing, and an explanation of the reasons justifying the administrative action. These procedures are also intended to establish a forum to efficiently, expeditiously, and fairly resolve issues raised in any administrative code enforcement action.

12.2.520 AUTHORITY AND SCOPE OF HEARINGS.

The Administrative Law Judge will preside over hearings of Metro Township Code violations. The Administrative Law Judge shall develop policies and procedures to regulate the hearing process for any violation of the Metro Township Code and applicable state codes that are handled pursuant to the administrative abatement procedures, the emergency abatement procedures, the demolition procedures, or the administrative citation procedures. If there is a conflict between the appeal procedures in this Title and the appeal procedures in another code incorporated by the Township, this Title shall control.

12.2.530 REQUEST FOR ADMINISTRATIVE CODE ENFORCEMENT HEARING.

(1) A person served with one of the following documents or notices has the right to request an administrative code enforcement hearing, if the request is filed within 20 calendar days from the date of service of one of the following notices:

   a. Notice of violation;

   b. Notice of itemized bill for costs;

   c. Administrative citation;

   d. Notice of emergency abatement;

(2) The request for hearing shall be made in writing and filed with the Administrative Law Judge. The request shall contain the case number, the address of the violation, and the signature of the responsible party.

(3) As soon as practicable after receiving the written notice of the request for hearing, the Administrative Law Judge shall schedule a date, time, and place for the hearing.

(4) Failure to request a hearing as provided shall constitute a waiver of the right to a hearing and a waiver of the right to challenge the action.

12.2.540 HEARINGS AND ORDERS.

(1) If the responsible person fails to request a hearing before the expiration of the 20-day deadline, the Director may request a default hearing, which the Administrative Law Judge shall schedule. The responsible person shall be notified of the date, time, and place of the hearing by one of the methods listed in Section 12.2.210.

(2) A default hearing shall be scheduled for all cases that have outstanding or unpaid civil penalties, fines, fees and/or costs due to the Metro Township before collection, if a hearing on that case has not already been held.

(3) At any hearing, the responsible person shall have the opportunity to present evidence to show that good cause exists, as defined in the Title, to do one or more of the following in addition to any other rights afforded under other provisions of the Metro Township Code or applicable law:

a. Waive or reduce the fines which have accumulated;

b. Postpone an abatement action by the Metro Township; or

c. Excuse the responsible person's failure to request a hearing within the 20-day period.

(4) If the responsible person fails to establish good cause to take one or more of the actions set forth in paragraph (3), the Administrative Law Judge shall review the notice of violation and any other relevant information included in the case file. The Administrative Law Judge shall not accept any other evidence.

a. If the evidence shows that the violations existed, the Administrative Law Judge shall enter an order requiring abatement of the violations, and the payment of all fines and fees. Fines shall run until the Director or other duly authorized representative of the Metro Township issues a Notice of Compliance stating when the violations were actually abated.

12.2.550 NOTIFICATION OF ADMINISTRATIVE CODE ENFORCEMENT HEARING.

(1) Written notice of the day, time, and place of the hearing shall be served to a responsible person as soon as practicable prior to the date of the hearing.

(2) The format and contents of the hearing notice shall be in accordance with rules and policies promulgated by the Administrative Law Judge.

(3) The notice of hearing shall be served by any of the methods of service listed in Section 12.1.210 of this Title.

12.2.560 DISQUALIFICATION OF ADMINISTRATIVE LAW JUDGE.

(1) A responsible person may file a written motion to disqualify an Administrative Law Judge for bias, prejudice, a conflict of interest, or any other reason for which a judge may be disqualified in a court of law. The motion to disqualify shall be accompanied by an affidavit or unsworn declaration as described in Title 78B of the Utah Code or applicable successor

statute(s) signed by the responsible person, which shall:

a. State that the motion is filed in good faith;

b. Allege facts sufficient to show, bias, prejudice, a conflict of interest, or any other reason that would disqualify a judge in a court of law in Utah; and

c. State when and how the Responsible Party came to know of the reason for disqualification.

(2) The responsible person must file the motion within 21 days of the assignment of the action to an Administrative Law Judge or the date on which the responsible person knew or should have known of the grounds on which the motion is based, whichever is later.

(3) A responsible person can only file one motion to disqualify an Administrative Law Judge, unless a second or subsequent motion is based on grounds that the responsible person did not know of and could not have known of at the time of the earlier motion.

(4) The Administrative Law Judge who is the subject of a motion to disqualify must, without taking any further action, provide the Director with a copy of the motion and refer the motion to the Metro Township Council.

(5) Upon receipt of a motion to disqualify, the Metro Township Council will schedule and notice the matter for review at its next regular scheduled meeting. The Metro Township Council may, in its sole discretion, elect to hold a special meeting to hear the motion before its next regularly scheduled meeting. The Metro Township Council shall first review the motion to disqualify to determine if it satisfies the requirements of paragraphs (1) and (2) of this Section. If the motion to disqualify does not satisfy the requirements of this Section, the Council will deny the motion and remand it to the Administrative Law Judge for further proceedings. If the motion to disqualify satisfies the requirements of paragraphs (1) and (2) of this Section, the Metro Township Council shall determine whether the motion is legally sufficient to warrant disqualification. If the Metro Township Council determines that disqualification is warranted, it will assign the matter to another Administrative Law Judge. If the Metro Township Council determines that the motion to disqualify is not legally sufficient, it will remand the matter back to the Administrative Law Judge.

12.2.570 POWERS OF THE ADMINISTRATIVE LAW JUDGE.

(1) The Administrative Law Judge has the authority to hold hearings, determine if violations of Metro Township ordinances exist, order compliance with Metro Township ordinances, and enforce compliance as provided in this Title on any matter subject to the provisions of the Title.

(2) The Administrative Law Judge may continue a hearing based on good cause shown by one of the parties to the hearing. The Administrative Law Judge must enter on the record the good cause on which a continuance is granted.

(3) The Administrative Law Judge, at the request of any party to the hearing, may sign subpoenas for witnesses, documents, and other evidence where the attendance of the witness for the

admission of evidence is deemed necessary to decide the issues at the hearing. All costs related to the subpoena, including witness and mileage fees, shall be borne by the party requesting the subpoena. The Administrative Law Judge shall develop policies and procedures relating to the issuance of subpoenas in administrative code enforcement hearings, including the form of the subpoena and related costs.

(4) The Administrative Law Judge has continuing jurisdiction over the subject matter of an administrative code enforcement hearing for the purposes of granting a continuance; ordering compliance by issuing an administrative code enforcement order using any remedies available under the law; ensuring compliance of that order, which includes the right to authorize the Metro Township to enter and abate a violation; modifying an administrative code enforcement order; or, where extraordinary circumstances exist, granting a new hearing.

(5) The Administrative Law Judge has the authority to require a responsible person to post a code enforcement performance bond to ensure compliance with an administrative code enforcement order.

12.2.580 PROCEDURES AT ADMINISTRATIVE CODE ENFORCEMENT HEARING.

(1) Administrative code enforcement hearings are intended to be informal in nature. Formal rules of evidence and discovery do not apply; however, an informal exchange of discovery may be required. The request must be in writing. Failure to request discovery shall not be a basis for a continuance. Complainant information is protected and shall not be released unless the complainant is a witness at the hearing. The procedure and format of the administrative hearing shall follow the procedures promulgated by the Administrative Law Judge.

(2) The Metro Township bears the burden of proof at an administrative code enforcement hearing to establish the existence of a violation of the Metro Township Code or applicable state codes.

(3) The standard of proof to be used by the Administrative Law Judge in deciding the issues at an administrative hearing is whether the preponderance of the evidence shows that the violations exist.

(4) Each party shall have the opportunity to cross-examine witnesses and present evidence in support of his or her case. A written declaration signed under penalty of perjury may be accepted in lieu of a personal appearance. Testimony may be given by telephone or other electronic means.

(5) All hearings are open to the public. They shall be recorded by audio tape. Hearings may be held at the location of the violation.

(6) The responsible person has a right to be represented by an attorney. If an attorney will be representing the responsible person at the hearing, notice of the attorney's name, address, and telephone number must be given to the Metro Township at least one day prior to the hearing. If notice is not given, the hearing may be continued at the Metro Township's request, and all costs of the continuance assessed to the responsible person.

(7) No new hearing shall be granted, unless the Administrative Law Judge determines that extraordinary circumstances exist which justify a new hearing.

12.2.590. FAILURE TO ATTEND ADMINISTRATIVE CODE ENFORCEMENT HEARING.

Any party whose property or actions are the subject of any administrative code enforcement hearing and who fails to appear at the hearing is deemed to waive the right to a hearing, and will result in a default judgment for the Metro Township, provided that proper notice of the hearing has been provided.

12.2.591 ADMINISTRATIVE CODE ENFORCEMENT ORDER.

(1) Once all evidence and testimony are completed, the Administrative Law Judge shall issue an administrative code enforcement order that affirms, modifies, or rejects the notice or citation. The Administrative Law Judge may increase or decrease the total amount of civil penalties and costs that are due pursuant to the Metro Township's fee schedule and the procedures in this Title.

(2) The parties may enter into a stipulated agreement, which must be signed by both parties. This agreement shall be entered as a stipulated administrative code enforcement order. Entry of this agreement shall constitute a waiver of the right to a hearing and the right to appeal.

(3) The Administrative Law Judge may order the Metro Township to enter the property and abate all violations, including but not limited to demolitions and the removal of vehicles, garbage, animals, and other property kept in violation of the Metro Township Code.

(4) The Administrative Law Judge may revoke a kennel permit, an animal license, or the right to possess animals as provided in the Metro Township Code.

(5) As part of the administrative code enforcement order, the Administrative Law Judge may condition the total or partial assessment of civil penalties on the responsible person's ability to complete compliance by specified deadlines.

(6) The Administrative Law Judge may schedule subsequent review hearings as may be necessary or as requested by a party to the hearing to ensure compliance with the administrative code enforcement order.

(7) The Administrative Law Judge may order the responsible person to post a performance bond to ensure compliance with the order.

(8) The administrative code enforcement order shall become final on the date of the signing of the order.

(9) The administrative code enforcement order shall be served on all parties by any one of the methods listed in Section 12.1.210 of this Title.

12-2-595 FAILURE TO COMPLY WITH ORDER.

(1) Upon the failure of the responsible person to comply with the terms and deadlines set forth in the administrative code enforcement order, the Metro Township may abate the violation as provided in Chapter 3, Part 3 of this Title and use all appropriate legal means to recover the civil penalties and administrative costs to obtain compliance.

(2) After the Administrative Law Judge issues an administrative code enforcement order, the Administrative Law Judge shall monitor the violations and determine compliance.

12.2.600 PART 6 – ADMINISTRATIVE ENFORCEMENT APPEALS

12.2.610 APPEAL OF ADMINISTRATIVE CODE ENFORCEMENT HEARING DECISION.

(1) Any person adversely affected by any decision made in the exercise of the provisions of this Chapter may file a petition for review of the decision or order by the district court within 30 days after the decision is rendered.

(2) No person may challenge in district court an administrative code enforcement hearing officer's decision until that person has exhausted his or her administrative remedies.

(3) Within 120 days after submitting the petition, the party petitioning for appeal shall request a copy of the record of the proceedings, including transcripts of hearings when necessary. The Administrative Law Judge shall not submit copies of files or transcripts to the reviewing court until the party petitioning for appeal has paid all required costs. The petitioning party's failure to properly arrange for copies of the record, or to pay the full costs for the record, within 180 days after the petition for review was filed shall be grounds for dismissal of the petition.

a. If a transcript of a hearing cannot be prepared because the tape recording is incomplete or unintelligible, the district court may, in its discretion, remand the matter to the Administrative Law Judge for a supplemental proceeding to complete the record. The district court may limit the scope of the supplemental proceeding to issues that, in the court's opinion, need to be clarified.

(4) The district court's review is limited to the record of the administrative decision that is being appealed. The court shall not accept nor consider any evidence that is not part of the record of that decision.

(5) The courts shall:

a. Presume that the administrative code enforcement hearing officer's decision and orders are valid; and

b. Review the record to determine whether or not the decision was arbitrary, capricious, or illegal.

CHAPTER 12.3 – ADMINISTRATIVE AND JUDICIAL REMEDIES

12.3.100 PART 1 –RECORDATION OF NOTICES OF VIOLATION

12.3.110 DECLARATION OF PURPOSE.

The Council finds that there is a need for alternative methods of enforcement for violations of the Metro Township Code and applicable state codes that are found to exist on real property. The Council further finds that an appropriate method of enforcement for these types of violations is the issuance and recordation of notices of violation.

The procedures established in this Part shall be in addition to criminal, civil, or any other remedy established by law that may be pursued to address the violation of the Metro Township Code or applicable state codes.

12.3.120 AUTHORITY.

Whenever the Director determines that a property or violation has not been brought into compliance as required in this Title, the Director has the authority, in his or her discretion, to record the notice of violation or administrative code enforcement order with the County Recorder's Office.

12.3.130 PROCEDURES FOR RECORDATION.

(1) Once the Director has issued a notice of violation to a responsible person, and the property remains in violation after the deadline established in the notice of violation, and no request for an administrative hearing has been filed, the Director shall record a notice of violation with the County Recorder's Office.

(2) If an administrative hearing is held, and an order is issued in the Metro Township's favor, the Director shall record the administrative code enforcement order with the County Recorder's Office.

(3) The recordation shall include the name of the property owner, the parcel number, the legal description of the parcel, and a copy of the notice of violation or order.

(4) The recordation does not encumber the property, but merely places future interested parties on notice of any continuing violation found upon the property.

12.3.140 SERVICE OF NOTICE OF RECORDATION.

A notice of the recordation shall be served on the responsible person and the property owner pursuant to any of the methods of service set forth in Section 12.1.210 of this Title.

12.3.150 FAILURE TO REQUEST.

The failure of any person to file a request for an administrative code enforcement hearing when served with a notice of violation shall constitute a waiver of the right to an administrative hearing and shall not affect the validity of the recorded notice of violation.

12.3.160 NOTICE OF COMPLIANCE – PROCEDURES.

(1) When the violations have been corrected, the responsible person or property owner may request an inspection of the property from the Director.

(2) Upon receipt of a request for inspection, the Director shall re-inspect the property as soon as practicable to determine whether the violations listed in the notice of violation or the order have been corrected, and whether all necessary permits have been issued and final inspections have been performed.

(3) The Director shall serve a notice of satisfaction to the responsible person or property owner in the manner provided in Section 12.2.210 of this Title, if the Director determines that:

(4) All violations listed in the recorded notice of violation or order has been corrected;

(5) All necessary permits have been issued and finalized;

(6) All civil penalties assessed against the property have been paid or satisfied; and

(7) The party requesting the notice of satisfaction has paid all administrative fees and costs.

(8) If the Director denies a request to issue a notice of satisfaction, upon request, the Director shall serve the responsible person with a written explanation setting forth the reasons for the denial. The written explanation shall be served by any of the methods of service listed in Section 12.1.210 of this Title.

12.3.170 WITHHOLDING OF MUNICIPAL PERMITS FOR NONCOMPLIANT PROPERTIES.

The Metro Township may, in its sole discretion, withhold any municipal permit that has been requested for a property that is in violation of any provision of the Metro Township Code until the Director issues a notice of satisfaction for the applicable violation(s) pursuant to this Title. The Metro Township may not withhold permits that are necessary to obtain a notice of satisfaction or that are necessary to correct serious health and safety violations.

12.3.180 CANCELLATION OF RECORDED NOTICE OF VIOLATION.

The Director or responsible person shall record the notice of satisfaction with the County Recorder's Office. Recordation of the notice of satisfaction shall cancel the recorded notice of violation.

12.3.200 PART 2 – ADMINISTRATIVE CIVIL PENALTIES

12.3.210 AUTHORITY.

(1) Any person violating any provision of the Metro Township Code, or applicable state codes, may be subject to the assessment of civil penalties for each violation.

(2) Each and every day a violation of any provision of the Metro Township Code or applicable state codes exists is a separate violation subject to the assessment of civil penalties.

(3) Civil penalties cannot be assessed when a criminal case has been filed for the same date and violation, because fines will be assessed with the criminal case.

(4) Interest shall be assessed per Metro Township policy, or at the judgment rate provided in Utah Code Ann. § 15-1-4 in the absence of a Metro Township policy, on all outstanding civil penalties balances until the case has been paid in full.

(5) Civil penalties for violations of any provision of the Metro Township Code or applicable state codes shall be assessed pursuant to the Metro Township's applicable fee schedule.

12.3.220 PROCEDURES FOR ASSESSING CIVIL PENALTIES.

(1) If a responsible person fails to bring a violation into compliance within ten days of service of the notice of violation, civil penalties shall be owed to the Metro Township for each and every subsequent day of violation.

(2) Civil penalties are assessed and owing immediately for any violation of the Metro Township Code or applicable state codes for an administrative citation.

12.3.230 DETERMINATION OF CIVIL PENALTIES.

(1) Civil penalties shall be assessed per violation per day pursuant to the applicable Metro Township fee schedule.

(2) Civil penalties shall continue to accrue until the violation(s) has/have been brought into compliance with the Metro Township Code or applicable state codes.

12.3.240 MODIFICATION OF CIVIL PENALTIES.

(1) Upon completion of the notice of violation or administrative enforcement order, the responsible person may request a modification of the civil penalties on a finding of good cause.

(2) Civil penalties may be waived or modified by the Administrative Law Judge, in his or her discretion, if there is a finding of good cause based on the responsible person's claim of nonconforming use or conditional use and:

(3) The Metro Township's need to verify the claim; or

(4) The responsible person's filing of an application for either use before expiration of the date to correct.

12.3.250 FAILURE TO PAY PENALTIES.

The failure of any person to pay civil penalties assessed within the specified time may result in the Director pursuing any legal remedy to collect the civil penalties as provided in the law.

12.3.300 PART 3 – ABATEMENT OF VIOLATION

12.3.310 AUTHORITY TO ABATE.

The Director is authorized to enter upon any property or premises to abate the violation of the Metro Township Code and applicable state codes pursuant to this Part. The Director is authorized to assess all costs for the abatement to the responsible person and use any remedy available under the law to collect the costs. If additional abatements are necessary within two years, treble costs may be assessed against the responsible person(s) for the actual abatement.

12.3.320 PROCEDURES FOR ABATEMENT.

(1) The Director may abate a violation pursuant to this Part after providing notice under Section 12.2.020 and by following the process set forth in Utah Code Ann. § 10-11-3 or any applicable successor statute(s) if the Responsible Party or Parties:

   a. Do not abate a violation within the time period prescribed in a notice issued pursuant to Sections 12.2.020 and 12.2.400, et seq.; and

   b. The Responsible Party or Parties did not file a request for an administrative code enforcement hearing under Section 12.2.530.

(2) The Director may, in his or her discretion, request a default hearing pursuant to Section 12.2.504 but is not required to do so to abate the violation under this Part and may abate the violation without a default hearing pursuant to Utah Code Ann. § 10-11-3 or applicable successor statute(s).

(3) The Director may use Metro Township personnel or by a private contractor acting under his or her direction or the direction of the Metro Township to abate the violation.

(4) Metro Township personnel or a private contractor may enter upon private property in a reasonable manner to abate the ordinance violation as specified in the notice of violation or administrative code enforcement order.

(5) If the responsible person abates the violation before the Metro Township performs the actual abatement pursuant to a notice of violation or administrative code enforcement order, the Director may still assess all costs incurred by the Metro Township against the responsible person.

(6) When the abatement is completed, the Director shall prepare an itemized statement of the work performed that complies with Utah Code Ann. § 10-11-3 or any applicable successor

statute(s).

(7) The Director shall serve the itemized statement on the responsible person in accordance with Utah Code Ann. § 10-11-3 or any applicable successor statute(s).

(8) The Administrative Law Judge shall hear any appeals filed by a responsible person in response to an itemized statement issued under this Part and shall conduct such appeals and any related hearings in accordance with Utah Code Ann. § 10-11-3 or any applicable successor statute(s).

12.3.400 PART 4 – COSTS

12.3.410 DECLARATION OF PURPOSE.

(1) The Council finds that there is a need to recover costs incurred by enforcement officials and other Metro Township personnel who spend considerable time inspecting and re-inspecting properties throughout the Metro Township in an effort to ensure compliance with the Metro Township Code or applicable state codes.

(2) The Council further finds that the assessment of costs is an appropriate method to recover expenses incurred for actual costs of abating violations, re-inspection fees, filing fees, attorney fees, hearing officer fees, title search, and any additional actual costs incurred by the Metro Township for each individual case. The assessment and collection of costs shall not preclude the imposition of any administrative or judicial civil penalties or fines for violations of the Metro Township Code or applicable state codes.

12.3.420 AUTHORITY.

(1) Whenever actual costs are incurred by the Metro Township on a property to obtain compliance with provisions of the Metro Township Code and applicable state codes, the Director may assess costs against the responsible person.

(2) Once a notice of violation has been issued, the property will be inspected one time. Any additional inspections shall be subject to re-inspection fees pursuant to the applicable Metro Township fee schedule as adopted in the Metro Township's annual budget.

12.3.430 NOTIFICATION OF ASSESSMENT OF REINSPECTION FEES.

(1) Notification of any applicable re-inspection fees adopted by the Metro Township shall be provided on the notice of violation served to the responsible person(s).

(2) Re-inspection fees assessed or collected pursuant to this Part shall not be included in any other costs assessed.

(3) The failure of any responsible person to receive notice of the re-inspection fees shall not affect the validity of any other fees imposed under this Part.

12.3.440 FAILURE TO TIMELY PAY COSTS.

The failure of any person to pay assessed costs by the deadline specified in the invoice shall result in a late fee pursuant to Metro Township policy.

12.3.500 PART 5 – ADMINISTRATIVE FEES

12.3.510 ADMINISTRATIVE FEES.

The Director or the Administrative Law Judge is authorized to assess administrative fees for costs incurred in the administration of this program, such as investigation of violations, preparation for hearings, hearings, and the collection process. The fee assessed shall be the amount set in the applicable Metro Township fee schedule.

12.3.600 PART 6 –- INJUNCTIONS

12.3.610 CIVIL VIOLATIONS – INJUNCTIONS.

In addition to any other remedy provided under the Metro Township Code or state codes, including criminal prosecution or administrative remedies, any provision of the Metro Township Code may be enforced by injunction issued in the Third District Court upon a suit brought by the Metro Township.

12.3.700 PART 7 – PERFORMANCE BONDS

12.3.710 PERFORMANCE BOND.

(1) As part of any notice, order, or action, the Director or Administrative Law Judge has the authority to require responsible persons to post a performance bond to ensure compliance with the Metro Township Code, applicable state codes, or any judicial action.

(2) If the responsible person fails to comply with the notice, order, or action, the bond will be forfeited to the Metro Township. The bond will not be used to offset the other outstanding costs and fees associated with the case.

CHAPTER 12.4 - RECOVERY OF CODE ENFORCEMENT PENALTIES AND COSTS

12.4.100 PART 1 – CODE ENFORCEMENT TAX LIENS

12.4.110 DECLARATION OF PURPOSE.

The Council finds that recordation of code enforcement tax liens will assist in the collection of civil penalties, administrative costs, and administrative fees assessed by the administrative code enforcement hearing program or judicial orders. The Council further finds that collection of civil penalties, costs, and fees assessed for code enforcement violations is important in deterring future violations and maintaining the integrity of the Metro Township's code enforcement system. The procedures established in this Part shall be used to complement existing administrative or judicial remedies that may be pursued to address violations of the Metro Township Code or applicable state codes.

12.4.120 PROCEDURES FOR TAX LIENS WITHOUT A JUDGMENT.

(1) Once the Metro Township has abated a property for weeds, garbage, refuse, or unsightly or deleterious objects or structures, the Director shall prepare three copies of the Itemized Statement of Costs incurred in the removal and destruction of the violations and deliver them to the Metro Township Mayor within 10 days after completion of the work of removing the violations.

(2) The Director shall send, by registered mail to the property owner's last known address, a copy of the Itemized Statement of Costs informing him or her that a code enforcement tax lien is being recorded for the amount of actual costs of abatement. Payment shall be due within 20 calendar days from the date of mailing.

(3) Upon receipt of the Itemized Statement of costs, the Metro Township Mayor shall record a Code Enforcement Tax Lien against the property with the County Treasurer's office.

(4) The failure of any person with a financial interest in the property to actually receive the notice of the lien shall not affect the validity of the lien or any proceedings taken to collect the outstanding costs of abatement.

12.4.130 PROCEDURES FOR TAX LIENS WITH A JUDGMENT.

Once a judgment has been obtained from the appropriate court assessing costs against the responsible person(s), the Director may record a code enforcement tax lien against any real property owned by the responsible person(s).

12.4.140. CANCELLATION OF CODE ENFORCEMENT TAX LIEN.

Once payment in full is received for the outstanding civil penalties and costs, or the amount is deemed satisfied pursuant to a subsequent administrative or judicial order, the Director shall either record a Notice of Satisfaction of Judgment, or provide the property owner or financial institution with the Notice of Satisfaction of Judgment so that it can record this notice with the county

recorder's office. The notice of satisfaction of judgment shall include the same information as provided for in the original Code Enforcement Tax Lien. Such notice of satisfaction of judgment shall cancel the code enforcement tax lien.

12.4.200 PART 2 – WRIT OF EXECUTION

12.4.201 RECOVERY OF COSTS BY WRIT OF EXECUTION.

After obtaining a judgment, the Director may collect the obligation by use of all appropriate legal means. This may include the execution on personal property owned by the responsible person by filing a writ with the applicable court.

12.4.300 PART 3 – WRIT OF GARNISHMENT

12.4.310 RECOVERY OF COSTS BY WRIT OF GARNISHMENT.

After obtaining a judgment, the Director may collect the obligation by use of all appropriate legal means. This may include the garnishment of paychecks, financial accounts, and other income or financial assets by filing a writ with the applicable court.

12.4.400 PART 4 – ALLOCATION OF FUNDS COLLECTED UNDER ADMINISTRATIVE CODE ENFORCEMENT HEARING PROGRAM

12.4.410 ABATEMENT FUND.

There is, hereby established, a revolving fund to be known as the "Abatement Fund" to defray costs of administrative and judicial abatements. The fund shall be reimbursed by collection from the property or property owner as specified in this Title and by the courts. The Metro Township Council shall establish accounting procedures to ensure proper account identification, credit, and collection. This fund may be operated and used in conjunction with procedures ordered or authorized under the abatement provision of this Title.

12.4.420. REPAYMENT TO ABATEMENT FUND.

All monies recovered from the sale or transfer of property or by payment for the actual abatement costs shall be paid to the Metro Township Treasurer, who shall credit the appropriate amount to the Abatement Fund.

12.4.430 CODE ENFORCEMENT ADMINISTRATIVE FEES AND COST FUND.

Administrative fees and administrative costs, except for actual abatement costs, collected pursuant to this Part shall be deposited in a fund established by the Metro Township Council for the enhancement of the Metro Township's code enforcement efforts and to reimburse the Metro Township for investigative costs and costs associated with the hearing process. Fees and costs deposited in this fund shall be appropriated and allocated in a manner determined by the Metro Township Council. The Metro Township Council shall establish accounting procedures in consultation with the Metro Township Auditor to ensure proper account identification, credit, and collection.

12.4.440 ALLOCATION OF CIVIL PENALTIES.

Civil penalties collected pursuant to this Part shall be deposited in the General Fund of the Metro Township. Civil penalties deposited in this fund shall be appropriated and allocated in a manner determined by the Metro Township Manager and the Metro Township Council. The Metro Township Council shall establish accounting procedures to ensure proper account identification, credit, and collection.

Planning and Development Services
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MEETING MINUTE SUMMARY
COPPERTON METRO TOWNSHIP PLANNING COMMISSION MEETING
Tuesday, May 14, 2019 6:00 p.m.

Approximate meeting length: 2 hours 19 minutes
Number of public in attendance: 0
Summary Prepared by: Wendy Gurr
Meeting Conducted by: Commissioner Stone

*NOTE: **Staff Reports** referenced in this document can be found on the State and County websites, or from Salt Lake County Planning & Development Services.

ATTENDANCE

Commissioners	Public Mtg	Business Mtg	Absent
Ranuta Alder		x	
Vern Winkler		x	
Ryan Taylor		x	
Doug Green (Chair)			x
Mike Stone (Vice Chair)		x	

Planning Staff / DA	Public Mtg	Business Mtg
Curtis Woodward		x
Wendy Gurr		x

BUSINESS MEETING

Meeting began at – 6:01 p.m.

1) Election of Vice Chair 2019 (Pending)
   Election of Vice Chair
   Motion: Commissioner Winkler nominated Commissioner Stone for Vice Chair. Commissioner Stone accepted.
   Motion by*:* Commissioner Winkler
   2nd by: Commissioner Taylor
   Vote*:* Commissioners voted unanimous in favor (of commissioners present)

2) Approval of Minutes from the April 9, 2019 meeting
   Motion: To approve minutes from the April 9, 2019 meeting as presented.
   Motion by*:* Commissioner Alder
   2nd by: Commissioner Stone
   Vote*:* Commissioners voted unanimous in favor (of commissioners present)

3) Continued discussion of zoning and subdivision ordinances

Commissioner Winkler said he has open space. Mr. Woodward said council wanted a work meeting with the planning commission on RCOZ and had evolved out of the Historic Preservation. He asked the mayor to invite council members and no one appeared and hasn't heard back and spoke with the attorney. Changes made to open space ordinance. Commissioner Winkler wants a motion version of open space for approval. Mr. Woodward said since they haven't come to the work meeting, we could put it on their agenda and may elect to wait and attorney said once they're through with the budget cycle, then will get in to tackling

ordinances as a council.

19.72 – Foothills and Canyons Overlay Zone (FCOZ)

19.72.010 – no change
19.72.020 – no change
19.72.030 – no change
19.72.040 – no change
19.72.050 – no change
19.72.060 – no change
19.72.070 – no change
19.72.080 – no change
19.72.090 – no change
19.72.100 – no change
19.72.110 – no change
19.72.120 – no change
19.72.130 – no change
19.72.140 – no change
19.72.150 – no change
19.72.160 – no change
19.72.170 – no change
19.72.180 – no change
19.72.190 – no change
19.72.200 – no change

19.74 – Floodplain Hazard Regulations *–*

Commissioner Stone said it looks like we are waiting for the edits to be made. Commissioner Winkler recommends the code stay as federal requirements.

19.75 – Geological Hazards Ordinance

Motion: To recommend 19.74 and 19.75 to the Copperton Metro Township Council to defer to the County code, rather than adopt Copperton Metro Township specific, with the understanding that county code includes state code and federal code.

Motion by*:* Commissioner Winkler
2nd by: Commissioner Stone
Vote*:* Commissioners voted unanimous in favor (of commissioners present)

19.76 – Supplementary and Qualifying Regulations

19.76.010 – no change
19.76.020 – no change
19.76.030 – no change
19.76.035 – no change
19.76.040 – no change
19.76.050 – no change
19.76.060 – no change
19.76.065 – no change
19.76.070 – no change

19.76.080 – no change
19.76.090 – no change
19.76.100 – no change
19.76.110 – no change
19.76.130 – no change
19.76.140 – no change
19.76.160 – no change
19.76.170 – no change
19.76.190 – no change
19.76.200 – no change
19.76.210 – no change
19.76.220 – no change
19.76.240 – no change
19.76.250 – no change
19.76.260 – no change
19.76.270 – eliminate
19.76.280 – no change
19.76.290 – no change
19.76.300 – no change
19.76.310 – no change

Mr. Woodward touched on 19.77 – Water Efficient Landscape Design and Development Standards. This item was continued to the June meeting.

19.78 – Planned Unit Developments

19.78.010 – no change
19.78.020 – no change
19.78.030 – no change
19.78.040 – no change
19.78.050 – no change
19.78.060 – no change
19.78.070 – no change
19.78.080 – no change
19.78.090 – no change
19.78.100 – no change
19.78.110 – no change
19.78.120 – no change
19.78.130 – no change

4) Other Business Items (as needed)

Commissioner Winkler asked how to go about getting a four lane road and traffic flow. Mr. Woodward advised impact fees and an RFP for a consultant.

Commissioner Alder motioned to adjourn, Commissioner Taylor seconded that motion.

MEETING ADJOURNED

Time Adjourned – 8:20 p.m.

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MEETING MINUTE SUMMARY

COPPERTON METRO TOWNSHIP PLANNING COMMISSION MEETING

Tuesday, June 11, 2019 6:00 p.m.

****There was not a quorum, this meeting was intended for discussion purposes only****

Approximate meeting length: 1 hour 1 minute
Number of public in attendance: 1
Summary Prepared by: Wendy Gurr
Meeting Conducted by: Commissioner

*NOTE: **Staff Reports** referenced in this document can be found on the State and County websites, or from Salt Lake County Planning & Development Services.

ATTENDANCE

Commissioners	Public Mtg	Business Mtg	Absent
Ranuta Alder		x	
Vern Winkler		x	
Ryan Taylor			x
Doug Green (Chair)			x
Mike Stone (Vice Chair)			x

Planning Staff / DA	Public Mtg	Business Mtg
Curtis Woodward		x
Wendy Gurr		x
Mikala Jordan		x

BUSINESS MEETING

Meeting began at – 6:08 p.m.

1) Approval of Minutes from the May 14, 2019 meeting
Motion:
Motion by*:*
2nd by:
Vote*:*

2) General Plan Discussion
Ms. Jordan introduced herself and went over the general plan update and accompanying documents. Ms. Jordan asked when the best place and time to hold the community wide events. Commission advised the June 26th parade and August 24th town days are community events in Copperton.

3) Confirm July 9, 2019 meeting attendance
Discussed the ordinance public hearing item that will be on the July 9th agenda.

4) Other Business Items (as needed)
Commissioner Winkler asked about a difficult section in the code and wasn't happy about the landscaping. Finish ordinances in July, advised steering committee will be meeting monthly and encouraging committee.

MEETING ADJOURNED

Time Adjourned – 7:09 p.m.

Chapter 19.79 - UTILITY AND FACILITY SYSTEM PLACEMENT REGULATIONS

Commented [CW85]: This chapter was created after the state legislature enacted laws regarding the trend of local jurisdictions to require burial of new and upgraded utility lines. The state law requires that local jurisdictions who require burial of power lines must bear the differential cost between overhead lines and buried lines (which are much more expensive).

19.79.010 - Purpose.

The purpose of the utility and facility system replacement regulations codified in this chapter is to promote the health, safety and general welfare of the citizens of the ~~county~~metro township; preserve and protect existing aesthetics, property values, and quality of life within residential and other areas of the ~~county~~metro township; and provide notice to the ~~county~~metro township and affected property owners of new or upgraded utility or facility systems to allow an opportunity to determine if sufficient reason exists to require the systems to be installed underground and to determine if funds are available to pay for underground installation.

19.79.020 - Definitions.

Commented [CW86]: Based on industry standards and distinctions in the state law.

As used in this chapter, the following definitions shall apply:

"Accessory equipment" means the portion of the system including equipment sites, transformers, switchgear, pedestals, terminals, meters, buildings (substations), and other similar equipment that is normally installed aboveground in accordance with accepted practices of underground systems.

"Distribution system" means the portion of the system located between: (1) the service drop transformer and the distribution substation for electric service, (2) the service drop and the receive site (headend) for cable television, or (3) the service drop and the transmission system for telephone service.

"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.

"Service drop" means the portion of the system located between the distribution system and wall of the building or structure occupied or intended to be occupied by a customer.

"System" means all poles, towers, wires, lines, cables, conduits, pipes and accessory equipment providing service such as electricity, telephone, telegraph, cable television, gas, water, sewer, steam or petroleum including service drops, distribution system, transmission system, and accessory equipment.

"Transmission system" means the portion of the system which is used to carry the service from points of generation or switching centers to distribution points such as electrical substations and equipment sites. In the case of electrical service, a transmission system is defined as carrying a voltage of forty-six KV or more.

"Utility company" means a company regulated by the public service commission that provides a service including but not limited to electricity, telephone, or gas.

19.79.030 - Systems required to be underground.

Unless exempted under Section 19.79.040 of this chapter, the following systems may be required to be installed underground:

A. All new transmission systems installed after the effective date of the ordinance codified in this chapter.

B. All upgraded transmission systems which would increase the height of poles from less than sixty-five feet to more than sixty-five feet above existing grade.

19.79.040 - Exemptions.

The following systems are exempt from the provisions of Section 19.79.030 of this chapter:

A. Except as provided in Section 19.79.030(B) of this chapter, this chapter does not require the burial of any existing aboveground systems, nor does it prohibit or restrict the repair, relocation, maintenance, or replacement of any existing systems.

B. Aboveground installation of the following systems is permitted, subject to compliance with all other applicable statutes, ordinances, and regulations:

1. New service drops and/or distribution lines where service is available from existing aboveground systems;

2. Temporary systems required for construction projects not to exceed a period of twelve months;

3. Street light poles, light rail overhead catenary, wireless telecommunications towers, and accessory equipment;

4. Transmission systems installed in the two main north-south transmission corridors, as identified on the map entitled "main north-south electrical transmission corridors" on file with the planning and development services division.

C. In cases where unusual topographical, aesthetic, or other exceptional conditions or circumstances exist such that the installation of a system would have minimal visual, health, or safety impact on the public, variations or exceptions to the requirements of this chapter may be approved by the ~~county mayor~~metro township mayor or designee; provided, that the variations and exceptions are consistent with the purposes of this chapter.

D. In cases where the ~~county mayor~~metro township mayor or designee determines that insufficient funds are available to pay for the incremental costs of underground installation of a system or determines that the public benefit to be derived from underground installation is not cost effective or is otherwise not in the public interest:

1. The ~~county mayor~~metro township mayor or designee shall give notice to the utility or facility company that the ~~county~~metro township will not require the underground installation and will not pay the incremental costs of underground installation of the system:

a. Within ninety days after notice is given under Section 19.79.050 of this chapter in the case of a new transmission system; and

b. Within sixty days after notice is given under Section 19.79.050 of this chapter in the case of a new distribution system or an upgraded transmission system

Commented [CW87]: This provision is in conflict with the Foothills and Canyons Overlay Zone, which requires burial of service drops "where possible."

Commented [CW88]: This section is in reference to the state law requiring the local jurisdiction to pay for the cost difference between overhead and buried lines.

which would increase the height of poles from less than sixty-five feet to more than sixty-five feet above existing grade.

2. If the ~~county mayor~~metro township mayor or designee has not given notice to the utility or facility company regarding underground installation as provided in subsection (D)(1) of this section it shall be deemed that the ~~county mayor~~metro township mayor has determined that insufficient funds are available to pay for the incremental costs of underground installation or has determined that the public benefit to be derived from underground installation is otherwise not in the public interest.

19.79.050 - Notification of affected property owners.

Commented [CW89]: This places the responsibility to notify neighbors on the utility company rather than the government.

Prior to beginning a project involving the installation or upgrading of four or more poles, a utility/facility company providing electrical power for general consumption shall send written notification of the project to all adjacent property owners and the director of public works. The purpose of such notification is to allow the ~~county~~metro township and potentially affected property owners to determine whether there are reasons to require the underground installation of the system, to determine whether sufficient funds are available to pay the incremental costs of underground installation of the new or upgraded system, and provide the ~~county~~metro township the opportunity to meet with the company to discuss the project. Such notification shall include a full description of the project including, but not limited to: (1) the need for the project, (2) location of the project, (3) height, width, type and general location of poles, and (4) amount of voltage. Failure of property owners to receive notice of the project shall in no way affect the validity of action taken. Failure to reach an agreement within the sixty-day period shall not be grounds for the delay of the project. Notification is not required for emergency projects, relocations, replacements and systems which are exempt under Section 19.79.040 of this chapter except for an exemption resulting after notification under Section 19.79.040(D) of this chapter.

19.79.060 - Excavation permit required.

All underground systems to be installed in the right-of-way of any ~~county~~metro township road shall be made in accordance with the provisions of Chapter 14.16 of this code, Excavations.

Chapter 19.80 - OFF-STREET PARKING REQUIREMENTS

Article I. - General Provisions

19.80.010 - Purpose.

The purpose of this chapter is to reduce street congestion and traffic hazards in the ~~county~~metro township by incorporating efficient, attractive facilities for off-street parking, loading, and internal automobile and pedestrian circulation as an integral part of every use of land.

19.80.020 - Off-street parking required.

A. At the time any building or structure is erected, enlarged, increased in capacity, or any use is established, off-street parking shall be provided in accordance with the requirements in this chapter.

B. Plans Required to Obtain Building Permit. All applications for a building permit shall be accompanied by a site plan showing a parking layout that complies with the provisions of this chapter that shows ingress and egress, loading areas, internal automobile and pedestrian circulation, and landscaping. The plan shall be reviewed and approved by the planning and development services division consistent with the provisions of this chapter. Parking requirements may be calculated separately for each business or land use in a building.

Commented [CW90]: Parking is an issue that always must be considered at the time a building is built and again anytime it is remodeled to change the use. As shown below, the parking demand for a 3000 square foot restaurant is much higher than for a 3000 square foot bookstore.

19.80.030 - Specifications.

A. Parking Stall Size. Each off-street parking space shall be at least nine feet by eighteen feet for diagonal or ninety-degree spaces, or eight by twenty feet for parallel spaces, exclusive of access drives or aisles. Parking stalls adjacent to a column or wall must have an additional two feet of width to accommodate ingress/egress from the vehicle. Access to parking spaces shall be from private roadways and not from public streets.

Commented [CW91]: These parking stall sizes have essentially not changed since the 1960s, originally being 160 square feet, then being modified to 9' x 18'.

B. Parking Lot Policies. ~~Salt Lake County~~Copperton Metro Township may adopt policies regarding aisle widths, angled parking, and turn-around areas for parking lots, and parking stall sizes for valet parking.

Commented [CW92]: The County planning commission adopted standards many years ago regarding aisle widths and specifications for angled parking that used to be published as part of the ordinance, but are no longer included because they are only policies.

C. Surfacing. Except for "provisional parking areas" as allowed under Section 19.80.110 of this chapter, any off-street parking area located in an R-, C-, M-, MD-, or O-R-D zone shall be surfaced with an asphaltic or portland cement or other binder pavement, so as to provide a durable and dustless surface, shall be so graded and drained as to dispose of all surface water accumulated within the area, and shall be so arranged and marked as to provide the orderly and safe loading or unloading and parking and storage of vehicles. Surfacing requirements for parking areas located in FR-, FM-, A-, FA-, and S-1-G zones shall take into account the proposed land use, location of the property, and impact of paved parking.

D. Maintenance. Every parcel of land hereafter used as a public or private parking area, including commercial parking lots and automobile, farm equipment, or other open-air sales lots, shall be developed and maintained in accordance with the requirements set out in this chapter.

E. Screening. The sides and rear of any off-street parking area for more than five vehicles which adjoins or faces an institutional use or residential building shall be effectively screened by a masonry wall or solid visual barrier fence unless otherwise provided for more specifically by the requirements of the zoning district in which such parking area is located. Such wall or fence shall be not less than six feet in height and shall be maintained in good condition without any advertising thereon.

F. Landscaping. All parking areas shall contain landscaping in compliance with the provisions of Chapter 19.77 of this title.

G. Lighting. Lighting used to illuminate any off-street parking area shall be so arranged as to direct light away from adjoining premises and from street traffic. No light source (light bulb, fluorescent tube, or other direct source of light used to illuminate a parking area) shall be visible beyond the property line of any off-street parking area.

H. Coverage. No off-street parking area shall occupy more than sixty-five percent of the property not occupied by buildings.

19.80.035 - Parking in R-1 and R-2 Residential Zones.

A. Driveways. A driveway shall be provided for vehicular access from the street or right-of-way to the required parking spaces of any dwelling in an R-1 or R-2 zone. The driveway shall be constructed of a durable, hard surface such as: concrete (including permeable concrete), asphalt (including permeable asphalt), brick, pavers, stone, or block. The number, location, and width of driveways shall comply with the specifications set forth in sections 14.12.110 and 14.36.060 of the ~~County~~Metro township Code of Ordinances. Driveways over one hundred fifty feet in length are subject to approval by the fire authority. The area within the front yard of any single- or two-family dwelling not occupied by a driveway or parking surface set forth above shall be landscaped in compliance with the applicable provisions of this title regulating landscaping.

B. Private vehicles. Private vehicles parked on residential property in any R-1 or R-2 zone shall comply with the following:

1. If parked or stored on a paved surface in compliance with section 19.80.030.C or 19.83.035.A, a private vehicle may be located in the front yard, side yard, or rear yard of a dwelling.

2. If parked or stored on any other type of surface, private vehicles must be behind the front line of the dwelling and screened from view from public streets or neighboring properties with a six-foot, tall (minimum) opaque fence.

C. Recreational Vehicles. Recreational vehicles parked or stored on residential property in any R-1 or R-2 zone shall comply with the following:

1. If parked or stored on a paved surface in compliance with section 19.80.030.C or 19.83.035.A, a recreational vehicle may be located in the front yard, side yard, or rear yard of a dwelling. Additionally, a recreational vehicle may be parked or stored on a parking pad which is constructed of six inches of compacted gravel. This area must be kept weed free.

2. If parked or stored on any other type of surface, recreational vehicles must be behind the front line of the dwelling and screened from view from public streets or neighboring properties with a six-foot tall (minimum) opaque fence.

D. Commercial vehicles. Commercial vehicles shall not be parked or stored on residential property in an R-1 or R-2 zone, except in the following circumstances:

1. Commercial vehicles may be parked on a property in conjunction with lawfully- permitted construction, maintenance, or site development activities so long as said activities are diligently pursued.

Commented [CW93]: This requires the light bulbs themselves to be recessed up into the light fixture itself.

Commented [CW94]: This section was first enacted in 2012 in an effort to better regulate what kind of vehicles could be parked where on residential lots.

2. One commercial vehicle may be parked behind the front line of the dwelling and, screened from view from public streets or neighboring properties with a six-foot tall (minimum) opaque fence.

3. One commercial vehicle may be parked in the front yard or side yard of a dwelling, in the R-1 or R-2 zones upon issuance of a permit by planning and development services, as long as all of the following criteria are met:

   a. No other commercial vehicle is parked or stored on the property.

   b. The operator of the vehicle is required to be on call 24 hours a day to use the vehicle in response to an emergency;

   c. The commercial vehicle is parked on a paved surface in compliance with section 19.80.030.C or 19.80.035.A;

   d. The commercial vehicle is parked entirely on private property, not parked on or over the street or sidewalk; and

   e. The commercial vehicle does not exceed Class 5 (two-axle, six tire single unit trucks) in Federal Highway Administration vehicle classification.

Commented [CW95]: This provision was designed to allow vehicles like tow trucks to be parked on a residential lot provided it is within certain size limits and parked on a legal surface.

Article II. - Parking Requirements

19.80.040 - Number of spaces required.

Commented [CW96]: This used to be written as a "minimum" number of stalls provision, but in order to prevent over-parking, it was changed to be a "no more, no less" number of stalls.

A. Except where variations and exceptions are allowed under Sections 19.80.070 through 19.80.100 of this chapter, a number of parking spaces equal to the sum of the required number of parking spaces for all uses on a property, including multiple uses within the same building, shall be provided. Except in cases where a site-specific traffic study demonstrates a need for additional parking, no parking area for more than twenty stalls shall exceed the number of stalls required below unless the additional parking is installed as "provisional parking" under Section 19.80.110 of this chapter. The number of off-street parking spaces required shall be as follows:

   1. Amusement center (arcade), one space per one hundred square feet of floor area;

   2. Automobile or machinery sales and service garages, two spaces plus one space for each four hundred square feet of floor area;

   3. Banks, post offices, business and professional offices, one space for each two hundred fifty square feet of gross floor area;

   4. Bowling alleys, five for each alley;

   5. Churches, one space for each six and one-half feet of linear pew or three and one-half seats in an auditorium; provided, however, that where a church building is designed or intended to be used by two congregations at the same time, one and one-half parking spaces shall be provided for each three and one-half seats in the auditorium. For buildings designed or intended to be used for conferences or other special meetings involving more than the regular congregations, additional parking shall be required as determined by the planning commission;

6. Dancehalls and assembly halls without fixed seats, exhibition halls, except church assembly rooms in conjunction with auditorium, three spaces for each one hundred square feet of floor area used by assembly or dancing;

7. Day care center for children, four spaces plus one space per five hundred square feet of floor area;

8. Dormitory building, one space for each tenant;

9. Dwellings, multiple, two spaces for each dwelling unit. In multi-family developments and dwelling groups where private covered parking is utilized, additional parking for guests shall be required. The planning commission shall determine the amount of guest parking required to meet the parking needs of each development;

10. Dwellings, single-family, two spaces for each dwelling unit. For single-family dwellings, the parking spaces may be arranged one behind the other;

11. Funeral homes, mortuaries, reception centers, one space for each forty square feet of floor area in assembly room;

12. Furniture and appliance stores, household equipment or furniture repair shop, one space for each six hundred square feet of gross leasable area;

13. Hospitals and convalescent hospitals, two spaces per bed for the total capacity of building;

14. Hotels, motels and motor hotels, one space for each living or sleeping unit, plus parking for all accessory uses as defined in this title;

15. Indoor firearms and/or archery range, two spaces per shooting point;

16. Manufacturing plants, research or testing laboratories, bottling plants, one space for each person employed on the highest employment shift;

17. Medical or dental clinics, six spaces for each doctor's office;

18. Nursing homes, four spaces plus one space per each five beds;

19. Recreation, four spaces per court for tennis courts, three spaces per court for racquetball courts, two spaces per court for squash courts;

20. Residential health care facility:

    a. Four spaces for facilities with five or less residents, the parking spaces may be arranged one behind the other,

    b. Four spaces plus one space per each five beds;

21. Restaurants or private nonprofit clubs, one space for each two and one-half seats or three spaces per one hundred square feet of floor area, whichever is greater;

22. Retail stores, shops, etc., except as provided in this subsection, one space for each two hundred fifty square feet of gross floor area;

23. Rooming and lodging homes, one space for each tenant;

24. Schools, one space for each three and one-half seats in an auditorium, plus one space for each administrator and faculty;

25. Shopping centers and other multi-tenant retail buildings, five spaces for each one thousand square feet of gross leasable area;

Commented [CW97]: "floor area" is generally considered by the planning staff to be the restaurant's seating area, not the entire restaurant.

26. Sports arenas, auditoriums, theaters, assembly halls and meeting rooms, one space for each three and one-half seats of maximum seating capacity;

27. Trailer sales, five spaces minimum, or five percent of the total site area excluding the landscaped areas, whichever is greater;

28. Wholesale establishments, warehouses, service and maintenance centers and communication equipment buildings, one space for each person employed during the highest employment shift;

29. Bed and breakfast homestay, two spaces for each dwelling unit plus one space for each guestroom;

30. Short-term rental, two spaces per dwelling unit plus one additional space for each bedroom exceeding two bedrooms. For buildings with two dwelling units or less, the third and fourth spaces, when required, can be in tandem with the first two spaces required;

31. Bed and breakfast inn, one space for each person employed on the highest employment shift, plus one space for every guestroom, plus parking for all accessory uses defined in this title;

32. Residential facility for elderly persons, two spaces for the dwelling unit plus two spaces for visitors, the parking spaces may be arranged one behind the other;

33. Apartments for elderly persons, one space for each dwelling unit;

34. Outdoor display and sales, including garden centers, nurseries, lumber yards, building materials sales yards; one space for each one thousand square feet of display and sales area.

B. Number of Parking Spaces for Uses Not Specified. For any use of buildings not specified in this section, or for uses of a seasonal or temporary nature, the off-street parking requirement shall be determined by the division director being guided, where appropriate, by comparable ordinances from other jurisdictions, accepted planning industry standards, or the requirements set forth in this section for uses or buildings which, in the opinion of the division director, are similar to the use or building under consideration.

Commented [CW98]: This section was amended to allow us to consult know industry standards to determine parking for unique uses. Prior to that, we had to find the most similar use from the list above and use that ratio.

C. Accessible Parking Spaces. For nonresidential parking areas, the accessible parking spaces required to satisfy the Americans with Disabilities Act shall be provided within the total number of stalls required above. For multi-family residential developments, the accessible stalls shall be provided in addition to the number of stalls required above.

D. Bicycle Parking. To encourage the use of bicycles for personal transportation as an alternative to motor vehicles, requirements are established herein to provide bicycle parking at regional, community, neighborhood, and other transportation and travel destinations.

Commented [CW99]: This was inserted in 2005 after much lobbying by the bicycle coalition.

1. Bicycle parking facilities shall be provided for any new commercial, office, manufacturing, industrial, multi-family residential, recreational, public and/or quasi-public use for which automobile parking is required; or for modification or change of any use listed above that results in the need for additional automobile parking facilities, as follows:

   a. The number of bicycle parking spaces required shall be equal to five percent of the vehicular parking spaces required for such use, with a minimum requirement of two spaces, and a maximum requirement of twelve.

   b. Bicycle parking spaces shall be:

i. Located on the same lot as the principal use;

ii. Located and designed to prevent damage to bicycles by cars;

iii. Located so as not to interfere with pedestrian movements;

iv. Located in a highly visible, well-lighted area that is located near entrance(s) to the building;

v. Located to provide safe access from the spaces to the public right-of-way or bicycle lane;

vi. Designed to accommodate a range of bicycle shapes and sizes, and to allow the frame and wheel(s) of each bicycle to be supported and secured against theft without interfering with adjacent bicycles;

vii. Anchored to resist removal by vandalism and resistant to rust or corrosion.

2. Bicycle parking spaces which meet the above requirements may be located within the building.

3. The proposed bicycle parking spaces shall be clearly shown on the site plan indicating location and type.

19.80.050 - Off-street loading.

Commented [CW100]: This is outdated and probably can be removed. Loading docks are designed into buildings that need them with or without this ordinance.

For every building or part thereof not provided with docking facilities which has a gross floor area of ten thousand square feet or more, and which is to be occupied by a commercial or industrial use to or from which delivery of materials or merchandise is regularly made by motor vehicle, there shall be provided and maintained on the same lot with such building at least one off-street loading space, plus one additional space for each additional twenty thousand square feet or major fraction thereof. Each loading space shall be not less than ten feet in width, twenty-five feet in length, and fourteen feet in height. Such space may occupy any required yard or court only if it is enclosed by a brick or stone wall not less than six feet in height.

19.80.060 - Gasoline pump requirements.

A. Gasoline pumps shall be set back not less than twenty-four feet from any street property line, and not less than thirty feet from any residential zone boundary line. If the pump island is set at an angle on the property, it shall be so located that automobiles stopped for service will not extend over the property line.

B. Canopies constructed to provide a weather shield over gasoline pump islands shall be set back not less than six feet from any street line and not less than ten feet from any residential zone boundary.

Article III. - Variations and Exceptions

Commented [CW101]: This section is designed to allow some flexibility for reducing or altering parking requirements.

19.80.070 - Valet parking program.

A. A valet parking program is defined as a parking plan which has personnel retained to assist parking at a drop-off area and exclusively controls the parking of vehicles into valet spaces until they are returned to a pick-up area. The plan shall identify the following

1. The location of parking spaces, pick-up areas, drop-off areas, and egress/ingress;
2. The involvement of personnel; and
3. General operating procedures.

B. Eight percent of the required parking spaces shall be reserved as self-parking spaces and shall be indicated as such on the plan. Self-parking spaces shall meet the requirements of Section 19.80.030.

19.80.080 - Shared parking.

Commented [CW102]: The idea behind shared parking is to allow more than one business to share a parking area based on the fact that peak parking demand times are different for different types of businesses.

A. Notwithstanding any other parking requirements provided in this chapter, when different land uses occupy the same or adjacent lot(s) in the R-M, C-1, C-2, C-3, C-V. M-1, M-2, MD-1, MD-3, or the O-R-D zones, the total number of off-street parking spaces required for each use (see Section 19.80.040 of this chapter) may be combined and shared upon approval as provided herein. A proposal for sharing of off-street parking shall be presented to the planning and development services division director for site plan review and approval. Conditional use applications which require planning commission approval, and for which shared parking is being proposed as part of the application, must have planning commission approval for the shared parking.

B. In determining the total requirements for shared parking facilities, the division director or planning commission shall use Table 19.80.080(a), set out below, according to the following guidelines:

1. For each applicable general land use category, calculate the number of spaces required for a use as if it were the only use (refer to the schedule of minimum off-street parking requirements).
2. Use the figures for each individual land use to calculate the number of spaces required for that use for each time period specified in the table (six time periods per use).
3. For each time period, add the number of spaces required for all applicable land uses to obtain a grand total for each of the six time periods.
4. Select the time period with the highest total parking requirement and use that as the total number of parking spaces required for the site on a shared parking basis.

C. For uses not listed in Table 19.80.080(a), the division director shall determine the required parking for the six time periods.

Table 19.80.080(a)

Commented [CW103]: This table was kept pretty simple, but it has been suggested there are certain land use types that aren't very well accounted for.

	Weekdays	Weekends

General Land Use Category	12:00 a.m.—7:00 a.m.	7:00 a.m.—6:00 p.m.	6:00 p.m.—12:00 a.m.	12:00 a.m.—7:00 a.m.	7:00 a.m.—6:00 p.m.	6:00 p.m.—12:00 a.m.
Office & Industrial	5%	100%	5%	0%	5%	0%
Retail	5%	100%	80%	5%	100%	60%
Restaurant	50%	70%	100%	70%	50%	100%
Hotel	100%	65%	100%	100%	65%	100%
Residential	100%	50%	80%	100%	75%	75%
Theater/entertainment	5%	20%	100%	5%	50%	100%
Place of worship	0%	30%	50%	0%	100%	75%

19.80.090 - Planning commission exceptions.

Commented [CW104]: This was written to give the planning commission as much latitude as possible while still providing some criteria on which to base their decision.

Upon a finding by the planning commission that a proposed site plan is in harmony with the general plan of the community in which it is located and that effective tools have been employed in the creation of a transit oriented development, community re-development project, or walkable community project, the planning commission may reduce the number of required parking stalls for any proposed development. In approving any such reduction, the planning commission may use such tools as: recommendations from the planning and development services staff a site-specific traffic study conducted by a qualified engineering firm, American Planning Association guidelines, Envision Utah guidelines, and/or Urban Land Institute guidelines.

19.80.100 - Community parking credits.

Commented [CW105]: On street parking and community parking lots are being used more and more often to reduce the need for parking lots unique to each business.

Upon a finding by the planning commission for conditional uses or the planning and development services division director for permitted uses, that parking is available either on public property or on property leased by a public entity for community parking, which parking is conveniently located to a particular land use, credits may be given toward the parking requirement for said land use. In cases where multiple businesses or land uses qualify to use the same parking spaces for community parking credits, the credits shall be pro-rated for each land use. In calculating the pro-rated community parking credits, the planning commission or division director shall consider such factors as: the amount of frontage a property has on the street, the total number of parking stalls required for a given land use, and the potential for future development in the immediate vicinity creating further demand for parking spaces. The planning commission or

division director may also use Table 19.80.080(a) for land uses in different general categories to consider shared community parking.

19.80.110 - Provisional parking.

"Provisional parking" is defined as an area or areas within a parking lot where parking spaces which are shown on the approved parking plan are landscaped rather than paved. The following conditions apply to provisional parking areas:

1. Provisional parking spaces must be shown on the site plan as complying with the parking stall size requirements of this chapter as well as the maneuverability and aisle requirements of planning commission policy.
2. Provisional parking spaces may be landscaped in such a way that they can be used for parking on a seasonal or temporary basis.
3. After one year's time from the issuance of the land use permit, a property owner may request a review of the provisional parking. Upon a finding by the planning commission for conditional uses or the division director of planning and development services for permitted uses that the additional parking is needed, approval shall be granted for the provisional parking to be paved.
4. The planning commission may set conditions of approval as part of any conditional use permit that utilizes provisional parking as allowed under Section 19.84.050 to provide for monitoring and future review of the parking plan.

Commented [CW106]: This was added as a way to reduce the amount of paved surface being required in cases where the number of stalls required by ordinance may not be warranted for a given business. The area for parking is accounted for on the site plan, but not all of it is paved unless the need for it is shown.

~~Chapter 19.81 - HIGHWAY NOISE ABATEMENT MEASURES~~

~~19.81.010 - Findings.~~

~~A. The Federal Highway Administration (FHWA) regulation entitled "Procedures for Abatement of Highway Traffic Noise and Construction Noise" (23 CFR 772) provides procedures for noise studies and noise abatement measures to help protect the public health and welfare, supplies noise abatement criteria, and establishes requirements for information to be given to local officials for use in the planning and design of federal-aid highways. The Utah Department of Transportation (UDOT) policy entitled "Noise Abatement" (Policy #08-111), adopted pursuant to 23 CFR 772, addresses highway noise impacts and sets forth conditions under which noise abatement projects may be approved and constructed in the state of Utah with the use of federal-aid highway participation funds.~~

~~B. In order for UDOT to obtain participation funds from FHWA for proposed federal-aid highway projects for noise abatement measures on existing highways (known as "Type II Projects"), local authorities are required to take measures "...to exercise land use control over the remaining undeveloped lands adjacent to highways in the local jurisdiction to prevent further development of incompatible activities." 23 CFR 772.13(b).~~

Commented [CW107]: This chapter doesn't have applicability in Copperton. If, in the future, Copperton does have a highway in it's boundaries, a chapter like this could be adopted in the future. However, there have been times when the installation of "sound walls" actually makes the sound problem worse rather than better.

C. In an effort to prevent future traffic noise impacts on currently undeveloped lands, 23 CFR 772.15 requires that highway agencies shall inform local officials within whose jurisdiction the highway project is located of the following:

1. The best estimation of future noise levels (for various distances from the highway improvement) for both developed and undeveloped lands or properties in the immediate vicinity of the project;

2. Information that may be useful to local communities to protect future land development from becoming incompatible with anticipated highway noise levels; and

3. Eligibility for federal-aid participation for Type II Projects as described in 23 CFR 772.13(b).

D. In order for Salt Lake County residents to benefit from the development and implementation of Type II Projects for noise abatement along eligible highways within its boundaries, it is found to be in the county's best interests to comply with federal regulation and state policy by adopting this zoning ordinance codified in this chapter.

19.81.020 - Purpose of provisions.

The ordinance codified in this chapter is enacted for the purpose of promoting the health, safety and general welfare of the citizens of the county by minimizing the potential adverse effects of highway traffic noise and by complying with state and federal requirements for highway traffic noise abatement projects.

19.81.030 - Development of property adjacent to certain state highways.

Consistent with the requirements of 23 CFR 772 and UDOT's Noise Abatement Policy #08-111, no remaining undeveloped lands located in the unincorporated county adjacent to Type II Projects (freeways and expressways) shall be developed for any use or activity which is incompatible with highway traffic noise levels, unless the development of such lands shall include appropriate noise abatement measures determined necessary and appropriate by the county and UDOT. A use or activity shall be deemed incompatible with highway traffic noise levels when a "traffic noise impact" occurs, as determined under the following formula:

Noise Abatement Criteria

Hourly A-Weighted Sound Level—decibels (dBA)

Leq shown are maximum levels allowed:

Activity Category	Leq(h)	Description of Activity Category
A	57 (exterior)	Lands on which serenity and quiet are of extraordinary significance and serve an important public need and where the preservation of

		those qualities is essential if the area is to continue to serve its intended purpose.
B	67 (exterior)	Picnic areas, fixed recreation areas, playgrounds, active sports areas, parks, residences, motels, hotels, schools, churches, libraries, and hospitals.
C	72 (exterior)	Cemeteries, commercial areas, industrial areas, office buildings, and other developed lands, properties or activities not included in Categories A or B above.
D	—	Undeveloped lands (including roadside facilities and dispersed recreation).
E	52 (interior)	Residences, motels, hotels, public meeting rooms, schools, churches, libraries, hospitals, and auditoriums.

19.81.040 - Responsibility of owner or developer.

The owner or developer of land to be subdivided, improved or developed adjacent to Type II Projects shall be responsible to comply with any and all requirements for noise abatement measures imposed pursuant to the provisions of this chapter. Failure to so comply shall constitute a violation of county ordinance and shall be punishable as a misdemeanor as provided in Chapter 1.12 of this title.

Chapter 19.82 - SIGNS

Commented [CW108]: A chapter regulating signs was first adopted in 1981. Prior to that, "nameplates and signs" was listed as a permitted use in many zones, and the size allowed was determined by the definitions section.

19.82.010 - Purpose.

The purpose of this chapter is to eliminate excessive and confusing sign displays that create potential hazards to motorists, pedestrians, property, and also to maintain a responsible communication system by setting requirements for the location, size, height and lighting of signs that will be compatible with adjoining land uses, architecture and landscape, and that will preserve and improve the aesthetic values and visual qualities of Salt Lake Countymetro township.

Commented [CW109]: A set of definitions was developed in response to the myriad of different types of signs and sign-related issues people have proposed over the years.

19.82.020 - Definitions.

As used in this chapter:

"A-frame sign" means temporary and/or movable sign constructed with two sides attached at the top so as to allow the sign to stand in an upright position.

"Advertising sign." See "off-premises sign."

"Alterations" means a change or rearrangement in the structural parts or design whether by extending on a side, by increasing in area or height, or by relocating or change in position.

"Animated sign" means a sign which induces motion or rotation of any part by mechanical, or artificial means, or subdued color changes.

"Animation" means simulated movement created by the display of a series of pictures or images, creating the illusion of movement.

"Awning sign" means a sign designed in awning form that is an illuminated or nonilluminated space frame structure attached to a building or other permanent structure.

"Balloon sign" means advertisement supported by a balloon anchored to the premises where the advertised use is conducted, product or commodity sold, service performed, or business name is located.

"Beacon light" means:

a. Any light with one or more beams, capable of being directed in any direction or directions, or capable of being revolved automatically; or

b. A fixed or flashing high-intensity light, such as a spotlight, a floodlight, or a strobe light.

c. "Beacon light" shall not include searchlights.

"Billboard bank" means an accounting system established by the ~~county~~metro township to keep track of the number of billboard signs and the square footage of each billboard sign removed pursuant to Section 19.82.185 of this chapter.

"Billboard credit" means an entry into a billboard owner's billboard bank account that indicates the number of billboard sign locations and the square footage of each billboard sign.

"Billboard owner" means the owner of a billboard in ~~unincorporated Salt Lake County~~the metro township.

"Billboard sign" means an off-premises advertising sign.

"Business sign" means an on-premises sign.

"Construction sign" means a sign identifying an existing or proposed development project which may contain the name of the project, name and address of construction firms, architects, engineers, developers, etc.

"Dissolve" means an image transition effect accomplished by varying the image intensity or pattern, where the first image gradually appears to dissipate and lose legibility simultaneously with the gradual appearance and legibility of the subsequent image.

"Electronic message center" or "EMC" means a mechanism or device which uses a combination of lights, or lighted or unlighted panels which are controlled electrically and electronically to produce words, symbols, pictures or messages which may change within a given panel area.

"Embellishment, cut-out or extension" means an extension of the billboard resulting in increased square footage as part of an artistic design to convey a specific message or advertisement.

"Existing billboard" means a billboard that is either constructed, or for which an application for a land use permit was received and approved by the planning and development services division and state authorities where necessary, prior to May 18, 2004. Billboards that have received prior approval from the ~~county~~metro township at a particular location must be approved by the state by June 2, 2005. If no state approval is given, the ~~county~~metro township approval shall expire on said date and the permit shall become null and void.

"Fade" means an image transition effect accomplished by varying the intensity of the image, where the first image gradually reduces intensity to the point of not being legible and the subsequent image gradually increases intensity to the point of legibility.

"Flashing sign" means a sign which has or appears to have motion or rotation of the lighting elements or displays flashing or intermittent light.

"Flat sign" means a sign erected parallel to and attached to the outside wall of a building and extending not more than twenty-four inches from such wall with messages or copy on the face side only.

"Floodlighted sign" means a sign made legible in the absence of daylight by devices which reflect or project light upon it.

"Footcandle" means the English unit of measurement for illuminance, which is equal to one lumen, incident upon an area of one foot.

"Ground sign" means a sign supported by a fixed permanent frame support in the ground.

"Illuminance" means the photometric quantity most closely associated with the perception of brightness and a measurement of the intensity of light falling on a surface at a given distance from the light source.

"Illuminated sign" means a sign which has characters, letters, figures, designs or outlines illuminated by electric lights or luminous tubes.

"Image" means the display of text, numbers or the likeness of an object or living thing of any type on an EMC.

"Image display duration" means the period of time that an image remains static.

"Image transition duration" means the period of time in which one image changes to another on an electronic message center.

"Interior sign" means a sign located within a building so as to be primarily visible only from within the building in which the sign is located.

"Mobile sign" means a sign mounted on trailer or frame, lighted or unlighted, which is not permanently attached to a structure or the ground.

"Monument sign" means a sign which is incorporated into the landscape or architectural design scheme and displaying the name of uses or buildings.

"Nameplate sign" means a sign indicating the name and/or occupation of a person legally occupying the premises or indicating a legal home occupation thereon.

"Nonconforming billboard" means an existing billboard that is located in a zoning district or otherwise situated in a way that is not permitted by the provisions of this chapter.

"Nonconforming sign or sign structure" means a sign or sign structure or portion thereof lawfully existing at the effective date of this chapter or any amendment hereto which does not conform to all height, area, yard, spacing, animation, lighting, use or other regulations prescribed in the zone in which it is located after the effective date of this chapter or any amendment hereto.

"Off-premises sign" means a sign directing attention to a use, product, commodity or service not related to the premises upon which the sign is located.

"On-premises sign" means a sign directing attention to a use conducted, product or commodity sold, service performed or business name upon the premises on which it is located.

"Overhanging sign" means a sign which projects twelve inches or more over the roof of a building.

"Pedestal sign" means a temporary and/or movable sign supported by a column(s) and a base so as to allow the sign to stand in an upright position.

"Political sign" means a sign advertising a candidate or candidates for public elective office, or a political party, or a sign urging a particular vote on a public issue decided by ballot.

"Projecting sign" means a sign attached to a building or canopy and extending in whole or part more than twenty-four inches beyond any wall of the building or canopy.

"Promotional sign board" means a permanently attached changeable copy sign not exceeding twenty square feet per face with one or two faces back to back for the display of promotional items offered for sale on the premises.

"Property sign" means a sign related to the property upon which it is located and offering such information as address, name of occupant for residential uses, sale or lease of the property, warning against trespassing, any hazard, or other danger on the property.

"Roof sign" means a sign which is erected partly or wholly on the roof of the building. Notwithstanding the foregoing, a sign structure having main supports embedded in the ground shall not be considered to be a roof sign even if the sign's supports pass through a roof, canopy or parapet of a building.

"Scintillate" or "scintillating" means light flashes, light sparkling, light starbursts, light twinkling, light pulsating or any other image transition effect or animation in which an image instantly and repeatedly changes for the purpose of attracting attention.

"Service sign" means a sign that is incidental to a use lawfully occupying the property upon which the sign is located and which sign is necessary to provide information to the public, such as direction to parking lots, location of restrooms, entrance and exits, etc. A service sign shall also include signs providing information about sale of agricultural products produced upon the premises. A business trade mark or logo may appear on the sign provided it is secondary to the information portion of the sign.

"Sign" means and includes every advertising message, announcement, declaration, demonstration, display, illustration, insignia surface or space erected or maintained in view of the observer thereof for identification, advertisement or promotion of the interests of any person, entity, product or service. "Sign" also includes the sign structure supports, lighting system and any attachments, ornaments or other features used to draw the attention of observers.

"Sign area" means the area of a sign that is used for display purposes, excluding the minimum frame and supports. In computing sign area, only one side of a back-to-back or double-faced sign shall be computed when signs are parallel or diverge from a common edge by an angle of not more than forty-five degrees.

In relation to signs that do not have a frame or a separate background, sign area shall be computed on the basis of the least rectilinear line with a maximum of eight sides, triangle or circle large enough to frame the display.

Sign areas in the shape of a sphere, prism, cylinder, cone, pyramid, square or other such shapes shall be computed as one-half of the total surface area.

"Sign maintenance" means that signs shall be maintained in a safe, presentable and good condition, including the replacement of defective parts, repainting, cleaning and other acts required for the maintenance of the sign.

"Sign setback" means the minimum distance that any portion of a sign or sign structure shall be from any street right-of-way line and yard line coterminous with a street.

"Sign structure" means anything constructed or erected supporting a sign which requires location on or below the ground or attached to something having location on or below the ground.

"Snipe sign" means a sign which is attached to a public utility pole, fixture poles, canopy supports, or the supports for another sign.

"Static" means no motion of any type or form.

"Temporary sign," as regulated by this title, shall include any sign, banner, pennant, valance or advertising display constructed of paper, cloth, canvas, light fabric, cardboard, wallboard or other light materials, with or without frames, intended to be displayed out of doors for a short period of time.

"Time and temperature device" means any mechanism that displays the time and/or temperature but does not display any commercial advertising or identification.

"Video" means simulated movement created by the display of a series of images creating the illusion of continuous movement.

"Wall sign" means a sign that is either painted on a wall or its facing by not having a sign frame or separation from the wall or facing.

"Window sign" means a sign permanently attached and located within a building so as to be visible through a window or door outside of the building.

19.82.025 - Noncommercial signs.

Commented [CW110]: Free speech issue.

Any sign authorized under this chapter is allowed to contain noncommercial copy in lieu of any permissible copy.

19.82.030 - Interpretation.

Commented [CW111]: Probably due to various legal challenges over the years.

A. Properties divided by public streets are not adjacent.

B. The sign requirements contained in this chapter are declared to be the maximum allowable.

C. Sign types not specifically allowed as set forth within this chapter shall be prohibited.

D. Where other ordinances are in conflict with the provisions of this chapter, the most restrictive ordinance shall apply.

19.82.040 - Conformity required.

A. Except as provided in this title, a sign shall not be erected, raised, moved, placed, reconstructed, extended, enlarged or altered, unless in conformity with the regulations specified in this chapter.

B. A nonconforming sign shall not be reconstructed, raised, moved, placed, extended or enlarged unless the sign is changed so as to conform to all provisions of this title. Alterations shall also mean the changing of the text or message that the sign is conveying from one use of the premises to another use of the premises and the changing of the ownership of the sign when that ownership necessitates a change in the text or message of the sign. Alterations shall not be interpreted to include changing the text or copy of electronic message centers, off-premises advertising signs, theater signs, outdoor bulletin or other similar signs which are designed to accommodate changeable copy.

Commented [CW112]: This provision is different from the "nonconforming uses and noncomplying structures" chapter found later in the ordinance. Not really sure why non-conforming signs are not allowed to be altered in any way, particularly when those signs are sometimes viewed as iconic landmarks by locals.

19.82.050 - Exceptions.

A. When a parcel of land is five acres or larger, the planning commission may consider an on-premises sign proposal for a development on such parcel that is less restrictive than the regulations set forth in this chapter, as a conditional use providing there is a determination that the proposed sign exceptions are:

1. Not in conflict with the purpose of this chapter;
2. In architectural harmony with the development and other buildings and uses adjacent to the development.

Commented [CW113]: This provision has been used to allow multiple businesses in a shopping center to share space on one over-sized sign; but also to allow special uses like the Olympic speed skating oval in Kearns to have signage that otherwise would not have been allowed.

B. Signs not regulated by this chapter:

1. On-premises advertising signs that are attached to windows or walls and are clearly of a temporary nature, which promote specific sales;
2. Signs which are associated with school or church events and functions, which are clearly of a temporary nature;
3. Interior signs;
4. Time and temperature devices;
5. Searchlights.

Commented [CW114]: This section may need to be changed in light of a landmark supreme court decision regarding non-commercial signs.

19.82.060 - Comprehensive sign plan.

Commented [CW115]: Most developers just do this anyway.

When an application for the first permit (building permit or conditional use permit) on a parcel of ground is submitted to the ~~county~~metro township, it shall be accompanied by a complete comprehensive sign plan for all existing, proposed or future signs on the parcel of ground.

19.82.070 - Building permit exceptions.

Building permits are required for signs except for property signs, political signs and nameplates conforming to the provisions of this chapter. (See Section 19.82.050(B).)

19.82.080 - Size computation.

A. The following shall be used when calculating sign sizes: When more than one use occupies a lot, the frontage may be used to calculate the sign size for one total ground or projecting sign, not for each use. The total may then be divided between the uses. There may be any number of flat or wall signs, provided their total does not exceed the percentage of wall area coverage allowed.

B. A property line which abuts a nonaccess freeway, road, street or right-of-way may not be used in computing sign area.

19.82.085 - Height of ground signs.

The height of ground signs, except as otherwise specified in this chapter, shall be measured from the grade at the property line of the yard in which the sign is located, but shall not exceed the height allowed in the zone.

19.82.090 - Imprint of ownership required.

The imprint of the sign owner and sign erector of all signs shall be in plain and public view.

19.82.100 - Off-premises sign requirements.

Off-premises signs erected along the interstate or the primary highway system as defined by the state shall conform with the provisions of the Utah Outdoor Advertising Act.

19.82.110 - Visibility at intersections.

Commented [CW116]: Safety issue.

A. There shall be a minimum clearance of ten feet between the ground and any part of a projecting sign or ground sign, as measured from the grade of the intersecting streets and located within the clear view of an intersection, which is a triangular area formed by the street property lines and a line connecting them at points forty feet from the intersection of the street

lines. Any portion of a sign structure within the clear view of an intersection and nearer the ground than ten feet may not exceed ten inches in width, thickness or diameter.

B. A service sign located within the clear view of an intersection shall not exceed two feet in height.

19.82.120 - Signs on public property.

No sign shall be located on publicly owned land or inside street rights-of-way except signs required and erected by permission of an authorized public agency. Signs shall include, but not be limited to, handbills, posters, advertisements or notices that are fastened, placed, posted, painted or attached in any way upon any curbstone, lamppost, telephone pole, telegraph pole, electric light or power pole, hydrant, bridge, tree, rock, sidewalk or street.

Commented [CW117]: This can be a constant enforcement issue in some areas.

19.82.130 - Lighted signs.

A. A lighted sign shall not be installed which permits the light to penetrate beyond the property in such a manner as to annoy or interfere with the use of adjacent properties.

B. Such lights alleged to violate subsection A of this section by the adjacent property owners or development services division director shall be subject to a public hearing before the planning commission as to the validity of the alleged violation. If such light is determined to be in violation, the owner of the light shall take appropriate, corrective action as directed.

Commented [CW118]: These are signed with lights that shine up or down on them, like many billboards, but not signs that are illuminated from the inside (which are defined as “illuminated signs” rather than “lighted signs.”

19.82.135 - Electronic message center requirements for on-premises signs.

A. An electronic message center shall only display static images. An electronic message center shall not display scrolling text, video images, or scintillating images.

B. The minimum image display duration shall be four seconds.

C. The maximum image transition duration shall be three seconds. Transitions from one static image shall fade out and fade or dissolve in to the next static image without the use of flashing, animation, or movement.

D. All electronic message centers shall be equipped with a sensor or other device that automatically determines the ambient illumination and must be programmed to automatically dim according to ambient light conditions. The nighttime illuminance of an electronic message center shall not increase ambient lighting conditions by more than three-tenths footcandles when measured perpendicular to the electronic message center face at a distance determined by the following formula:

Measurement Distance (in feet) = The square root of [Area of electronic message center face in square feet) × 100]

E. Where allowed as a conditional use, conditions may be imposed by the planning commission regarding hours of sign operation, sign height, sign size, and/or setbacks from property lines

Commented [CW119]: This section was adopted in 2012 after very long discussion and negotiation with the sign industry.

to mitigate impacts on nearby residential properties, to protect critical viewsheds as established in the general plan, or to prevent potential traffic hazards.

F. Electronic message center conditional use requirements, allowed sign types, and allowable sizes by zone are set forth in Table 19.82.135.

Table 19.82.135
ELECTRONIC MESSAGE CENTER CONDITIONAL USE REQUIREMENTS, ALLOWED SIGN TYPES, AND ALLOWABLE SIZES BY ZONE

	Allowed Sign Types	Conditional or Permitted Use Approval	Allowable EMC Size as a Percentage of Total Allowable Sign Size Per Table 19.82.190 [1]
~~MD-1, MD-3~~	~~Monument~~	~~Permitted~~	~~50%~~
	~~Ground~~	~~Conditional use permit required if within 300 linear feet or less of a residence; otherwise, permitted~~	~~50%~~
C-2	Monument	Permitted	70%
	Ground	Conditional use permit required if within 300 linear feet or less of a residence; otherwise, permitted.	50%
C-3	Monument	Permitted	80%
	Ground	Conditional use permit required if within 300 linear feet or less of a residence; otherwise, permitted.	50%
M-1	Monument	Permitted	100%
	Ground	Conditional use permit required if within 300 linear feet or less of a residence; otherwise, permitted.	75%
M-2	Monument	Permitted	100%
	Ground	Conditional use permit required if within 300 linear feet or less of a residence; otherwise, permitted.	75%

All other zones	None	NA	NA

Table 19.82.135 footnotes:

1. The planning commission may approve an increase in the allowable EMC sign size through the conditional use process as described in Section 19.82.135E.

19.82.140 - Mobile sign.

One mobile sign may be used for each use for a period of sixty days following the issuance of a permit to construct a permanent sign for that use. Upon inspection and approval of the permanent sign, or upon expiration of the sixty-day period, whichever first occurs, the mobile sign must be removed. Mobile signs may not employ animation, flashing lights or intermittent lights.

Commented [CW120]: See "mobile sign" definition.

19.82.150 - Traffic hazard prohibited.

Signs or other advertising structures shall not be erected at the intersection of any streets or driveways in such manner as to obstruct free and clear vision, or at any location where by reason of the position, shape or color, it may interfere with, obstruct the view of or be confused with any authorized traffic sign, signal device, or make use of the words "Stop," "Drive-in," "Danger," or any other words, phrases, symbols or characters in such manner as to interfere with, mislead or confuse vehicle operators.

Commented [CW121]: Safety issue.

19.82.160 - Maintenance—Removal of sign.

A. All signs and advertising structures shall be maintained in good condition.

B. Signs relating to a product no longer available for purchase, or to a business which has closed or moved, shall be removed or the advertising copy removed within thirty days of such unavailability, closure or relocation.

C. Owners of signs or advertising copy not removed within the required thirty days shall be given written notice sent by certified mail. If not removed by the owner within the thirty-day period, the sign or copy will be removed by the ~~county~~metro township at the expense of the owner.

Commented [CW122]: This provision can be difficult to follow up on and enforce, and hasn't been used very much in the past.

19.82.170 - Prohibited signs.

Signs not specifically allowed by this chapter are prohibited. Without restricting or limiting the provisions of this section, the following signs are specifically prohibited: A-frame, snipe and pedestal signs.

19.82.180 - Action to remove or abate violation.

A. The ~~mayor~~metro township mayor or attorney shall be empowered to institute any appropriate action or proceeding in any case where any sign is erected, constructed, reconstructed, altered, repaired, converted or maintained, or in any case where any sign is used in violation of any ~~county~~ metro township ordinance, to accomplish the following purposes:

1. To prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use;
2. To restrain, to correct or abate such violation;
3. To abate and remove unsafe or dangerous signs. If an unsafe or dangerous sign is not repaired or made safe within ten working days after giving notice as provided in subsection B of this section, the building inspector or development services division director may at once abate and remove the sign, and the person having charge, control or benefit of any such sign shall pay to the ~~county~~ metro township costs incurred in such removal within thirty calendar days after written notice of the costs is mailed to such person.

B. Notice by the ~~county~~ metro township shall mean written notice sent by certified mail to persons having charge or control or benefit of any sign found by the development services division director to be unsafe.

Commented [CW123]: As with 19.82.160 above, this provision is rarely used.

19.82.185 - Off-premises signs—Billboards.

A. Purpose. This section provides for the reasonable regulation of off-premises signs with the intent of enhancing the aesthetics of existing and future billboards, mitigating negative impacts, promoting safety and protecting property values that further the goals and planning policies of ~~Salt Lake County~~Copperton Metro Township.

B. Cap on Number of Off-Premises Signs. The number of off-premises signs allowed in ~~unincorporated~~ the ~~Salt Lake County~~metro township ~~and established or future townships~~ shall be limited to the number of off-premises signs that are existing as defined herein as of ~~May 18, 2004~~January 1, 2017. This cap shall automatically decrease as off-premises signs are ~~annexed into a municipal jurisdiction or~~ removed and not relocated.

C. Location. Off-premises signs shall be allowed in the C-1 zone as a conditional use. Off-premises signs shall be allowed in the C-2, C-3, M-1 and M-2 zones as a permitted use.

D. Size. Off-premises signs shall not exceed six hundred seventy-two square feet in the C-2, C-3, M-1 and M-2 zones. Off-premises signs located in a C-1 zone shall not exceed three hundred square feet in size.

E. Height. The maximum height of an off-premises sign shall be thirty-five feet in a C-1 zone. The maximum height of an off-premises sign shall be forty-five feet above the grade level of

Commented [CW124]: This section was adopted in 2004 as a "cap and replace" measure regarding billboards. In other words, the total number of billboards allowed in the County was restricted to the number that existed or had been approved but not built as of the date of enactment. Now each Metro is tracked separately.

the road in the C-2, C-3, M-1 and M-2 zones or, when oriented for freeway viewing only and located within three hundred feet of the nearest freeway lane, twenty-five feet above freeway grade level or fifty feet overall, whichever is greater.

F. Separation. The minimum distance between off-premises signs larger than three hundred square feet shall be five hundred lineal feet as measured along the same side of the street including intersections. The minimum distance between off-premises signs three hundred square feet or less in size shall be three hundred lineal feet as measured along the same side of the street including intersections. All off-premises signs must be at least one hundred fifty radial feet from any other off-premises sign.

G. Setbacks. The minimum setback shall be eighteen inches for off-premises signs. The sign's front-yard setback shall be measured from the future right-of-way line (see Transportation Improvement Plan). The closest edge of an off-premises sign shall not project into any required setback area. The minimum setback between an off-premises sign and any residential zone boundary shall be one hundred fifty feet.

H. Lighting. Lighting shall be confined to the sign face, and the lighting source shall not be directly visible.

I. Design. Off-premises signs shall utilize either the "mono-pole" or the "bi-pole" design and shall be continually maintained structurally and on the copy face. The back of the sign and the structure behind the sign shall be painted a dark color. Tri-vision sign faces shall be permitted and, if illuminated, must be externally illuminated. Internally illuminated off-premises signs, electronic display (outdoor video advertising) and electronic message centers are only allowed adjacent to the interstate freeway system and limited to no more than one change to the copy face in a twenty-four hour period. Two-decked off-premises signs are prohibited in all zones.

J. Credits for Removal. Prior to the removal of any off-premises sign, the owner shall obtain a permit for the demolition of the off-premises sign. Permits may be provided following application to the ~~Salt Lake County~~ Planning and Development Services Division. The ~~Salt Lake County~~ Planning and Development Services Division shall by letter inform the affected community ~~council chair~~mayorman and affected planning commission chairman that a permit for demolition of an off-premises sign has been issued. After any off-premises sign is demolished, the ~~Salt Lake County~~ Planning and Development Services Division shall create a "billboard bank account" for the sign owner. The account shall reflect credits for the off-premises sign square footage as well as the date of removal. Any off-premises sign credits not used within thirty-six months of their creation shall expire and be of no further value or use. An off-premises sign owner may sell or otherwise transfer off-premises signs and/or billboard bank account credits. The transfer of any billboard bank account credits does not extend their thirty-six-month life as provided in this section. Demolition of an off-premises sign that has two advertising faces shall receive billboard bank account credits for the square footage of each sign face.

Commented [CW125]: Billboard companies have a limited time frame in which to use the "credits" earned by tearing down an existing sign to build a new one.

K. Relocation. The owner of an existing off-premises sign may remove an existing off-premises sign from any site to an approved location only after a permit for relocation is obtained upon substantiation of compliance with this chapter. Prior to approval of a permit for relocation, the sign owner (applicant) shall submit to the ~~county~~metro township a notarized affidavit signed by the property owner, a copy of the lease agreement or other document to be signed by the property owner, indicating at a minimum the duration of the lease and renewal provisions. Additionally, prior to approval of a permit for relocation, ~~Salt Lake County~~ Planning and Development Services Division shall by letter inform the affected community ~~council~~

~~chair~~mayorman and affected planning commission chairman that application for an off-premises sign permit has been received. Off-premises signs moved to approved locations shall conform to all off-premises sign requirements of the new location. Off-premises signs moved from one location to another must be installed in the new approved location within the period allotted by the International Building Code (IBC). A new off-premises sign permit shall only be issued if the applicant has billboard bank account credits of a sufficient number of square feet. When the permit for construction of a new off-premises sign is issued, the ~~Salt Lake County~~ Planning and Development Services Division shall deduct from the sign owner's billboard bank account the square footage of the new off-premises sign. If the new off-premises sign uses less than the entire available square footage credits, any remaining square footage credits shall remain in the sign owner's billboard bank account.

L. ~~County~~ Metro Township Council Review and Monitoring. The metro township~~county~~ council shall, on a regular six-month schedule be updated at a regular public meeting to changes in status and effectiveness of the provisions related to off-premises signs in ~~unincorporated Salt Lake County~~the metro township.

M. Severability and Conflict. This section and its various parts are hereby declared to be severable if a court of competent jurisdiction declares any subsection, clause, provision or portion of this section invalid or unconstitutional. No court decision will affect the validity of either this section as a whole or any parts not declared invalid or unconstitutional by that decision. If any part of this section is found to be in conflict with any other provision of the ~~county~~metro township, the most restrictive or highest standard will apply, prevail and govern.

19.82.190 - On-premises signs allowed in zoning districts.

On-premises signs allowed, by zones, shall be as set out in Table 19.82.190.

Commented [CW126]: This table shows what types of signs are allowed in which zones, and also specifies how tall, how close to property line, and how large signs can be.

Table 19.82.190

SIGNS ALLOWED, BY ZONES

ZONE	SIGN	SIZE	HEIGHT	LOCATION	OTHER
(1) All zones	Construction	32 sq. ft. plus 1 sq. ft. for each 10 ft. of frontage over 30 to a maximum of 96 sq. ft. per lot	12 ft. max.	On private property	Sign must be removed 6 months from final building or conditional use inspection that allows occupancy or when 100% of the facilities are

					occupied, whichever occurs first
		Construction signs located on the development for subdivisions of 5 lots or more, may be 32 sq. ft. plus 2 sq. ft. for each additional lot over 5 to a maximum of 128 sq. ft. total per subdivision	12 ft. max.	On private property	Signs must be removed within 30 days after the last lot is sold
		Signs for subdivisions of 5 lots or more and not located on the development may be 32 sq. ft. plus 1 sq. ft. for each lot over 5 to a maximum of 64 sq. ft. per sign	12 ft. max.	On private property	All signs must be approved by the planning commission for a period not to exceed one year which may be renewed upon application received at least 30 days prior to the previous approval expiration date
		Construction signs for multifamily developments of more than 20 units and not located on the development shall not exceed a maximum of 10 ft. vertical and 20 ft. horizontal	12 ft. max.	On private property	All signs must be approved by the planning commission for a period not to exceed one year. Approval may be renewed by the planning commission

	Nameplate on premises	3 sq. ft. maximum per use		Attached to main structure	
	Political	16 sq. ft. maximum	6 ft. max.	On private property and not closer than 10 ft. to a driveway	Shall be removed 15 days following the final voting day
	Property on-premises	6 sq. ft. maximum	6 ft. max.	On private property	
	Service on premises	6 sq. ft. maximum	3 ft. when free-standing	On private property	
	Monument on premises (see other zones for specific requirements which supersede these requirements)	One per lot, 32 sq. ft. plus 1 sq. ft. for every 10 ft. of frontage over 30 ft. to a maximum of 64 sq. ft.	6 ft. max.	On private property and set back 6 ft. from property lines	One sign per street frontage and landscaped appropriately for the site. Allowed with public or quasi-public buildings or uses, planned unit developments, golf courses, cemeteries, dwelling groups, day care/preschool centers, or other uses permitted in the zone or as approved in conjunction with a conditional permit approval
	Flat on-premises (see other zones for specific requirements	5% of a wall area		Attached to a building	Allowed with public or quasi-public buildings, planned unit developments, golf courses,

	which supersede these requirements)				cemeteries, dwelling groups, or other uses permitted in the zone or as approved in conjunction with a conditional permit approval
Illumination may be built into or attached onto the signs listed above when: (1) Lighting is allowed in the specific zone; or (2) The development occupies more than 500 feet continuous frontage on the street the sign will face and the sign is not closer than 200 feet to a property not allowed an illuminated sign; (3) Flat signs that are exposed to dwellings on adjacent properties shall not be illuminated (property divided by public streets are not adjacent).					
(2) S-1-G, R-4-8.5, R-M, RMH	Ground or projecting on-premises	One per lot, 32 sq. ft., plus 1 sq. ft. for each 10 ft. of frontage over 30 ft. on a street but not to exceed 64 sq. ft.	20 ft. max. ground sign	15 ft. setback	Illumination may be built into or attached onto a sign if the development occupies more than 500 ft. continuous frontage on a street that the sign will face unless exposed to a dwelling on adjacent property
	Flat on-premises	15% of a wall area		Attached to a building	Signs that are exposed to dwellings on adjacent properties shall not be illuminated
	Window on-premises	8 sq. ft. maximum per use			Signs shall not be illuminated
	Monument on-premises	One per lot, 32 sq. ft. plus 1 sq. ft. for every 10 ft. of frontage over 30 to	6 ft. max.	18-inch minimum setback	A monument sign can only be utilized if no ground or

		a maximum of 64 sq. ft.			projecting sign is used
(3) C-1, C-1-L, ~~C-V~~	Ground or projecting on-premises	One per lot, 48 sq. ft. plus 1 sq. ft. for each 4 ft. of frontage over 30, but not to exceed 128 sq. ft.	25 ft. max.	15 ft. setback	Illumination may be built into or attached to signs unless exposed to a dwelling on adjacent property or a residential zone boundary in which case it may be allowed with conditional use approval
	Window on-premises	12 sq. ft. maximum per use			
	Flat or wall on-premises	15% of a wall area			Illumination may be built into or attached to signs unless exposed to a dwelling on adjacent property or a residential zone boundary in which case it may be allowed with conditional use approval. A flat or wall sign may only be used if an awning sign is not used
	Temporary on-premises				See Section 19.82.140

	Monument on-premises	One per lot, 32 sq. ft. plus 1 sq. ft. for every 4 ft. of frontage over 30 to a maximum of 64 sq. ft.	6 ft. max.	18-inch minimum setback	A monument sign can only be utilized if no ground or projecting sign is used
	Awning on-premises	25% of a wall area may be covered with an awning, and 50% of an awning may be covered with graphics	8 ft. min. above the ground 0 ft. above bldg. wall	8 ft. maximum projection from bldg. May be on three walls of a building	Attached to building. Primary graphics on face or street side of structure. An awning sign may only be used if a flat or wall sign is not used
All regulated signs in C-V zones located in canyon areas of the ~~county~~metro township require conditional use approval.					
(4) C-2, C-3	C-2 Ground or projecting on-premises	48 sq. ft. plus 1 sq. ft. for each foot of frontage over 30 on a street to a maximum of 256 sq. ft. Property abutting a freeway with no frontage on a dedicated street may have one sign as a conditional use located within 30 ft. of the freeway not to exceed 256 sq. ft. and the height shall not exceed 25 ft. above freeway grade. A property having frontage on a dedicated street which connects directly to an on or off ramp of I-15 and is within 600 ft. of	30 ft. max.	18-inch setback, 1 sign per 300 ft. frontage or part thereof	Illumination may be built into or attached to signs unless exposed to a dwelling on adjacent property or a residential zone boundary in which case it may be allowed with conditional use approval. Rotation and subdued light change may be allowed with conditional use approval.

		the main traveled way of I-15 may have one sign up to 60 ft. high, but not to exceed 25 ft. above freeway grade level and 400 sq. ft.			
	C-3 Ground or projecting on-premises	48 sq. ft. plus 11/2 sq. ft. for each foot of frontage over 30 on a street to a maximum of 300 sq. ft. Property abutting a freeway with no frontage on a dedicated street may have one sign as a conditional use located within 30 ft. of the freeway not to exceed 300 sq. ft. and the height shall not exceed 25 ft. above freeway grade. A property having frontage on a dedicated street which connects directly to an on or off ramp of I-15 and is within 600 ft. of the main traveled way of I-15 may have one sign up to 60 ft. high, but not to exceed 25 ft. above freeway grade level and 400 sq. ft.	30 ft. max.	No setback required, 1 sign per 300 ft. frontage or part thereof	Illumination may be built into or attached to signs unless exposed to a dwelling on adjacent property or a residential zone boundary in which case it may be allowed with conditional use approval. Rotation and subdued light change may be allowed with conditional use approval.

	Balloon on-premises				Balloon signs are subject to conditional use approval
	Roof on-premises	Same as ground or projecting sign	10 ft. above roof max.		Roof sign may substitute for a ground or projecting sign but is subject to conditional use approval. The planning commission may deny a sign or set more restrictive conditions. Signs shall be installed so that the support structure is not visible
	Window on-premises	16 sq. ft. maximum per use			
	Promotional sign boards on-premises	1 sq. ft. for each linear ft. of frontage to a maximum of 20 sq. ft. per sign	Maximum ht. equals the sign setback, but not more than 10 ft.		Maximum of 1 sign per street front, permanently anchored to the ground, and subject to conditional use approval. Illumination may be built into or attached to signs unless exposed to a dwelling on adjacent property or a residential zone boundary in which case it may be allowed with conditional use approval

	Flat or wall on-premises	20% of a wall area			Illumination may be built into or attached to signs unless exposed to a dwelling on adjacent property or a residential zone boundary in which case it may be allowed with conditional use approval. A flat or wall sign may only be used if an awning sign is not used
	Temporary on-premises				See Section 19.82.140
	Monument on-premises	32 sq. ft. plus 1 sq. ft. for every 4 ft. of frontage over 30 on a street to a maximum of 64 sq. ft.	6 ft. max.	18-inch minimum setback, 1 sign per 300 ft. frontage or part thereof	A monument sign can be utilized in lieu of a ground or projecting sign
	Awning on-premises	25% of a wall area may be covered with an awning, and 50% of an awning may be covered with graphics	8 ft. min. above the ground 0 ft. above bldg. wall	8 ft. maximum projection from bldg. Must be on private property. May be on three walls of a building	Attached to building. Primary graphics on face or street side of structure. An awning sign may only be used if a flat or wall sign is not used

(5) M-1, M-2	Ground or projecting on-premises	48 sq. ft. plus 1 sq. ft. for each foot of frontage over 30 on a street to a maximum of 256 sq. ft. A property having frontage on a dedicated street which connects directly to an on or off ramp of I-15 and is within 600 ft. of the main traveled way of I-15 may have one sign up to 60 ft. high, but not to exceed 25 ft. above freeway grade level and 400 sq. ft.	35. ft. max.	15 ft. setback, 1 sign per 300 ft. frontage or part thereof	Illumination may be built into or attached to sign.
	Balloon on-premises				Balloon signs are subject to conditional use approval
	Roof on-premises	Same as ground or projecting sign	10 ft. above roof max.		Roof sign may substitute for a ground or projecting sign but is subject to conditional use approval. The planning commission may deny a sign or set more restrictive conditions. Signs shall be installed so that the support structure is not visible

	Window on-premises	16. sq. ft. maximum per use			
	Flat or wall on-premises	20% of a wall area			A flat or wall sign may only be used if an awning sign is not used
	Temporary on-premises				See Section 19.82.140
	Monument on-premises	32 sq. ft. plus 1 sq. ft. for every 4 ft. of frontage over 30 on a street to a maximum of 64 sq. ft.	6 ft. max.	18-inch minimum setback, 1 sign per 300 ft. frontage or part thereof	A monument sign can be utilized in lieu of a ground or projecting sign
	Awning on-premises	25% of a wall area may be covered with an awning, and 50% of an awning may be covered with graphics	8 ft. min. above the ground 0 ft. above bldg. wall	8 ft. maximum projection from bldg. May be on three walls of a building	Attached to building. Primary graphics on face or street side of structure. An awning sign may only be used if a flat or wall sign is not used
~~(6) F-R, F-M~~	~~Same as Section (3) of this table for C-1 and CV~~				~~All regulated signs require conditional use approval~~
~~(7) MD-1, (7 (7) MD-3~~	~~Flat on-premises~~	~~5% of a wall area~~			~~Illumination excluding luminous tubes may be built into or attached to signs. Sign design shall reflect the architectural design scheme of the~~

					~~project. All signs require conditional use approval~~
	~~Monument on-premises~~	~~32 sq. ft. plus 1 sq. ft. for every 4 ft. of frontage over 30 on a street to a maximum of 64 sq. ft.~~	~~6 ft. max.~~	~~18 inch minimum setback, 1 sign per 300 ft. frontage or part thereof~~	~~Illumination excluding luminous tubes may be built into or attached to signs. Sign design shall reflect the architectural design scheme of the project. All signs require conditional use approval~~
(8) O-R-D	Monument on-premises	32 sq. ft. plus 1 sq. ft. for every 4 ft. of frontage over 30 on a street to a maximum of 64 sq. ft.	6 ft. max.	25 ft. minimum setback, 1 sign per 300 ft. frontage or part thereof	Illumination excluding exposed neon or lighted accent stripes may be built into or attached to signs. Sign design shall reflect the architectural design scheme of the project. All signs require conditional use approval
	Flat on-premises	5% of a wall area which faces a street	Not higher than 15 ft. above the finished grade of the building	Attached to the wall of a building which faces a street	Illumination excluding exposed neon or lighted accent stripes may be built into or attached to signs. Signs that are exposed to dwellings on adjacent properties shall not be illuminated. Sign design shall reflect

					the architectural design scheme of the project. All signs require conditional use approval

Chapter 19.83 - WIRELESS TELECOMMUNICATIONS FACILITIES

Commented [CW127]: This chapter was designed for cellular and mobile phone towers and antennas.

19.83.010 - Purpose.

The purpose of this chapter is to establish general requirements for the siting of wireless telecommunications facilities. The intent of this chapter is to:

A. Encourage the location of facilities in nonresidential areas;

B. Minimize the total number of monopole facilities throughout the community;

C. Encourage the joint use of new and existing communication sites;

D. Encourage providers of facilities to locate them where the adverse impact on the community is minimal;

E. Encourage providers of facilities to use innovative design to minimize adverse visual impact;

F. Enhance the ability of the providers of telecommunication services to provide such services to the community quickly, effectively, and efficiently.

19.83.020 - Definitions.

As used in this chapter:

"Antenna" means a transmitting or receiving device used in telecommunications that radiates or captures radio signals.

"Lattice tower" means a self-supporting multiple sided, open steel frame structure used to support telecommunications equipment.

"Monopole facility" means an antenna or series of individual antennas mounted on a single cylindrical pole. Also includes associated equipment. For the purposes of this chapter, if a facility does not fit the definition of a roof or wall mounted facility it shall be considered a monopole facility.

Commented [CW128]: This is a catch-all to cover the various types of "unique" applications that may come in.

"Roof mounted facility" means an antenna or series of individual antennas mounted on a flat or pitched roof, mechanical room or penthouse of a building or structure. Also includes associated equipment.

"Stealth facility" means a wall, roof, or monopole facility which is disguised as another object or otherwise concealed from view. Examples of stealth facilities include, but are not limited to, trees, synthetic rocks, or architectural elements such as dormers, steeples, and chimneys.

"Wall mounted facility" means an antenna or series of individual antennas mounted against the vertical wall of a building or structure. Also includes associated equipment.

"Wireless telecommunications facility" means an unmanned structure which consists of equipment used primarily for the transmission, reception or transfer of voice or data through radio wave or wireless transmissions. Such sites typically require the construction of transmission support structures to which antenna equipment is attached.

19.83.030 - Applicability.

The requirements of this chapter apply to both commercial and private wireless telecommunications services such as "cellular" or "PCS" (personal communications services) communications and paging systems. All facilities shall comply with the following regulations and all other ordinances of the ~~county~~metro township and any pertinent regulations of the Federal Communications Commission and the Federal Aviation Administration.

19.83.040 - General plan required.

Commented [CW129]: This was important when the ordinance was first adopted because the technology was still relatively new, and the planning commission and County staff wanted to get a feeling for how many of these things might be built. Since most networks are in place now, and people have grown accustomed to the towers, this section has not been looked at as much.

A site location general plan shall be submitted by each company desiring placement of wireless telecommunication facilities. The general plan shall be submitted to the planning commission and development services division prior to processing any permits for permitted or conditional use locations. The general plan shall include inventory of existing and anticipated sites for the ~~unincorporated county~~metro township and within one-half mile of the ~~unincorporated county~~metro township boundary. The plan shall indicate area coverage, if known, location, antenna height above existing grade, and antenna type for each site and be updated upon request from the planning commission. Every general plan shall be considered proprietary information and not be part of the public record.

19.83.050 - Allowable uses.

The uses specified in Table 19.83.050 are allowed provided that they comply with all requirements of this chapter.

TABLE 19.83.050		
P—Permitted Use	C—Conditional Use	N- Not allowed

Zones	Wall Mount	Roof Mount	Monopole	Lattice Tower
~~F-1~~	~~P1, C2~~	~~P1, C2~~	~~C~~	~~N~~
~~All FMs~~	~~P1, C2~~	~~P1, C2~~	~~C~~	~~N~~
~~All FRs~~	~~P1, C2~~	~~P1, C2~~	~~C~~	~~N~~
All R-1s	P3, CS	P3, CS	C3, CS	N
All R-2s	P3, CS	P3, CS	C3, CS	N
R-4-8.5	P3, CS	P3, CS	C3, CS	N
S-1-G	P1, C2	P1, C2	C	N
R-M	P	P	C	N
O-R-D	P	P	C	N
RMH	N	N	N	N
All As	P1, C2	P1, C2	C	N
~~All FAs~~	~~P1, C2~~	~~P1, C2~~	~~C~~	~~N~~
~~All MDs~~	~~P1, C2~~	~~P1, C2~~	~~C~~	~~N~~
C-1, C-2, C-3	P	P	C	N
~~C-V~~	~~P1, C2~~	~~P1, C2~~	~~C~~	~~N~~
All Ms	P	P	P4, C	N

1—Permitted use only on nonresidential buildings.
2—Conditional use on residential buildings.
3—Allowed only in conjunction with public or quasi-public uses (see Sections 19.04.440 and 19.04.445).
4—Permitted use if not within 300 feet of a residential zone boundary.

S—Stealth facilities are conditional uses and not required to be located with public or quasi-public uses.

19.83.060 - Facility types and standards.

Wireless telecommunications facilities are characterized by the type and location of the antenna structure. There are four general types of antenna structures: wall mounted; roof mounted; monopoles; and lattice towers. Standards for the installation of each type of antenna are as follows:

A. Wall Mounted Antenna. The following provisions apply to wall mounted antennas: (see Figure 1)

1. Wall mounted antennas shall not extend above the wall line of the building or structure or extend more than four feet horizontally from the face of the building or structure.

2. Antennas, equipment and the supporting structure shall be painted to match the color of the building or structure or the background against which they are most commonly seen. Antennas and the supporting structures on buildings should be architecturally compatible with the building.

3. Antennas mounted directly on existing parapet walls, penthouses, or mechanical equipment rooms, with no portion of the antenna extending above the roofline of such structures, shall be considered a wall mounted antenna.

4. Stealth wall mounted antennas are encouraged and shall be allowed to vary from the provisions of this section as determined by development services for permitted uses and the planning commission for conditional uses. Stealth wall mounted antennas are not required to be located with public or quasi-public uses in all R-l, R-2, and R-4-8.5 zones (see Table 19.83.050).

B. Roof Mounted Antenna. The following provisions apply to roof mounted antennas: (see Figures 2 and 3)

1. Roof mounted antennas shall be allowed on top of existing penthouses or mechanical equipment rooms provided the antennas and antenna mounting structures shall not extend more than eight feet above the existing roofline of the penthouse or mechanical equipment room.

2. For antennas not mounted on a penthouse or mechanical equipment room and on a flat roof:

a. Setback. The antennas shall be mounted at least five feet from the exterior wall or parapet wall of a building or structure.

b. Height. The height shall be measured from the top of the antenna to the roofline of the building or structure, or to the top of the parapet wall if a parapet wall exists. For antennas mounted between five and fourteen feet from the exterior wall or parapet wall, the maximum height of the antenna is equal to the distance the antenna is set back from the exterior wall or parapet wall. For antennas setback more than fourteen feet the maximum height shall be fourteen feet. Antennas extending more than nineteen feet above the roofline require conditional use approval (see Figure 2).

Commented [CW130]: The ordinance encourages using stealth facilities (cell sites disguised as something else) by allowing them in areas where towers would otherwise not be allowed.

Commented [CW131]: Again, stealth facilities are encouraged by being given some latitude with regard to height, size, etc.

Commented [CW132]: We generally see more wall mount than roof mount facilities.

c. Roof-mounted antennas extending above the roofline of any penthouse or mechanical equipment room require conditional use approval.

3. Roof mounted antennas on a pitched roof shall be allowed provided the antennas and antenna support structures do not extend higher than the peak of the roof measured by a horizontal line from the peak extending over the roof (see Figure 3).

4. Roof mounted antennas shall be constructed and/or colored to match the surroundings in which they are located.

5. Stealth roof mounted antennas are encouraged and shall be allowed to vary from the provisions of this section as determined by development services division for permitted uses and the planning commission for conditional uses. Stealth roof mounted antennas are not required to be located with public or quasi-public uses in all R-1, R-2, and R-4-8.5 zones (see Table 19.83.050).

C. Monopole. The following provisions apply to monopoles:

1. The height limit for monopoles is sixty feet except the planning commission may allow a monopole up to eighty feet in the C-2, C-3, M-1, and M-2 zones if it finds: (1) that the monopole will blend in with surrounding structures, poles, or trees and is compatible with surrounding uses, (2) the monopole will be available for co-location with other companies, and (3) the monopole will be setback at least three hundred feet from any residential zone boundary. The height shall be measured from the top of the structure including antennas, to the original grade directly adjacent to the monopole.

2. In all R-1, R-2, and R-4-8.5 zones, monopoles will only be allowed in conjunction with an existing public or quasi-public use. Public and quasi-public uses, as defined in Sections 19.04.440 and 19.04.450, include but are not limited to churches, schools, utilities, and parks.

3. No monopoles shall be allowed in the front yard setback of any lot.

4. Monopoles shall be setback from any residential structure a distance equal to its height.

5. Stealth monopole facilities are encouraged and shall be allowed to vary from the provisions of this section as determined by development services division for permitted uses and the planning commission for conditional uses. Stealth monopoles are not required to be located with public or quasi-public uses in all R-1, R-2, and R-4-8.5 zones (see Table 19.83.050).

D. Lattice Tower. Lattice towers are not allowed.

19.83.070 - Color.

Monopoles, antennas, and any associated buildings or equipment shall be painted to blend with the surroundings which they are most commonly seen. The color shall be determined on a case-by-case basis by the planning commission for conditional uses and development services division for permitted uses. Within six months after the facility has been constructed, the planning commission or the development services division may require the color be changed if it is determined that the original color does not blend with the surroundings.

Commented [CW133]: This provision can be subjective, and for the most part is used to ensure that the poles are painted a dull, neutral color.

19.83.080 - Sites in the foothills and canyons.

For the purpose of this chapter the foothills and canyons are defined as the areas shown on the maps in the document entitled "~~Salt Lake~~Copperton ~~County~~Metro township Foothill and Canyon Development Standards."

A. Any grading for telecommunication facilities, including access roads and trenching for utilities, shall comply with the Uniform Building Code. Telecommunication facilities in the foothills and canyons shall comply with the FR zone requirements for grading (Section 19.12.100), natural vegetation (Section 19.12.110) and utilities (Section 19.12.120). Everything possible should be done to minimize disturbance of the natural environment.

B. A computer-generated visual simulation of the proposed structures is required for all sites in the foothills and canyons. The simulation shall show all structures including but not limited to monopoles, antennas, and equipment buildings.

C. Everything possible should be done to minimize disturbance of the visual environment. Site placement and color should be carefully considered to blend in with the surroundings.

D. Continuous outside lighting is prohibited unless required by the FAA for the monopole.

Commented [CW134]: This is typical for most applicants to provide on all applications, but is especially helpful with canyon properties.

19.83.090 - Additional requirements.

The following shall be considered by the planning commission for conditional uses:

A. Compatibility of the proposed structure with the height and mass of existing buildings and utility structures.

B. Location of the antenna on other existing structures in the same vicinity such as other monopoles, buildings, water towers, utility poles, athletic field lights, parking lot lights, etc. where possible without significantly impacting antenna transmission or reception.

C. Location of the antenna in relation to existing vegetation, topography including ridge lines, and buildings to obtain the best visual screening.

D. Spacing between monopoles which creates detrimental impacts to adjoining properties.

E. Installation of, but not limited to, curb, gutter, sidewalk, landscaping, and fencing as per Sections 19.76.210 and 19.84.050.

19.83.100 - Accessory buildings.

Accessory buildings to antenna structures must comply with the required setback, height and landscaping requirements of the zoning district in which they are located. All utility lines on the lot leading to the accessory building and antenna structure shall be underground.

19.83.110 - Non-maintained or abandoned facilities.

The building official may require each non-maintained or abandoned telecommunications facility to be removed from the building or premise when such a facility has not been repaired or put into use by the owner or agent within ninety calendar days after notice of non-maintenance or abandonment is given to the owner or agent. The applicant shall post a site specific bond when a permit is issued to guarantee removal of the facility and site restoration. The type of bond and amount shall be determined upon review by ~~county~~metro township staff. No bond shall be required for roof or wall mounted facilities.

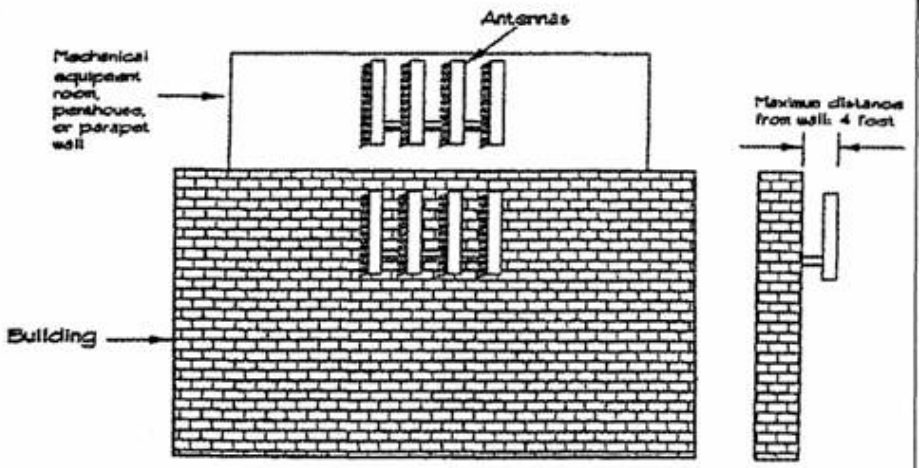
Commented [CW135]: This provision is difficult to enforce for two reasons: first, it is difficult to know when a site is no longer in use, and second, bonds posted by law only have a two-year shelf life, and this provision is designed for long-term guarantee.

19.83.120 - Building permit required.

A building permit from the development services division is required for all wireless telecommunication facilities including, but not limited to, monopoles, and roof and wall mounted antennas.

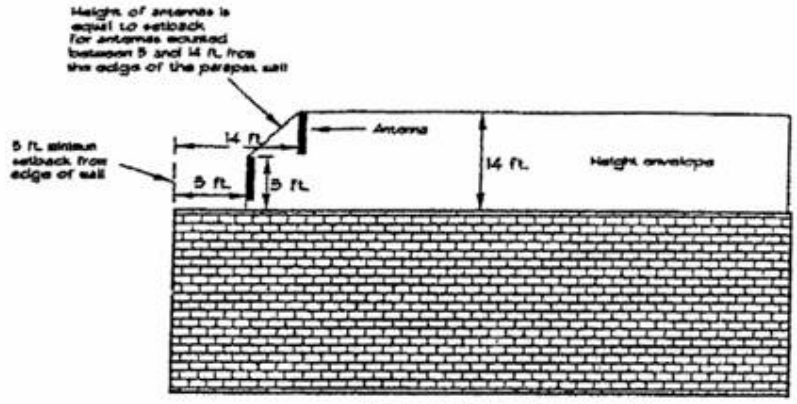
19.83.130 - Illustrations.

The illustrations, Figures 1, 2, and 3, are intended to demonstrate graphically the intent of this chapter.

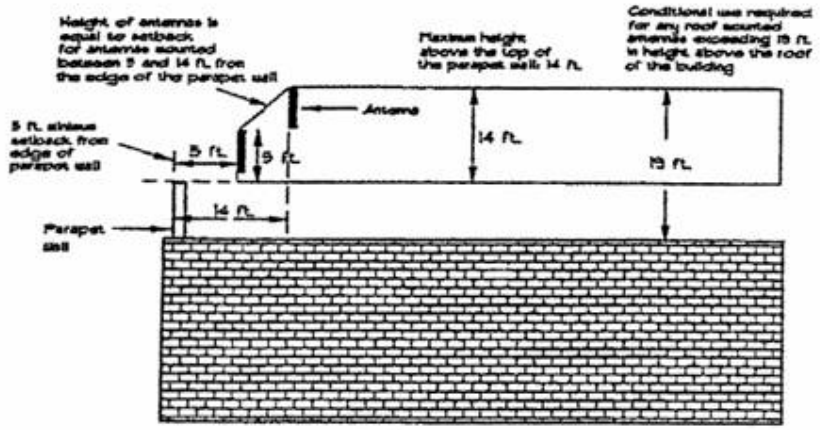


Wall Mounted Antennas

Figure 1



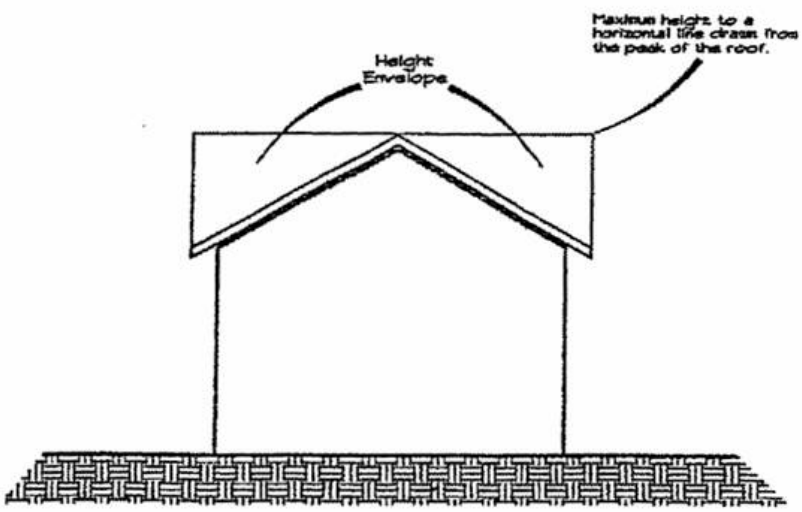
Building without a parapet wall



Building with a parapet wall

Roof Mounted Antennas

Figure 2



Roof Mounted Antennas
Pitched Roof

Figure 3

Chapter 19.84 - CONDITIONAL USES

Commented [CW136]: This entire chapter is based on the specific requirements of the State Land Use and Development Management Act.

19.84.010 - Purpose.

The purpose of this chapter is to provide for a reasonable application, review, and approval process for land uses that are specified as "conditional," such that proposed new land uses meet ~~county~~metro township standards and are properly integrated into the community and that those that appear to violate ~~county~~metro township standards are effectively mitigated or prohibited. Conditional uses shall be approved on a case-by-case basis provided the applicant adequately demonstrates that negative impacts of the use can be mitigated through the imposition of reasonable conditions of approval.

19.84.020 - Conditional use permit required when.

A conditional use permit shall be required for all uses listed as conditional uses in the district regulations or elsewhere in this title.

19.84.030 - Application requirements—Fee.

Commented [CW137]: State law places an emphasis on "complete" applications and obligates the municipality to render decisions in a timely manner once a "complete" application has been received.

Only when the following elements are satisfied is a conditional use application deemed complete:

A. Application for a conditional use permit shall be made by the property owner or certified agent thereof in writing upon the form(s) designated by the director or director's designee.

B. Accompanying Documents. Detailed site plans and specifications drawn to scale, unless waived by the director or director's designee, shall be submitted with the application.

C. Fee. The initial application fee for any conditional use permit, as provided for in Section 3.52.040 of this code, shall be paid. The payment of a partial application fee, or the submittal of plans for a pre-submittal review, does not constitute a complete application.

19.84.040 - Application review.

Commented [CW138]: This section is intended to provide an outline of the steps involved, but not an exhaustive list of every agency to which an application may be referred.

A. The director or the director's designee shall administer an application review procedure in which the proposed use and the proposed site development plan are evaluated for compliance with all applicable ordinances and codes and for anticipated detrimental effects.

B. The application review procedure shall contain the following components:

1. Referral of the application to all affected entities;

2. A review of the proposed site plan for compliance with applicable sections of the zoning ordinance;

3. A review of the proposed use and site plan to ascertain potential negative impacts and whether reasonable conditions can be imposed to mitigate those impacts.

C. The application review procedure may include the following:

1. Referral of the application to government or regulating entities for recommendations;
2. A pre-application meeting, in which preliminary site plans are reviewed and discussed prior to finished plans being submitted for review;
3. An on-site review of the proposal by the director, director's designee or staff;
4. A requirement that the applicant submit impact studies or other technical studies regarding grading, drainage, traffic, geologic hazards, etc.

D. The director, director's designee or staff shall present a review, summary and recommendation to the planning commission after having provided the applicant with a copy as required by state law. The recommendation shall remain part of the public record.

19.84.050 - Approval/denial authority.

The planning commission has the authority to approve, deny, or approve with conditions conditional use applications.

A. Planning Commission Approval.

1. The planning commission shall review and approve or deny each application during a public meeting.
2. The planning commission's decision shall be based on information presented through the public meeting process, including: the materials submitted by the applicant, the recommendation of the director or director's designee, and input from interested parties and affected entities.
3. If conditions are specified, the director or director's designee shall issue a final approval letter upon satisfaction of the planning commission's conditions of approval.
4. If the applicant fails to meet all conditions of approval within twelve months of the planning commission's decision, the application is deemed denied. A twelve-month extension may be granted upon the payment of an additional filing fee equal to the original filing fee.
5. A planning commission decision shall be made on a complete conditional use application within a reasonable time frame, not to exceed ninety days. The planning commission is authorized to review and take action on an application as outlined in Section 19.84.040 after having notified the applicant of the meeting date.
6. Failure by the applicant to provide information that has been requested by the planning commission, the director or director's designee to resolve conflicts with the standards in Section 19.84.060 (above) may result in an application being denied.

B. Decision. Each conditional use application shall be:

Commented [CW139]: This section specifies that the planning commission is the approval authority for conditional uses, and delegates to the planning staff the responsibility to ensure that the conditions of approval are incorporated into the final site plan and conditional use permit letter.

Commented [CW140]: These three possible courses of action match those found in the state code.

1. Approved if the proposed use, including the manner and design in which a property is proposed for development, complies with the standards for approval outlined in Section 19.84.060; or
2. Approved with conditions if the anticipated detrimental effects of the use, including the manner and design in which the property is proposed for development, can be mitigated with the imposition of reasonable conditions to bring about compliance with the standards outlined in Section 19.84.060; or
3. Denied if the anticipated detrimental effects of the proposed use cannot be mitigated with the imposition of reasonable conditions of approval to bring about compliance with the standards outlined in Section 19.84.060.

19.84.060 - Standards for approval.

Commented [CW141]: These standards were put in place at the time the state law was changed to require all conditions of approval be based on standards found in the ordinance. In the ideal ordinance, these "general" standards would be replaced with a more robust set of standards upon which conditions of approval could be based.

Prior to approval, all conditional uses and accompanying site development plans must be found to conform to the following standards:

A. The proposed site development plan shall comply with all applicable provisions of the zoning ordinance, including parking, building setbacks, and building height.

B. The proposed use and site development plan shall comply with all other applicable laws and ordinances.

C. The proposed use and site development plan shall not present a serious traffic hazard due to poor site design or to anticipated traffic increases on the nearby road system which exceed the amounts called for under the ~~county~~metro township transportation master plan.

D. The proposed use and site development plan shall not pose a serious threat to the safety of persons who will work on, reside on, or visit the property nor pose a serious threat to the safety of residents or properties in the vicinity by failure to adequately address the following issues: fire safety, geologic hazards, soil or slope conditions, liquifaction potential, site grading/topography, storm drainage/flood control, high ground water, environmental health hazards, or wetlands.

E. The proposed use and site development plan shall not adversely impact properties in the vicinity of the site through lack of compatibility with nearby buildings in terms of size, scale, height, or noncompliance with community general plan standards.

19.84.075 - Graffiti preventative materials or design.

Commented [CW142]: This is rarely specifically stated in most planning commission approvals because it is generally a given that builders design with graffiti prevention in mind.

A. Whenever the planning commission determines that there is a reasonable likelihood that graffiti will be placed on the surfaces of proposed improvements it shall require, as part of the conditional use approval, that the applicant apply an anti-graffiti material, approved by the development services division, to each of the surfaces to be constructed. The anti-graffiti material shall be used on surfaces from ground level to a height of nine feet. The planning commission may approve dense planting or appropriate design measures in place of anti-graffiti materials.

B. Whenever the planning commission becomes aware of graffiti having been placed on any surfaces constructed as part of development approved as a conditional use, it may require that the applicant or his/her successor in interest apply an anti-graffiti material to such surfaces where no such material was previously required.

19.84.080 - Appeals.

Commented [CW143]: Establishes the appeal authority and process.

Any adversely affected person shall have the right to appeal to the land use hearing officer any decision rendered by the planning commission, the director or director's designee by filing in writing, stating the reasons for the appeal with the land use hearing officer, within ten days following the date upon which the decision is made. Appeals to the land use hearing officer shall comply with the following procedures:

A. Upon scheduling a hearing date, the land use hearing officer shall notify the planning commission coordinator at least two weeks prior to the hearing to allow preparation of the record.

B. The planning commission coordinator shall prepare a copy of the record of the proceedings and decision being appealed for presentation to the land use hearing officer.

C. The hearing officer shall review the record, and may not accept or consider any evidence outside the record unless the evidence was offered to and was excluded by the planning commission, the director or director's designee and the hearing officer determines that it was improperly excluded.

Commented [CW144]: It is not the hearing officer's job to hold another conditional use hearing, but rather to review the record to see if the planning commission acted appropriately or erred.

D. The land use hearing officer shall review the planning commission's or the development services division's actions to determine whether the decision was arbitrary, capricious, or illegal.

E. The filing of an appeal does not automatically stay the decision; however, the land use hearing officer has the authority to stay the decision while the appeal is pending.

F. After review of the record and written and oral argument on both sides, the hearing officer may affirm, reverse, alter, or remand to the planning commission, the director or director's designee for further review and consideration the action taken by the planning commission, the director or director's designee.

19.84.095 - Preliminary and final approval of conditional use applications.

Commented [CW145]: This clarifies a second time the role of the planning commission in approving the land use and the role of planning staff finalizing that approval by assuring compliance.

A. Unless otherwise designated, a decision approving a conditional use application shall be a preliminary approval of the application.

B. Except as specified in subsection C of this section, the planning and development services director is authorized to grant final approval of conditional use applications after all of the conditions and requirements of the preliminary approval which are necessary for the final approval have been met. Final approval of a conditional use application shall be in the form of a letter to the applicant which, together with the approved site plan if required, shall constitute the conditional use permit.

C. The planning commission may require as a condition of preliminary approval that a conditional use application be brought before the planning commission for consideration of final approval.

19.84.100 - Revocation of conditional use permits.

A conditional use permit may be revoked by the planning commission upon a finding of failure to comply with the terms and conditions of the original permit or for any violation of this title occurring on the site for which the permit was approved. Prior to taking action concerning revocation of a conditional use permit, a hearing shall be held by the planning commission. Notice of the hearing and the grounds for consideration of revocation shall be mailed to the permittee at least ten days prior to the hearing.

19.84.110 - Hearing officer.

The planning commission may appoint, with the concurrence of the ~~county mayor~~metro township mayor, a hearing officer or officers to make recommendations to the planning commission as to whether cause exists for the planning commission to consider revoking any conditional use permit. Prior to making any recommendation to the planning commission, an evidentiary hearing shall be conducted by the hearing officer to determine whether the permittee has failed to comply with the terms and conditions of the original permit or has otherwise violated any provision of the zoning ordinance occurring on the site for which the permit was approved. The hearing officer shall notify the planning commission if any violations have been corrected by the permittee prior to the issuance of the hearing officer's recommendations.

19.84.120 - Inspection.

Following the issuance of a conditional use permit by the planning commission the building official shall approve an application for a building permit pursuant to Chapter 19.94 of this title and shall ensure that development is undertaken and completed in compliance with the permits.

Chapter 19.85 - HOME BUSINESS

19.85.010 - Subject and definition.

A. "Home business" shall mean any business activity, other than those listed below, which is conducted entirely within a dwelling or attached garage and is clearly incidental, secondary and in addition to the use of the structure for dwelling purposes. The purpose of the home business chapter is to allow the use of a portion of a home by one of its residents for business purposes, while establishing standards to ensure that the business use of the home will not

Commented [CW146]: These next two sections deal with the potential to revoke an approval for non-compliance.

Commented [CW147]: This chapter was enacted in 2004 to replace “home occupations” with “home businesses.” Home occupations were conditional uses, which included notifications to neighbors. The County ultimately decided it was better to simply have a set of standards in the ordinance upon which to base approval of home businesses as permitted uses in residential zones.

adversely impact the residential character of the neighborhood in which the home business is located.

B. "Home business" shall not include the following business activities taking place at the home:

1. Motor vehicle, trailer or boat repair;
2. Any use involving the storage or sale of inflammable, explosive or hazardous materials;
3. Junkyards;
4. Mortuaries or crematoriums;
5. Sexually oriented businesses;
6. Lawn mower or small engine repair;
7. Auto body and/or fender work;
8. Towing operations;
9. Vehicle sales or rentals;
10. Welding, iron works, foundries;
11. Major appliance repair (washers, dryers, refrigerators, etc.).

Commented [CW148]: A list of more intensive uses or uses that tend to cause problems in residential areas and are therefore not allowed as home businesses.

C. Uses that are listed as permitted or conditional uses in residential zones and are specifically defined under Chapter 19.04 are subject to a conditional or permitted use approval process, but are not subject to regulation under this chapter. Such uses include, but are not limited to, short-term rentals, home daycare, home preschools, uses involving the raising, breeding, training, housing, keeping or care of animals, residential health care, residential facilities for elderly or disabled persons, bed and breakfast inn or homestay, boarding houses, etc.

Commented [CW149]: This is to point out that there are specific uses allowed in some residential zones that have their own separate approval process which must be considered outside the confines of this chapter.

D. The following activities are exempted from regulation under this chapter:

1. Garage or yard sales; provided the sale is held for not more than three consecutive days, and no more than two times per year at the same location, and no consignment goods are offered for sale;
2. Temporary social gathering sales that do not exceed one day, such as candle parties, book parties, etc. not to exceed four occurrences per year.

19.85.020 - Standards.

The following standards shall apply to home businesses:

Commented [CW150]: These standards were created in an effort to allow home businesses to the extent that they have minimal impact on the neighborhood.

A. The primary use of the dwelling must be residential.

B. The person operating the business must reside in the dwelling on a full-time basis (at least nine months per year).

C. For lots which front on a right of way less than eighty feet wide, only the business operator and his/her immediate family members who reside in the home shall be employed or do any work, whether compensated or not, in conjunction with the business. For lots which front on a right of way of eighty feet or greater, one additional non-resident employee is allowed.

D. Customers shall be allowed at the residence only if scheduled on an appointment basis, and are only allowed between the hours of seven a.m. and ten p.m. Group lessons or sessions shall not exceed six people at a time.

E. No exterior remodeling shall take place that would change the residential appearance of the home.

F. Interior structural alterations made to the home are allowed only if they are consistent with its primary use as a dwelling.

G. All business activities must take place within the dwelling and/or attached garage and shall not occupy more than twenty-five percent or more than five hundred square feet (whichever is less) of the floor area of the home.

H. The storage or display of supplies, inventory, equipment or materials in any portion of the yard or within a detached accessory building is prohibited.

I. Only those tools, equipment, or electric apparatus that are commonly used as accessories to or in conjunction with residential uses are allowed to be used as part of the home business.

J. Home businesses must be conducted in such a manner as not to emit or create excessive odors, smoke, dust, heat, fumes, light, glare, sounds, noises, vibrations or interference with radio and/or television reception.

K. In addition to the parking spaces required for the residents of the dwelling, parking for customers and for an employee, if allowed under subsection (D) above, must be provided in the driveway or garage.

L. Only a three square foot, non-illuminated nameplate sign is allowed. The nameplate sign must be attached to a wall or window of the dwelling.

M. No vehicle larger than a passenger car or van or one ton pickup truck is allowed to be brought to, parked on, or stored on the property in conjunction with a home business.

N. If the applicant for a home business is not the property owner, the applicant must obtain written authorization of the property owner or manager to apply.

O. The property address (house number) must be clearly posted on the home using letters at least four inches in height in a contrasting color to the building.

P. The condition of the dwelling and landscaped areas shall be well maintained.

19.85.030 - Regulations and enforcement.

A. An application for home business must be submitted to the planning and development services division ~~of Salt Lake County~~ for review, and must be accompanied by the application fee listed in Section 3.52.080. Upon finding that the applicant understands and agrees to comply with the standards set forth in Section 19.85.020, the application shall be approved.

B. All home businesses are required to obtain a ~~Salt Lake County~~Copperton Metro Township business license. The business license must be renewed each year that the home business is in operation.

C. Violations of the standards set forth in Section 19.85.020 shall be subject to the civil penalties outlined in Section 19.94.070. In addition, a business license revocation hearing may be

Commented [CW151]: This should probably be amended because section 3.52.080 was replaced with a schedule of fees to be adopted each year with the budget (rather than having them set in ordinance).

Commented [CW152]: This will need to change for Copperton, because business licenses are no longer required in Copperton.

Commented [CW153]: See above.

scheduled at the discretion of the division director of planning and development services for any business found to be in violation of the home business standards or of any other ~~county~~metro township ordinance.

D. The business owner is responsible for complying with all applicable health, fire, building and safety codes.

E. All home businesses shall be reviewed for compliance with the provisions of this chapter and approved under the application process mentioned above. For the purposes of this chapter, a change of business ownership and/or relocation to a new address is considered a new business, and requires separate approval.

Chapter 19.86 - HISTORIC PRESERVATION

19.86.010 - Purpose.

This chapter is enacted to preserve sites with special historical, architectural or aesthetic value which are unique and irreplaceable assets. To accomplish this purpose, planning commission approval is required for all modifications to historical sites.

Commented [CW154]: This chapter is intended to incentivize the preservation of historically significant sites. Once a site is added to the list, planning commission approval is required for modifications. However, revenue generating land uses may be allowed to help provide funding for maintenance.

19.86.020 - Historic sites ~~designated~~.

A. ~~Existing Sites. Each of the following structures and sites in the unincorporated area of the county is a historic site:~~

~~1. Little Dell Station, Mountain Dell Canyon.~~

~~2. Granite Paper Mill, 6900 South Big Cottonwood Canyon Road, Salt Lake City.~~

~~3. Henry J. Wheeler Farm, 6343 South 900 East, Salt Lake City.~~

~~4. David Bronson Brinton Home, 1981 East 4900 South, Holladay.~~

~~5. Santa Anna Casto Home, 2731 Casto Lane, Salt Lake City.~~

~~6. Gardner Home and Mill Site, 1475 Murphy's Lane, Salt Lake City.~~

~~7. Edward Pugh Home, 1299 East 4500 South, Salt Lake City.~~

~~8. Butler House, 1045 East 4500 South, Salt Lake City, Eff. 9-28-79.~~

~~9. William J. Bowthorpe Home, 4910 Holladay Boulevard, Salt Lake City.~~

~~10. William H. Walter Home, 2683 Hillsden Drive, Salt Lake City.~~

~~11. George Boyes Home, 4766 Holladay Boulevard, Salt Lake City.~~

~~12. Frank Dilworth Brinton Home, 4880 Highland Circle, Salt Lake City.~~

~~13. Mountain View Train Station, 6211 Emigration Canyon Road, Salt Lake City.~~

~~14. Butler School Teachers Dormitory, 2680 East Fort Union Boulevard, Salt Lake City.~~

~~15. Fabian/Tyler Home, 1130 East Vine Street, Salt Lake City.~~

~~16. Jacob Heber Griffiths Farmstead, 525 East Fort Union Boulevard, Salt Lake City.~~

~~17. Mill Creek Farm House, 1106 East 4500 South, Millcreek Township.~~

The metro township council may designate historic sites and structures after receiving a recommendation from the Historic Preservation Commission/Planning Commission in accordance with section 2.88.030 and Chapter 19.90 of this code~~B. Amendments. The county council may amend the above list of historic sites and structures, including designating additional historic sites subject to the amendment procedures in Chapter 19.90 of this code~~.

19.86.030 - Conditional use permit required.

A. A conditional use permit is required for any modifications to a historic site or structure, including modifications to the landscaping, fencing or appearance of any lot, or demolition, construction, alteration, relocation, improvement or conversion of a historic site.

B. Applications for a conditional use permit on a historic site shall be made in the manner and subject to the procedures and requirements set forth in Chapters 19.78 and 19.84 of this title. To the extent that the requirements of this chapter and Chapters 19.78 and 19.84 are inconsistent, the requirements of this chapter shall prevail.

19.86.040 - Noncomplying conditional uses.

The planning commission shall not approve a conditional use for a historic site which would be contrary to the purposes of this chapter by adversely affecting the architectural significance, the historical appearance, or the educational and historical value of the site unless all the following conditions have been met:

A. The application meets the requirements for a conditional use permit set forth in Chapters 19.78 and 19.84;

B. The application meets all the requirements of the base zone in which the property is located;

C. The application has been pending before the planning commission for a period of at least one year.

Commented [CW155]: This section is designed in such a way as to not absolutely prevent someone from changing the nature of the property, but there is a one year waiting period involved.

19.86.050 - Site modification.

Commented [CW156]: This allows the planning commission to work with a property owner to modify certain requirements to keep the property in harmony with it's historic character. For example, a gravel parking area may be allowed in lieu of a paved one for a pioneer era building.

The planning commission may modify all yard, parking, landscaping, height and other requirements of the base zone, as necessary to fulfill the purpose of this chapter. In so doing, the nature and character of adjacent properties shall be considered to ensure that the health, safety, convenience and general welfare will not be impaired. The planning commission may establish development criteria to control impacts associated with the heaviest permitted use in the base zone, including, but not limited to, noise, glare, dust or odor.

19.86.060 - Additional uses for historic sites.

A. Residential, Forestry and Agricultural Zones. The planning commission may approve any of the following uses for a historic site in addition to the permitted and conditional uses allowed in the agricultural, forestry or residential zone in which the site is located:

1. Antique shop;
2. Art shop;
3. Boardinghouse;
4. Child nursery;
5. Dental office or clinic;
6. Dwelling, single, two, three, four or multiple-family;
7. Nursing home;
8. Office;
9. Private educational institution;
10. Reception centers;
11. Restaurant;
12. Other uses of similar intensity to the above.

B. Commercial and Manufacturing Zones. The planning commission may approve any use listed in the commercial and manufacturing zones of the ~~county~~metro township zoning ordinance for a historic site located in a commercial or manufacturing zone.

19.86.070 - Interpretation of chapter.

This chapter does not guarantee the right of any person, firm or corporation to any provision of this chapter.

Commented [CW157]: So much of this chapter is based on the judgement of the planning commission and council, that this provision just clarifies that not every application will necessarily be approved.

Chapter 19.87 - RESIDENTIAL FACILITIES FOR PERSONS WITH A DISABILITY

Commented [CW158]: After many years of allowing these facilities in residential areas based on court decisions applying the Fair Housing Act and Americans with Disabilities Act, it was decided to put a provision in the ordinance to address the issue.

19.87.010 - Purpose.

The purpose of this chapter is to balance local zoning considerations with state and federal mandates requiring a reasonable accommodation for disabled persons living together in a group housing arrangement in a residential neighborhood.

19.87.020 - Scope.

The requirements of this chapter apply to any facility, residence, group home or other congregate housing arrangement for persons with a disability notwithstanding any conflicting provision in this title or any other section of this Code of Ordinances.

19.87.030 - Definitions.

"Disability" is defined in 19.04.168, "family" in 19.04.230, and "residential facility for persons with a disability" in 19.04.452 of this title.

19.87.040 - Licensing for residential facilities.

The licensing requirements for "residential treatment programs" and "residential support programs" are defined and administered pursuant to state law and the Utah Administrative Code.

19.87.050 - Uses.

A. No Permit Required. Four or less unrelated individuals who share housekeeping responsibilities in a single dwelling do not require a zoning permit but function as a "family," defined in Section 19.04.230 of this title as "one to four unrelated people living together in a single dwelling."

B. The director of planning and ~~zoning~~ development services ("the director"), ~~with the assistance of the district attorney,~~ shall consider requests for a permitted use/reasonable accommodation for a "residential facility for persons with a disability" ("facility"). The director or the director's designee shall approve a proper application for a zoning permit for the facility in any zone, including residential zones where only single family dwellings are a permitted use, provided:

1. The facility meets or will meet all program, physical facility, and licensure requirements of the state department of human services or department of health.
2. Except as otherwise provided in this chapter, buildings and uses shall meet all applicable metro township ~~county~~ development standards, licensing and zoning requirements.
3. The facility shall not house persons who are involuntarily residing therein or who are residing therein as a part of or in lieu of confinement, rehabilitation, or treatment in a correctional facility.
4. The applicant provides sufficient evidence that the requested accommodation is necessary to allow disabled individuals reasonable, non-discriminatory, federally mandated housing opportunities in the relevant zone. Evidence may include information relating to the history, management, financial feasibility, and therapeutic benefits of the facility, and applicable law.

Commented [CW159]: This section is an attempt to connect our approval authority to the "reasonable accommodations" provision of the federal law, while not putting ourselves in the position of judging whether the residents do or do not have a "disability."

C. The director or the director's designee may not deny the application based upon reasonably anticipated detrimental effects to the community so long as reasonable conditions are proposed to mitigate such anticipated detrimental effects.

D. Institutional Uses. Consistent with the International Building Code, residential facilities designed to house more than sixteen individuals constitute "institutional facilities" likely to create a fundamental change in the character of a single family residential neighborhood. The only residential zone where an application for a conditional use permit for an institution serving more than sixteen residents may be approved is in a zone that allows apartments as a conditional or permitted use.

Commented [CW160]: Based on court cases, we could not limit the number of people residing together in such a facility unless tied to a building or other code requirement.

19.87.060 - Termination.

Commented [CW161]: This section was put in the ordinance to show concerned neighbors that we could make sure the facility continued to comply in the long-term, but the D.A. admitted that this section would be very difficult to enforce.

A use permitted by this chapter is nontransferable and shall be subject to revocation by the appropriate land use or licensing authority if:

A. The facility is devoted to a use other than a residential facility for persons with a disability, or

B. The facility exceeds the maximum number of residents specified and approved in the original application, changes the disability classification under state rules, or remodels or expands without first receiving approval from the director.

C. The facility is not licensed by the state department of health or department of human services.

D. It is determined by an appropriate ~~county~~metro township authority that residents of the facility have engaged in a pattern of criminal acts of nuisance, theft, or violence in the adjoining neighborhood.

19.87.070 - Residential day treatment.

To avoid excessive traffic, on street parking, and related impacts altering the residential character of a neighborhood, no day treatment for non-residents shall be permitted in residential facilities for the disabled in the R-1 or R-2 residential zones.

19.87.080 - Parking.

Commented [CW162]: The D.A. was comfortable that we could require this without risking being overturned by the courts.

The minimum number of parking spaces shall be four spaces plus one space for each five residents, provided that if the number of residents who own or operate a motor vehicle exceeds the number of parking spaces established above, additional parking shall be provided to ensure that every resident who owns or operates a motor vehicle has a lawfully located off-street parking space.

19.87.090 - Appeals.

Pursuant to section 19.92.050 of this title for permitted uses, any person adversely affected by a final decision of the zoning authority may appeal that decision to the ~~board of adjustment~~land use hearing officer.

Chapter 19.88 - NONCONFORMING USES AND NONCOMPLYING STRUCTURES*

Commented [CW163]: "Nonconforming use" and "noncomplying structure" are terms used in the state code, so we use the same terms here. They refer to uses or a structures that at one time were legal on a specific property, but due to subsequent ordinance changes, do not comply to current code.

19.88.010 - Continuation of use.

The occupancy of a noncomplying structure or of a building or structure by a nonconforming use, existing at the time this title became effective, may be continued, provided that the use has not been abandoned or the building left vacant as provided in Section 19.88.120.

Commented [CW164]: 19.88.010, 19.88.080, and 19.88.120 combined state that a use may be continued as long as it takes place on the property for at least two consecutive weeks every year.

19.88.020 - Occupation within one year.

A vacant building or structure may be occupied by a use for which the building or structure was designed or intended if so occupied within a period of one year after the use became nonconforming.

19.88.030 - Maintenance permitted.

A noncomplying structure may be maintained.

19.88.040 - Repairs and alterations permitted.

Repairs and structural alterations may be made to a noncomplying structure or to a structure housing a nonconforming use. Any remodel or structural alteration that requires the demolition of an outside wall of a noncomplying structure shall only be allowed upon approval of the land use hearing officer, unless the new construction complies with the zoning ordinance. The land use hearing officer decision regarding applications for the removal and replacement of outside walls of a noncomplying structure shall be based upon the criteria outlined in Section 19.88.070(B).

Commented [CW165]: This clause is to prevent someone from tearing down and replacing large sections of a non-complying structure and calling it a "remodel."

19.88.050 - Addition of parking space.

A building or structure lacking sufficient automobile parking space in connection therewith as required by this title may be altered or enlarged provided additional automobile parking space is supplied to meet the requirements of this title for such alteration or enlargement.

19.88.060 - Expansion of use permitted.

A nonconforming use may be extended to include the entire floor area of the existing building in which it is conducted at the time the use became nonconforming.

19.88.070 - Additions, enlargements, moving and reconstruction of a structure.

A. A noncomplying structure or building occupied by a nonconforming use shall not be added to or enlarged in any manner or moved to another location on the lot or reconstructed at another location on the lot except as provided by subsection B of this section unless such additions and enlargements comply with the regulations and intent of this title.

B. A building occupied by a nonconforming use or a noncomplying structure may be added to or enlarged or moved to a new location on the lot or reconstructed at a new location on the lot upon a permit authorized by the land use hearing officer, provided that the land use hearing officer shall find:

1. The addition to, enlargement of, moving of, or reconstruction of the structure at a new location on the lot is in harmony with one or more of the purposes of this title as stated in Section 19.02.020 of this title, and is in keeping with the intent of this title;

2. That the proposed change does not impose any unreasonable burden upon the lands located in the vicinity of the nonconforming use or structure.

Commented [CW166]: If the addition to the building complies with setback and height regulations, then it is allowed. If the addition itself will also be nonconforming as to setback or height regulations, hearing officer approval is required as set forth in "B"

19.88.080 - Nonconforming use of land.

The nonconforming use of land, existing at the time this title became effective, may be continued provided that no such nonconforming use of land shall in any way be expanded or extended either on the same or adjoining property, and provided that if such nonconforming use of land, or any portion thereof, is abandoned or changed for a period of one year or more, any future use of such land shall be in conformity with the provision of this title.

19.88.090 - Change of use.

A. A nonconforming use may be changed to any use allowed in the most restrictive zone where such nonconforming use is allowed, provided the planning commission finds that such use would not be more intensive than the most recent existing legal nonconforming use.

B. Structures shall not be enlarged, removed, reconstructed or otherwise changed except for interior remodeling and exterior restoration or renewal that will make the appearance of the structure more nearly conform to the character of the area in which it is located.

Commented [CW167]: The idea behind this section is to allow the use to change over the years to less and less intensive uses so a property gradually becomes more in harmony with nearby properties.

C. The existing lot or parcel shall not be enlarged upon or modified except to create landscaping, fencing, curb, gutter and sidewalk, road widening or minimum off-street parking that will provide a safer and more compatible facility.

D. Any change of a nonconforming use to another nonconforming use shall be a conditional use and subject to provisions of Chapters 19.78 and 19.84, except that the proposed nonconforming use need not conform to the ~~county~~metro township general plan.

E. The planning commission may approve a change of use pursuant to this title even though the nonconforming use may have been abandoned.

19.88.110 - Restoration of damaged structure.

A noncomplying structure or a structure occupied by a nonconforming use which is damaged or destroyed by fire, flood, wind, earthquake or other calamity or act of God or the public enemy and not the result of the intentional or reckless disregard of the owners or occupants, may be restored and the occupancy or use of such structure or part thereof, which existed at the time of such damage or destruction may be continued or resumed, provided that such restoration is started within a period of one year and is diligently prosecuted to completion.

Commented [CW168]: Recognizes people's right to recover from events beyond their control.

19.88.120 - Abandonment or one-year vacancy.

A structure or portion thereof occupied by a nonconforming use, which is, or hereafter becomes, vacant and remains unoccupied by a nonconforming use for a continuous period of one year, except for dwellings, shall not thereafter be occupied except by a use which conforms to the use regulations of the zone in which it is located. If the use has not applied to the premises for a consecutive period of sixty days during any twelve-month period, the use shall be deemed abandoned.

19.88.140 - Application to have a use violation declared legal through special exception.

A. Whenever land or a structure is used in violation of this title, the owner may file an application with the planning commission to have the use declared legal through special exception. The planning commission may approve such an application only when the evidence establishes all of the following:

1. The use exists on the property at the time of the application and has been in continuous violation of the zoning ordinance for a period exceeding ten years;
2. No complaint has been made to the development services division concerning the violation for a period exceeding ten consecutive years during which the violation existed;
3. Continuation of the use will not have a detrimental effect on the health, safety or welfare of persons or property in the vicinity.

B. The planning commission may consider as evidence:

Commented [CW169]: This provision allows the planning commission to make a determination as to whether to allow continuation of a long-standing use that is technically illegal, but continuation of said use will not materially harm anyone and is not the subject of enforcement action.

1. Documents that are part of the public record, such as tax appraisals, utility records, aerial photographs, building permits, etc.
2. Documentation from third parties, such as affidavits, photographs, etc.
3. Documentation from current or past property owners, such as tax records, rental/lease agreements, appraisal records, etc.

In approving an application hereunder, the planning commission may set any conditions it deems necessary for protection of adjacent properties or the public welfare including provisions limiting the period of time the use may continue. This section shall in no way be interpreted to permit the continuation of any violation which exists on the effective date of the ordinance codified in this section. Any person shall have the right to appeal to the land use hearing officer a decision rendered by the planning commission pursuant to this section. Appellants shall follow the appeal procedures set forth in Section 19.92.050 of this title.

19.88.150 - Application to have a structure declared a noncomplying structure.

Commented [CW170]: Similar to 19.88.140 above, this section allows approval of structures that have existed for over 10 years and are not causing a health or safety problem. When this section was first presented to the planning commission many years ago, it was similar to 19.88.140, and involved a public hearing and planning commission approval. However, the planning commission felt that if a structure is there where everyone can see it for over 10 years and nobody has complained, what is the point of a public hearing? They therefore recommended the ordinance involve approval on a staff level.

Whenever a structure is in violation of the height or setback provisions of this title, the owner may file an application with the director or director's designee to have the structure declared noncomplying. The director or director's designee shall approve the application when the evidence clearly establishes the following:

A. The structure has existed at its current location, with the same size, height and setbacks for at least ten years;

B. The structure is found by the ~~county~~ building official or designee to pose no threat to the health or safety of persons in or around the structure, and;

C. ~~Salt Lake County~~director, in behalf of the metro township, has not taken enforcement action for the violation for a period exceeding five consecutive years during which the violation existed.

Chapter 19.90 - AMENDMENTS AND REZONING

19.90.010 - Amendment procedure.

Commented [CW171]: This is in harmony with the process outlined in Utah code.

The ~~county~~ metro township council may amend the number, shape, boundaries or area of any zone or any regulation within any zone. Any such amendment shall not be made or become effective unless the same shall have been proposed by or be first submitted for the recommendation of the ~~relevant~~ planning commission.

19.90.020 - Hearing—Notice.

Before finally adopting any such amendment, the ~~county~~ metro township council shall consider the application during a public meeting which has been properly noticed in compliance with the provisions of Title 52, Chapter 4, of the Open and Public Meetings Act.

Commented [CW172]: The noticing requirements for a public meeting are different than those for a public *hearing*.

19.90.030 - Determination of council.

The ~~county~~ metro township council, after review of the recommendation of the planning commission, may approve, deny, alter or remand for further review and consideration any application for zone change referred to the metro township council by the planning commission.

Commented [CW173]: There is no requirement for the metro council to hold a public hearing or take public input in the local ordinance or in Utah code. The public hearing/input is required at the planning commission level.

19.90.050 - Disapproval of rezone application.

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 ~~county~~ metro township 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.

Commented [CW174]: It fairly common for most municipalities to have a provision like this to prevent repeat applications for the same zone on the same property until circumstances have changed.

19.90.060 - Conditions to zoning map amendment.

Commented [CW175]: The ability to approve conditional zoning is unique to the zoning ordinance of the County, but has been used many times to "customize" the zoning to be compatible with the surrounding community.

A. In order to provide more specific land use designations and land development suitability; to insure that proposed development is compatible with surrounding neighborhoods; and to provide notice to property owners of limitations and requirements for development of property, conditions may be attached to any zoning map amendment which limit or restrict the following:
   1. Uses;
   2. Dwelling unit density;
   3. Building square footage;
   4. Height of structures.

B. A zoning map amendment attaching any of the conditions set forth in subsection A shall be designated ZC after the zoning classification on the zoning map and any such conditions shall be placed on record with the planning commission and recorded with the county recorder.

C. In the event any zoning condition is declared invalid by a court of competent jurisdiction, then the entire zoning map amendment shall be void. Any deletion in or change to zoning condition shall be considered an amendment to the zoning ordinance and shall be subject to the requirements of this chapter.

19.90.070 - Application to amend the general plan.

Subject to the restrictions in Sections 19.90.080 and 19.90.090, any property owner or authorized agent thereof may file an application requesting an amendment to the ~~county~~ metro township general plan. Such application shall include the reasons or basis upon which the property owner believes the ~~county~~ general plan should be amended. Amendments to the ~~county~~metro township general plan shall comply with the procedures set forth in Chapter 27a of Title 17 of the state code.

Commented [CW176]: This must be changed to Chapter 9a of Title 10 of the State Code for municipalities.

19.90.080 - Restriction on applications after adoption of general plan.

No application may be filed by any property owner or authorized agent thereof to amend any part of the metro township ~~county~~ general plan for a period of one year after adoption of such part of the ~~county~~ general plan by the ~~county~~ metro township council.

19.90.090 - Disapproval of general plan application.

Disapproval of an application to amend the ~~county~~ metro township general plan shall preclude the filing of another application to amend the general plan text in the same or similar manner or to amend the general plan map for any parcel of property or portion thereof to the same land use designation within two years of the date of the final disapproval of the application unless the planning commission finds that there has been a substantial change in the circumstances or other significant reasons since the disapproval of the application to merit consideration of a second application within the two-year time period. No appeal to the ~~county~~ metro township council may be taken from a planning commission decision rendered pursuant to this section.

Commented [CW177]: Similar to the one-year hold for denied rezone requests above, but general plans have a 2 year hold.

Chapter 19.91 - SEXUALLY ORIENTED BUSINESSES

19.91.010 - Title for citation.

The ordinance codified in this chapter shall be known and may be referred to as the "Sexually Oriented Businesses Zoning Ordinance."

19.91.020 - Purpose of provisions.

It is the purpose and objective of this chapter that the ~~county~~ Copperton Metro Township establish reasonable and uniform regulations to prevent the concentration of sexually oriented businesses or their location in areas deleterious to the ~~unincorporated area of Salt Lake County~~metro township; to regulate the signage of such businesses; to control the adverse effects of such signage; and to prevent inappropriate exposure of such businesses to the community.

Commented [CW178]: Because these types of businesses were deemed constitutionally protected under the first amendment, Salt Lake County (along with most other municipal jurisdictions) adopted an ordinance to regulate "time and place" rather than prohibiting them outright.

This chapter is to be construed as a regulation of time, place and manner of the operation of these businesses, consistent with the limitations provided by provisions of the United States and Utah Constitutions.

19.91.030 - Definitions.

As used in this chapter:

"Public park" means a park, playground, swimming pool, golf course or athletic field which is under the control, operation or management of the state, a state agency, the county, or a municipality.

"Religious institution" means a building which is used primarily for religious worship and related religious activities.

"School" means an institution of learning or instruction primarily catering to minors, whether public or private, which is accredited as such a facility by the State of Utah. This definition shall include kindergartens, elementary schools, junior high schools, middle high schools, senior high schools, or any special institution of learning under the jurisdiction of the State Department of Education, but shall not include home occupations represented as schools, trade schools, charm schools, dancing schools, music schools or similar limited schools, nor public or private universities or colleges.

"Sexually oriented business" means adult businesses, nude entertainment businesses, seminude dancing bars, outcall services, and nude and seminude dancing agencies as defined in ~~Chapter 5.136~~ Chapter 5.20.

Commented [CW179]: Chapter 5.20 replaced chapter 5.136 of the business license code, and contains the bulk of the regulations regarding this type of business, including the various definitions.

19.91.040 - Business permitted—Restrictions.

A. Sexually oriented businesses, other than outcall services and nude and seminude dancing agencies, shall be permitted only in areas zoned C-3 and M-1 pursuant to the provisions of Chapters 19.64 and 19.66 respectively, subject to the following additional restrictions:

1. Sexually oriented businesses shall be subject to conditional use requirements.
2. No sexually oriented business shall be located:
   (a) Within one thousand feet from any school, public park, religious institution, or other sexually oriented business;
   (b) Within three hundred feet from an agricultural or residential boundary;
3. The distance requirements for this section shall be measured in a straight line, without regard to intervening structures, from the nearest property line of the school, public park, religious institution, agricultural or residential zoning district, or other sexually oriented business and to the nearest property line of the sexually oriented business.

B. Outcall services and nude and seminude dancing agencies shall be permitted only in the following zones:

1. R-M—as an office, business use only, and subject to conditional use approval, pursuant to the provisions of chapter 19.44;

Commented [CW180]: These two types of businesses are basically just offices (see "B" below) that book and send dancers to other locations to perform.

2. C-1, C-2, C-3, and M-1 as an office, business use only, pursuant to the provisions of chapters 19.56, 19.62, 19.64 and 19.66 respectively.

19.91.050 - Sign restrictions.

Commented [CW181]: These restrictions were obviously designed to keep signs associated with this type of business from being overly graphic.

Notwithstanding anything contrary contained in Chapter 19.82 of this title, signs for sexually oriented businesses shall be limited as follows:

A. No more than one exterior sign shall be allowed;

B. No sign shall be allowed to exceed eighteen square feet;

C. No animation shall be permitted on or around any sign, or on the exterior walls or roof of such premises;

D. No descriptive art or designs depicting any activity related to, or inferring, the nature of the business shall be allowed on any sign. Said signs shall contain alphanumeric copy only;

E. Only flat signs shall be permitted;

F. Painted wall advertising shall not be allowed;

G. Other than the signs specifically allowed by this chapter, the sexually oriented business shall not construct or allow to be constructed any temporary sign, banner, light or other device designed to draw attention to the business location.

19.91.060 - Severability.

If any provision or clause of this chapter or the application thereof to any person or circumstances is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other sections, provisions, clauses or applications hereof which can be implemented without the invalid provision, clause or application hereof, and to this end the provisions and clauses of this chapter are declared to be severable.

Chapter 19.92 - LAND USE HEARING OFFICER

19.92.010 - Creation.

Commented [CW182]: Until 2013, variances and appeals were heard by the Board of Adjustment, which was a volunteer board of citizens much like a planning commission. The County made this change when it became apparent that complex issues such as appeals were difficult for a citizens board to deal with, whereas a hearing officer who had some legal background and training would not be overwhelmed by legal issues.

The position of land use hearing officer is created pursuant to the enabling authority granted by the ~~County~~Municipal Land Use, Development, and Management Act, section ~~17-27a~~10-9a-701 of the Utah Code Annotated. The land use hearing officer shall replace in all respects the previous duties of the board of adjustment. Only one hearing officer shall consider and decide any matter properly presented for land use hearing officer review.

19.92.020 - Procedures.

A. The land use hearing officer may administer oaths and compel the attendance of witnesses.

B. All hearings before the land use hearing officer shall comply with the requirements of Chapter 4, Title 52, Utah Code, Open and Public Meetings.

1. The land use hearing officer shall:

a. Keep minutes of his or her proceedings; and

b. Keep records of his or her examinations and other official actions.

2. The land use hearing officer shall file his or her records in the office of the development services division. All such records are public records.

C. Decisions of the land use hearing officer become effective at the meeting in which the decision is made, unless a different time is designated at the time the decision is made.

Commented [CW183]: This section was carried over from the Board of Adjustment ordinance, but simplified (because a hearing officer doesn't choose a chairperson or have "voting" rules).

19.92.030 - Powers and duties.

The land use hearing officer shall:

A. Act as the appeal authority for zoning decisions applying this title as provided in Section 19.92.050 and for conditional use decisions by a planning commission:

B. Hear and decide the special exceptions to the terms of the zoning ordinance set forth in Section 19.92.060.

C. Hear and decide variances from the terms of the zoning ordinance; and

D. Hear and decide applications for the expansion or modification of nonconforming uses.

Commented [CW184]: While the rules regarding items "A" through "C" are found in this chapter (.040, .050, and .060 below) the rules regarding expansion or modification of nonconforming uses are found in chapter 19.88.

19.92.040 - Variances.

A. Any person or entity desiring a waiver or modification of the requirements of the zoning ordinance as applied to a parcel of property that he/she owns, leases, or in which he/she holds some other beneficial interest may apply to the land use hearing officer for a variance from the terms of the zoning ordinance.

B. 1. The land use hearing officer may grant a variance only if:

a. Literal enforcement of the zoning ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the zoning ordinance;

b. There are special circumstances attached to the property that do not generally apply to other properties in the same district;

c. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same district;

d. The variance will not substantially affect the general plan and will not be contrary to the public interest; and

Commented [CW185]: The criteria outlined in "B" through "F" are taken directly from the Utah Code.

e. The spirit of the zoning ordinance is observed and substantial justice done.

2. a. In determining whether or not enforcement of the zoning ordinance would cause unreasonable hardship under subsection (B)(1), the land use hearing officer may not find an unreasonable hardship unless the alleged hardship:

i. Is located on or associated with the property for which the variance is sought; and

ii. Comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood.

b. In determining whether or not enforcement of the zoning ordinance would cause unreasonable hardship under subsection (B)(1), the land use hearing officer may not find an unreasonable hardship if the hardship is self-imposed or economic.

3. In determining whether or not there are special circumstances attached to the property under subsection (B)(1), the land use hearing officer may find that special circumstances exist only if the special circumstances:

a. Relate to the hardship complained of; and

b. Deprive the property of privileges granted to other properties in the same district.

C. The applicant shall bear the burden of proving that all of the conditions justifying a variance have been met.

D. Variances run with the land.

E. The land use hearing officer may not grant use variances.

F. In granting a variance, the land use hearing officer may impose additional requirements on the applicant that will:

1. Mitigate any harmful effects of the variance; or

2. Serve the purpose of the standard or requirement that is waived or modified.

19.92.050 - Appeals.

A. 1. The applicant or any other person or entity adversely affected by a zoning decision administering or interpreting a zoning ordinance may appeal that decision by alleging that an order, requirement, decision or determination made by an official in the administration or interpretation of the zoning ordinance is arbitrary, capricious or illegal. Appeals of conditional use decisions rendered by a planning commission shall follow the review procedure outlined in Section 19.84.080 of this code.

2. Any officer, department, board or bureau of a ~~county~~ metro township affected by the grant or refusal of a building permit or by any other decisions of the administrative officer in the administration or interpretation of the zoning ordinance may appeal any decision to the land use hearing officer.

B. The person or entity making the appeal has the burden of marshalling the evidence and proving that the decision is arbitrary, capricious (unsupported by the evidence or facts of record), or illegal.

Commented [CW186]: This establishes the legal standard of review for appeals by the hearing officer. Without this in place, all appeals would be heard "de novo," which means a whole new hearing before the hearing officer in which he may substitute his judgement for the planning commission's. With this criteria in place, the hearing officer is bound to judge only whether the planning commission acted within their authority, not whether he agrees with their judgement.

Commented [CW187]: The person filing an appeal has to make the case for that appeal. The presumption is that unless proven otherwise, the planning commission acted appropriately.

C. 1. Only zoning decisions applying the ordinance and conditional use decisions by the planning commission may be appealed to the land use hearing officer.

2. A person may not appeal, and the land use hearing officer may not consider, any zoning ordinance amendments.

D. Appeals may not be used to waive or modify the terms or requirements of the zoning ordinance.

E. An appeal to the land use hearing officer must be filed at the planning and development services division ~~of Salt Lake County~~ within sixty days after the order, requirement decision or determination administering or interpreting the zoning ordinance is made in writing. The appeal shall set forth with specificity the reasons or grounds for the appeal.

F. Appeals of planning commission conditional use decisions shall follow the procedures set forth in Section 19.84.080(B).

19.92.060 - Special exceptions.

The land use hearing officer may approve any of the following special exceptions to the zoning ordinance where he or she determines the exception is consistent with the purposes of the zoning ordinance and will not be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity:

A. Where a zone boundary line divides a lot in single ownership at the time of the passage of the ordinance codified in this title, the land use hearing officer may permit a use authorized on either portion of such lot to extend not more than fifty feet into the other portion of the lot.

B. The land use hearing officer may permit the enlargement of or addition to a noncomplying structure or a building or structure occupied by a nonconforming use.

C. The land use hearing officer may permit the relocation on a lot of a noncomplying structure or a building or structure occupied by a nonconforming use; or the hearing officer may permit the reconstruction on a lot of a noncomplying structure or a building occupied by a nonconforming use.

Chapter 19.93 - PROCEDURES FOR ANALYZING TAKINGS CLAIMS

19.93.010 - Purpose.

The purpose of this chapter is to establish procedures for:

A. Obtaining and analyzing information regarding a claim that the application or enforcement of ~~Salt Lake County~~Copperton Metro Township zoning ordinances and/or land use regulations to private property within the ~~unincorporated areas of the county~~metro township constitutes an unconstitutional taking of private property without just compensation; and

Commented [CW188]: There used to be more exceptions on this list, but it was trimmed down to just these 3 in 2013. The D.A. felt that some of the "exceptions" were basically variances but with different criteria.

Commented [CW189]: Sometimes we have properties with a zone boundary running through them, with part of the property one zone, and part the other zone. This allows some flexibility without having to go through the zone change process.

Commented [CW190]: This entire chapter of code was written by attorneys, and only comes into play if someone claims that the zoning regulations are so restrictive on their property as to constitute a regulatory taking. It is based on creating an internal review prior to a takings issue going to court; otherwise, a judge hearing a takings case will most likely refer the issue back to the parties to see if they can't come to agreement outside the courtroom. The hearing officer mentioned in this section is not necessarily the same hearing officer discussed in 19.92

B. Determining whether it might be appropriate to grant administrative relief to the claimant in the event it is determined that such application or enforcement constitutes an unconstitutional taking.

19.93.020 - Findings.

The governing body makes the following findings:

A. To further the public interest in lawful and responsible land development, and promote the health, welfare, and safety of its residents, the ~~county~~ metro township has enacted zoning and other land development regulations applicable to properties within ~~unincorporated areas of~~ the ~~county~~metro township~~, including new and revised regulations applicable to properties in the county's canyons and foothills~~; and

B. In the event an owner of private property within the ~~unincorporated area of the county~~metro township claims that the application or enforcement of ~~county~~ metro township zoning ordinances or other land use regulation constitutes an unconstitutional taking of its private property, it is in the best interests of the ~~county~~ metro township to have established procedures for obtaining relevant information for analyzing such claim and determining whether it might be appropriate to grant certain relief to the claimant, rather than conducting such analysis in a more confrontational, expensive, and time-consuming litigation context.

19.93.030 - Taking relief procedures—Petition and submittal requirements.

A. Takings Relief Petition. Any applicant, after a final decision on its application is rendered by the development services director, planning commission, land use hearing officer, ~~mayor~~metro township mayor or metro township~~county~~ council, may file a takings relief petition with the development services director seeking relief from the final decision on the grounds that it constitutes an unconstitutional taking of the applicant's private property.

B. Affected Property Interest. The takings relief petition must provide information sufficient for the attorney to determine that the petitioner possesses a protectable interest in property under Article I, Section 22 of the Constitution of Utah or the Fifth Amendment to the United States Constitution. In the event the petition does not provide information sufficient for the attorney to determine that the petitioner possesses a protectable interest in property under Article I, Section 22 of the Constitution of Utah or the Fifth Amendment to the United States Constitution, the petition shall be returned to the petitioner.

C. Time for Filing Petition. No later than thirty calendar days from the final decision by the development services director, planning commission, land use hearing officer, ~~mayor~~metro township mayor, ~~county~~ metro township council or other ~~county~~ review authority on any site plan or other type of zoning application the applicant shall file a takings relief petition with the development services director.

D. Information to Be Submitted with Takings Relief Petition.

1. The takings relief petition must be submitted on a form prepared by the development services director, and must be accompanied at a minimum by the following information:

a. The name of the petitioner;

b. The name and business address of the current owner of the property; form of ownership (whether sole proprietorship, for-profit or not-for-profit corporation, partnership, joint venture, limited liability company, or other); and if owned by corporation, partnership, or joint venture, or limited liability company, the names and addresses of principal shareholders or partners or members;

c. The price paid and other terms of sale for the property, the date of purchase, and the name of the party from whom purchased. Include the relationship, if any, between the petitioner and the party from whom the property was acquired;

d. The nature of the protectable interest claimed to be affected, such as, but not limited to, fee simple ownership or leasehold interest;

e. The terms (including sale price) of any previous purchase or sale of a full or partial interest in the property by the current owner, applicant, or developer prior to the date of application;

f. All appraisals of the property prepared for any purpose, include financing, offering for sale, or ad valorem taxation, within the three years prior to the date of the petition;

g. The assessed value of and ad valorem taxes on the property for the three years prior to the date of the petition;

h. All information concerning current mortgages or other loans secured by the property, including name of the mortgagee or lender, current interest rate, remaining loan balance, and term of the loan and other significant provisions, including but not limited to, right of purchase to assume the loan;

i. All listings of the property for sale or rent, price asked and offers received (if any), during the period of ownership or interest in the property;

j. All studies commissioned by the petitioner or agents of the petitioner within the previous three years concerning feasibility of development or utilization of the property;

k. For income producing property, itemized income and expense statements from the property for the previous three years;

l. Evidence and documentation of improvements, investments, and expenditures for professional and other services related to property made during the past three years;

m. Information from a title policy or other source showing all recorded liens or encumbrances affecting the property; and

n. Information describing all use(s) of the property during the five years prior to the petition.

2. The development services director may request additional information reasonably necessary, in his or her opinion, to arrive at a conclusion concerning whether there has been a taking.

E. Failure to Submit Information. In the event that any of the information required to be submitted by the petitioner is not reasonably available, the petitioner shall file with the petition a statement of the information that cannot be obtained and shall describe the reasons why such information is unavailable.

19.93.040 - Taking relief procedures—Determination of taking.

A. Preliminary Determination of Taking.

1. Prior to the appointment of a hearing officer, and based on a review of the petition and all relevant information submitted by the petitioner, the ~~county~~ metro township council, upon advice of the development services director and the metro township attorney, shall make a preliminary determination whether a taking may have occurred. This preliminary determination shall be made within thirty days of the filing of the petition and submission of all information required to make such determination. In the event the ~~county~~metro township council makes a preliminary determination that a taking may have occurred, the ~~county~~ council may appoint a hearing officer, elect to conduct either formal or informal administrative proceedings, and proceed with a full review of the petition.

2. If a preliminary determination is made that a taking may have occurred, then the development services director and attorney shall recommend whether the hearing shall be formal or informal under the rules of procedure adopted by the governing body for such hearings.

3. If upon the advice of the development services director and the attorney, the ~~county~~metro township council finds that a taking has not occurred, the petition shall be denied and no hearing officer shall be appointed.

B. Appointment of Hearing Officer. The development services director shall, within thirty days following a preliminary determination by the governing body that a taking may have occurred, appoint a hearing officer to review information by the petitioner, to hold a public hearing to determine whether a taking has occurred, and to make a recommendation to the governing body concerning the petition.

C. Qualifications of the Hearing Officer. Every appointed hearing officer shall be licensed to practice law in the state of Utah. Prior to appointment, the hearing officer shall submit a statement of no potential or actual conflict of interest in connection with the petitioner or petition.

D. Notice of Public Hearing. Within ten days following appointment of the hearing officer, written notice of a public hearing shall be published and posted in accordance with Utah Code 10-9a-202~~Section 19.84.040D of this title~~. The hearing shall be held within thirty days of the final date of written notice, unless a reasonable extension of time is agreed to by both the development services director and the petitioner.

E. Conduct of the Hearing. The hearing shall be conducted according to the requirements of the rules of procedure adopted by the governing body for such hearings.

F. Determining the Takings Issue. The hearing officer shall consider, among other items, the following information or evidence:

1. Any estimates from contractors, appraisers, architects, real estate analysts, qualified developers, or other competent and qualified real estate professionals concerning the feasibility, or lack of feasibility, of construction or development on the property as of the date of the petition, and in the reasonably near future;

2. Any evidence or testimony of the market value of the property both under the uses allowed by the existing regulations and any proposed use; and

3. Any evidence or testimony concerning the value or benefit to the petitioner from the availability of opportunities to cluster development on other remaining contiguous property owned by the petitioner eligible for such clustering as provided elsewhere in this title.

G. Burden of Proof. The petitioner shall have the burden of proving by a preponderance of the evidence that the final decision that is the subject of the takings relief petition constitutes an unconstitutional taking.

H. Findings of the Hearing Officer. The hearing officer shall, on the basis of the evidence and testimony presented, make the following specific findings as part of his/her report and recommendations to the governing body:

1. Whether the petitioner has complied with the requirements for presenting the information to be submitted with a takings relief petition;
2. Whether the petitioner has a protectable interest in the property that is the subject of the petition;
3. The market value of the property considering the existing zoning regulation;
4. The market value of the property under the proposed use;
5. Whether there are other economically viable uses that may be made of the property;
6. The market value of, or benefit accruing from opportunities to cluster development on other remaining contiguous property owned by the petitioner eligible for such transfer as provided for in this title;
7. Whether it was feasible to undertake construction on, or development of, the property as of the date of the application, or in the reasonably near future thereafter;
8. Whether the final decision that is the subject of the takings relief petition constitutes an unconstitutional taking of private property without just compensation.

I. Report and Recommendations of the Hearing Officer.

1. If the hearing officer finds that the final decision which is the subject of the takings relief petition constitutes an unconstitutional taking of private property without just compensation, he or she shall remand the matter to the governing body with recommendations concerning what relief might be appropriate. In making such recommendations, the hearing officer shall consider, among other factors:
    a. Approval of development on some portion of the property; or
    b. A rezoning of the property to a more appropriate classification, approval of an alternative development plan, modification or waiver of normally-applicable development standards, or other appropriate land-use regulatory action;
    c. An opportunity to cluster development;
    d. ~~For property subject to the foothills and canyons overlay zone, transfer of up to ten percent of the maximum allowable density that would otherwise be attributable to areas with greater than thirty percent slope on the subject property to other developable portions of the property;~~
    ~~e.~~ A waiver of permit fees;
    ~~f~~e. Acquisition of all or a portion of the property at market value.

2. Recommendations for clustering within the boundaries of the subject property owned by the petitioner shall require a written finding by the hearing officer that such clustering and the resulting increase in development density will be compatible with existing developments and land use patterns on properties surrounding the subject property.

a. For purposes of such "compatibility" finding, the hearing officer shall compare the petitioner's proposed development incorporating the increased transfer density with existing development on surrounding properties, and take into consideration the following factors:

i. Architectural character;

ii. Building size, height, bulk, mass, and scale;

iii. Building orientation;

iv. Privacy considerations in terms of privacy for prospective residents within the petitioner's development and in terms of privacy protection for adjoining land uses;

v. Building materials;

vi. Building color; and

vii. When applicable, operations of the petitioner's development project, including but not limited to hours of operation; activities that may generate adverse impacts on adjacent land uses such as noise or glare; location of loading/delivery zones; and light intensity and hours of full illumination.

d. The report and recommendation shall be submitted to the county council and mailed to the petitioner within thirty days following the conclusion of the public hearing.

J. ~~County~~ Metro Township Council Review and Consideration.

1. The metro township~~county~~ council shall review the report and recommendations of the hearing officer and approve or deny the takings relief petition within sixty days following receipt of the hearing officer's report. Provided, however, that the ~~county~~metro township council may extend this period upon a finding that due to the size and complexity of the development or proposal and similar factors that additional review time is necessary.

2. The metro township~~county~~ council may hold a public hearing and provide notice as set forth in Section 19.84.040D of this title. Only new testimony and evidence shall be presented at any such public hearing.

3. The metro township~~county~~ council may adopt any legally available incentive or measure reasonably necessary to offset the taking, and may condition such incentives upon approval of specific development or site plans.

4. The decision of the ~~county~~ metro township council shall not become final until it issues a decision approving or denying the petition and specifying any relief it may deem appropriate.

K. Time Limits/Transferal of Relief or Incentives. Any relief or incentives adopted by the ~~county~~metro township council pursuant to this chapter may be transferred and utilized by successive owners of the property or parties in interest, but in no case shall the relief incentives be valid after the expiration date of a specific development approval.

Chapter 19.94 - ENFORCEMENT

Commented [CW191]: This chapter outlines the penalties and enforcement mechanisms for violations of the zoning ordinance.

19.94.010 - Enforcement authority.

The director of development services or his authorized agent is designated as the officer charged with the enforcement of this title. ~~The director of animal services is designated as the enforcement official for Section 19.04.305 of the Salt Lake County Code of Ordinances which shall be enforced pursuant to Section 8.10.010 of this code.~~

19.94.020 - Powers and duties.

Commented [CW192]: Authorizes inspections to verify violations and enforcement action as necessary to abate violations.

A. The director of development services is authorized to inspect or cause to be inspected all buildings and structures in the course of construction, modification or repair and to inspect land uses to determine compliance with the provisions of this title; provided, however that no such inspection shall be required as a condition precedent to commencement or continuation of any construction, modification or repair of building or structure.

B. The director shall enforce all of the provisions of this title, employing all legal means available to do so. In the enforcement of this title, the director or any employee of the division authorized to represent the director shall have the right to enter any building for the purpose of determining the use thereof or to enter the premises for the purpose of determining compliance with the provisions of this title, provided that such right of entry shall be exercised only at reasonable hours and that in no case shall entry be made to any occupied building in the absence of the owner or tenant thereof without the written order of a court of competent jurisdiction.

19.94.030 - Unlawful use prohibited.

Commented [CW193]: This section is the "catch-all" that states it is against the law to violate any section of the zoning ordinance.

A. No land, building or structure shall be used for any purpose or use not allowed in the zone in which such land, building or structure is located.

B. Violation of any of the provisions contained in this title is prohibited. Any person who violates that provisions of this title shall be subject to the criminal and civil penalties set forth in this chapter.

19.94.040 - Violation—Penalties and remedies.

Commented [CW194]: This section allows both criminal prosecution and action through a civil process to enforce the ordinance. My understanding is that ordinances are being drafted for the Metros to consider that would allow the use of hearing officers rather than civil court judges for civil penalties and abatement orders.

A. Violation of any of the provisions of this title is punishable as a Class C misdemeanor upon conviction. In addition, the provisions of this title may also be enforced by injunctions, mandamus, abatement, civil penalties, or any other remedies provided by law.

B. Any one, all, or any combination of the penalties and remedies set forth in subsection A of this section may be used to enforce the provisions of this title.

C. Each day that any violation continues after notification by the director of development services or his agent that such violation exists shall be considered a separate offense for purposes of penalties and remedies set forth in this title.

D. Accumulation of penalties for continuing violations, but not the obligation for payment of penalties already accrued, shall stop upon correction of the violation.

19.94.050 - Violation—Persons liable.

Any person, corporation or other entity, whether as owner, occupant, agent or employee, who causes, permits or otherwise participates in any violation of the provisions of this title may be held responsible for the violation, suffer the penalties, and be subject to the remedies provided by law.

Commented [CW195]: Historically, the property owner is held responsible for violations, but in cases where the evidence points to another responsible party, enforcement action can be taken against that person or party.

19.94.060 - Violation—Notice and order.

A. Upon inspection and discovery that any provision of this title is being violated, the director shall provide a written notice of violation and order to the property owner and to any other party who may be responsible for the violation.

B. The written notice and order shall: (1) indicate the nature of the violation; (2) order the action necessary to correct the violation; (3) give information regarding the established warning period for the violation; and (4) state the action the director intends to take if the violation is not corrected within the warning period.

C. The written notice shall be delivered personally or mailed to the property owner, as shown on the records of the county recorder, and to any other person who may be responsible for the violation. Receipt of notice shall mean three days after the date written notice is delivered or mailed as provided herein.

D. The written notice shall serve to start any warning periods provided in this chapter, commencing upon receipt of notice. If the violation remains uncured within five days after the expiration of the warning period, a second notice of violation and order shall be delivered in the same manner as the first notice. The second notice shall serve to start the civil penalties.

E. In cases where the director determines that a delay of enforcement would pose a danger to the public health, safety or welfare, or would otherwise compromise the effective enforcement of this title, the director may seek immediate enforcement without prior written notice by instituting any of the remedies, other than civil penalties, authorized by Section 19.94.040 of this chapter.

Commented [CW196]: In order for the civil penalties provision to be enforceable, the ordinance must clearly specify the manner in which notice is provided, including the establishment of any required warning periods.

19.94.070 - Civil penalties.

A. Civil Penalties. Violations of the provisions of this title shall result in civil penalties pursuant to the following schedule:

Commented [CW197]: The amounts of these penalties have not changed in 20 years, and at least one Metro (Kearns) is proposing raising them so violations don't sit for so long before the accrued penalty is enough to pay for site cleanup.

CIVIL PENALTIES FOR VIOLATION OF ZONING REGULATIONS WARNING PERIOD: 28 DAYS FOR ALL VIOLATIONS		
Type of Zone	Classification of Violation	Fine Per Day (after warning period)
Residential Zones R-1's R-2's R-4-8.5 ~~FR's~~ ~~F-1~~ RMH	Conditional use without a permit Other violations	$25
	Nonpermitted use Violation of permit or approval	$50
Mixed Zones R-M ~~MD's~~ ~~FM's~~ S-1-G	Conditional use without a permit Other violations	$50
	Nonpermitted use Violation of permit or approval	$100
Commercial/Manufacturing Zones C's M's O-R-D	Conditional use without a permit Other violations	$100
	Nonpermitted use Violation of permit or approval	$200
Agricultural Zones A's ~~FA's~~	Conditional use without a permit Other violations	$25
	Nonpermitted use Violation of permit or approval	$50
Overlay Zones ~~AOZ~~ ~~HPZ~~	Violation of provisions	$100

B. Daily Violations. Each day a violation is continued or maintained after receipt of notice shall give rise to a separate civil penalty for each day of violation.

C. Violation Appeal Procedures.

Commented [CW198]: This section establishes a hearing process where a person may appeal if he/she feels there is no violation.

1. The ~~mayor~~metro township mayor shall appoint such hearing officers as he/she deems appropriate to consider matters relating to the violation of this title.

2. Any person having received notice of such violation, or the owner of any affected property, may appear before a hearing officer and present and contest such alleged violation of this title.

3. The burden to prove any defense specified in subsection (C)(4) of this section shall be upon the person raising such defense.

4. If the hearing officer finds that no violation occurred and/or a violation occurred but one or more of the defenses set forth in this section is applicable, the hearing officer may dismiss the notice of violation. Such defenses are:

   a. At the time of the receipt of the notice of violation, compliance would have violated the criminal laws of the state;

   b. Compliance with the subject ordinances would have presented an imminent and irreparable injury to persons or property.

5. If the hearing officer finds that a violation of this title occurred and no applicable defense exists, the hearing officer may, in the interest of justice and on behalf of the ~~county~~metro township, enter into an agreement for the timely or periodic payment of the applicable penalty by the violator.

6. No action by a hearing officer shall relieve the violator from complying with any of the provisions of this title.

D. Abatement for Correction and Payment.

1. Civil penalties shall be partially abated after the violation is cured and in the discretion of a hearing officer considering the following guidelines and factors:

   a. Prompt Cure. Reductions are generally appropriate for promptly curing the violation pursuant to the following schedule, but the hearing officer may grant greater or lesser abatements depending on the facts of the case:

      i. Cured within fourteen days after second notice—seventy-five percent reduction,

      ii. Cured within twenty-eight days after second notice—fifty percent reduction, or

      iii. Cured within fifty-six days after second notice—twenty-five percent reduction;

   b. If strict compliance with the notice and order would have caused an imminent and irreparable injury to persons or property;

   c. If the violation and inability to cure were both caused by a force majeure event such as war, act of nature, strike or civil disturbance;

   d. Such other mitigating circumstances as may be approved by the attorney or designee;

   e. If a change in the actual ownership of the property was recorded in the recorder's officer after the first or second notice was issued and the new owner is not related by blood, marriage or common ownership to the prior owner.

2. If the hearing officer finds that the noticed violation occurred and no applicable defense applies, the hearing officer may, in the interest of justice and on behalf of the ~~county~~metro township, enter into an agreement for the delayed or periodic payment of the applicable penalty.

Commented [CW199]: Because correction of the violation is the goal (rather than on punishing people) a mechanism was put in place for the officer to reduce the accrued penalties if the owner brings the property into compliance.

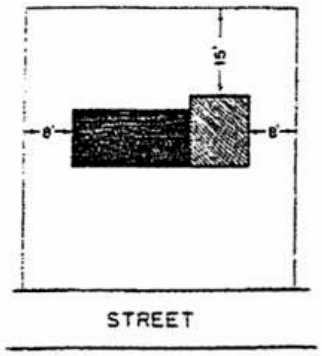
E. Collection of Civil Penalties.

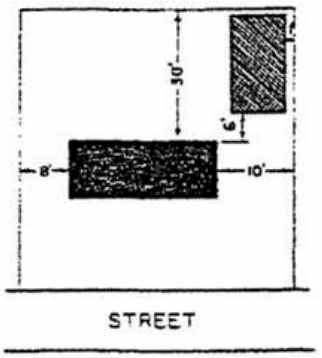
1. If the penalty imposed pursuant to this chapter remains unsatisfied after forty days or when the penalty amounts to five thousand dollars from the receipt of notice, or ten days from such date as may have been agreed to by the hearing officer, the ~~county~~metro township may use such lawful means as are available to collect such penalty, including costs and attorney's fees.

2. Commencement of any action to remove penalties shall not relieve the responsibility of any penalty to cure the violation or make payment of subsequently accrued civil penalties nor shall it require the ~~county~~ director or his authorized agent to reissue any of the notices required by this chapter.

Commented [CW200]: The collection of civil penalties is currently a matter taken to civil court, but an ordinance is in the works to create a quicker collection and abatement process.

DIAGRAMS FOR TITLE 19

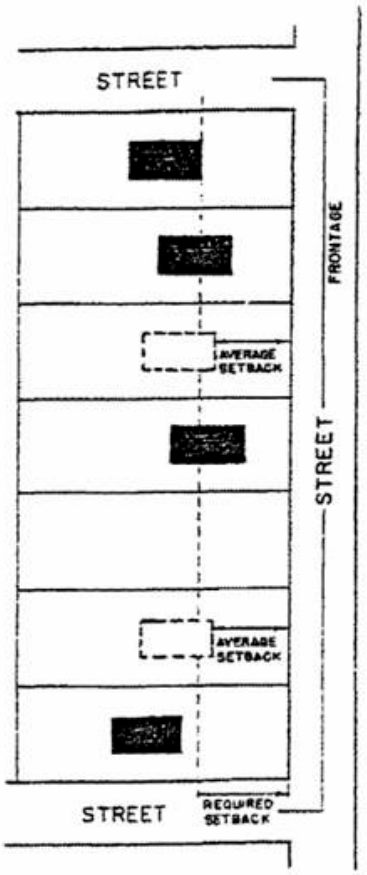




NOTE: FOR SIDE YARD DIMENSIONS SEE APPROPRIATE ZONE.

Eff. 2-29-80 Section 19.76.140

Private garage or carport—Reduced yards. On a lot where a private garage or carport, containing at least one parking space of the two required parking spaces per dwelling unit for a single-family dwelling or a duplex, has the minimum side yard required for such dwelling, the width of the other side yard may be reduced to the minimum required side yard. Side yards adjacent to a street on a corner lot may not be reduced. On any lot where such garage or carport has such side yard, the rear yard of the single-family dwelling or duplex may be reduced to fifteen feet, provided the garage or carport also has a rear yard of at least fifteen feet.



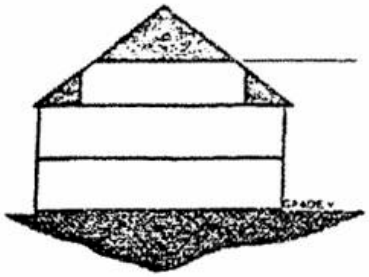
Average setback. This illustration applies to: Zones R-1-43, S-1-G, R-1-6, R-1-7, R-1-10, R-1-21, R-1-8, R-2-8, R-2-6.5, R-2-10, R-2-10C, R-4-8.5, R-M, A-1 and A-2.

The required front yard may be reduced to equal the average setback of the existing buildings where fifty percent or more of the frontage is developed, provided tbat in no case shall the front yard be less than twenty feet.

19.04.260 Frontage. "Frontage" means all property fronting on open side of the street between intersecting or intercepting streets, or between a street- and a right-of-way, waterway, end of dead-end street, or political subdivision boundary, measured along the street line. An intercepting street shall determine only the boundary of the frontage on the side of the street which it intercepts.

EXISTING BUILDING

FUTURE BUILDING



19.04.510 Story, half. "Half story" 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.

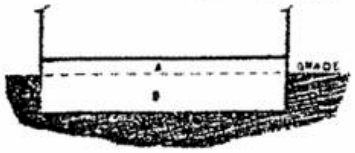
(Ord. 1322 § 2, 1995)

19.04.075 Basement. "Basement" means any floor level below the first story in a building, except that a floor level in a building having only one floor level shall be classified as a basement unless such floor level qualifies as a first story.

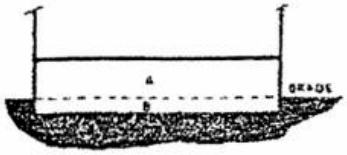
19.04.507 Story, first. "First story" means that the lowest story in a building which qualifies as a story, except that a floor level in a building having only one floor level shall be classified as a first story, provided such floor level is not more than four feet below grade for more than fifty percent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

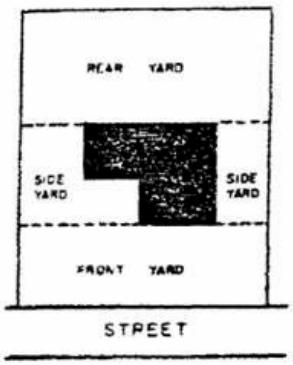
(Ord. 1327 § 2, 1995)

BASEMENT When A is less than B.



FIRST STORY When A is more than B.





19.04.560 Yard. "Yard" means a space on a lot, other than a court, unoccupied and unobstructed from the ground upward by buildings or structures, except as follows:

A. Fences;

B. Canopies allowed under subsection B of Section 19.80.120;

C. Accessory buildings in a rear yard;

D. The ordinary projections of windows where the projection is at least eighteen inches above floor level, roofs, cornices, chimneys, flues, and other ornamental features which project into a yard not more than three feet;

E. Open or lattice-enclosed exterior stairways, located in a commercial or manufacturing zone, projecting into a yard not more than five feet;

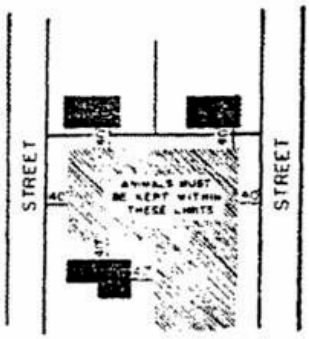
F. Structures less then eighteen inches in height from the finished ground surface.

19.04.565 Yard, front. "Front yard" 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.

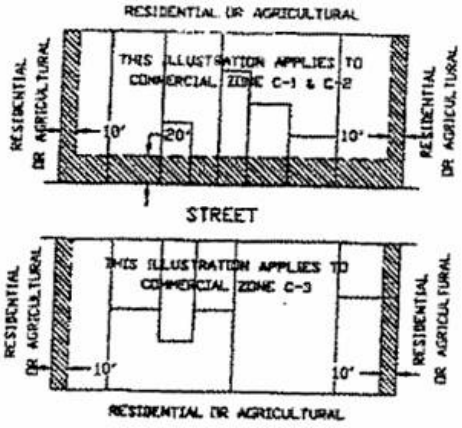
19.04.570 Yard, rear. "Rear yard" means a space on the same lot with a building, between the rear line of the building and the rear lot line, and extending the full width of the lot. The "depth" of the rear yard is the minimum distance between the rear lot line and the rear line of the building.

19.04.575 Yard, side. "Side yard" means a space on the same lot wit 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 line of the building.

(Ord. 1326 § 2, 1995)



19.76.240 Animals and fowl. No animals or fowl shall be kept or maintained closer than forty feet from any dwelling on an adjacent parcel of land, and no barn, stable, coop, pen or corral shall be kept closer than forty feet from any street, except that in the R-2-10C residential zone, no corral or stable for the keeping of horses may be located closer to a public street or to any dwelling than one hundred feet.



Side yard regulations. None, except that wherever a building is located upon a lot adjacent to a residential zone or agricultural zone boundary, there shall be provided a side yard of not less than ten feet on the side of the building adjacent to the zone boundary line, and on corner lots the side yard which faces on a street shall be not less than twenty feet.

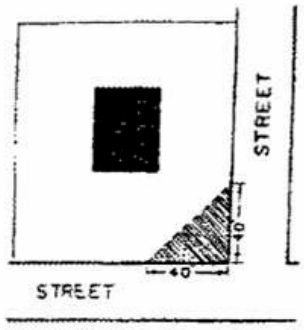
Front yard regulations. In C-1 and C-2 zones, the minimum depth of the front yard for all buildings, structures, walls or fences more than two feet in height shall be twenty feet.

Rear yard regulations. None, except that on corner lots which rear upon the side yard of another lot in a residential or agricultural zone, the minimum rear yard shall be ten feet.

(Ord. 1320 § 2, 1995)

Lot Coverage for Commercial Zones

Coverage regulations. No building or structure or group of buildings with their accessory buildings shall cover more than sixty percent of the area of the lot.

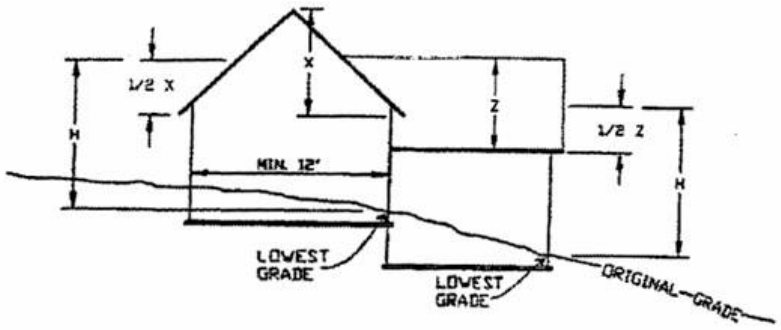


Clear view of intersecting streets. In all zones which require a front yard, no obstruction to view in excess of two feet in height shall be placed on any corner lot within a triangular area formed by the street property lines on a line connecting them at points forty feet from the intersection of the street lines, except a reasonable number of trees pruned high enough to permit unobstructed vision to automobile drivers, and pumps at gasoline service stations.

5,000 sq. ft. equals total rear yard area.
—1,250 sq. ft. equals total acc. building area.

3,750 sq. ft. equals total open yard, must be at least 75%

Area of accessory buildings. No accessory building nor group of accessory buildings in any residential zone shall cover more than twenty-five percent of the rear yard.



Building height. "H" equals the building height. "Z" and "X" are examples showing the vertical distance between the top and the bottom of the cornice on a pitched roof. See Section 19.04.095.

(Ord. 1324 § 1, 1995)