



EAGLE MOUNTAIN PLANNING COMMISSION MEETING

July 14, 2020, 5:30 PM

Eagle Mountain City Council Chambers
1650 East Stagecoach Run, Eagle Mountain, Utah 84005

5:30 P.M. - Eagle Mountain City Planning Commission Work Session

1. Discussion Items

1.A [DISCUSSION ITEM - Special Uses Standards.](#)

Discussion on the drafted changes to EMMC 17.75 Standards for Special Use to include all uses recently approved as permitted special uses in various zoning districts in the city.
[DRAFT - 17.75 Standards as of July 10.docx](#)

1.B [DISCUSSION ITEM - Historic Preservation Zone.](#)

A discussion on the purpose and intent of Historic Preservation Zone and potential changes to EMMC 17.58 Historic Preservation Zone.

1.C [DISCUSSION ITEM - Industrial Zone](#)

Discussion on the Industrial Zone uses and purpose as it relates to the recently adopted "Light Manufacturing / Distribution Zone" in EMMC 17.37 Business Park Zones.
[Initial Review/Comparison of LMD and Industrial Zones](#)

1.D [DISCUSSION ITEM - Tier & Bonus Density Language Removal](#)

An update on the Tier & Bonus Density Language being removed from the City Code.
[Proposed Tier Language .docx](#)
[Bonus Density Language.docx](#)
[Base Density Language.docx](#)

1.E [DISCUSSION ITEM - Master Development Agreement/Plan](#)

A discussion on the Master Development Agreement and Plan process.

6:30 P.M. - Eagle Mountain City Planning Commission Policy Session

2. Pledge of Allegiance

3. Declaration of Conflicts of Interest

4. Approval of Meeting Minutes

4.A June 23, 2020 Planning Commission Minutes

5. Status Report

6. Action and Advisory Items

6.A PUBLIC HEARING - LBiSat (Site Plan)

A proposal for a site plan for the LBiSat satellite company. This project is located on a 10-acre property in the Sweetwater Industrial Site.

[Site Plan](#)

[Exterior Elevations](#)

[Landscape Plan](#)

[Sweetwater Master Site Plan & Preliminary Plat](#)

[PC Minutes 05.26.2020](#)

6.B PUBLIC HEARING - Development Code Amendment Lot Line Adjustment (EMMC 16.50) & Development Code Amendment Plat Amendments (EMMC 16.55).

The proposal amends the Lot Line Adjustment and Plat Amendments chapters of the City code.

[Chapter 16 Plat Amendments - Draft Final](#)

[Lot Line Adjustment - Draft Final](#)

7. Discussion Items

8. Next scheduled meeting

9. Adjournment

THE PUBLIC IS INVITED TO PARTICIPATE IN PUBLIC MEETINGS FOR ALL AGENDAS.

In accordance with the Americans with Disabilities Act, Eagle Mountain City will make reasonable accommodation for participation in all Public Meetings and Work Sessions. Please call the City Recorder's Office at least 3 working days prior to the meeting at 801-789-6610. This meeting may be held telephonically to allow a member of the public body to participate. This agenda is subject to change with a minimum 24-hour notice.

CERTIFICATE OF POSTING

The undersigned, duly appointed City Recorder, does hereby certify that the above agenda notice was posted on this 10th day of July, 2020, on the Eagle Mountain City bulletin boards, the Eagle Mountain City website www.emcity.org, posted to the Utah State public notice website <http://www.utah.gov/pmn/index.html>, and was emailed to at least one newspaper of general circulation within the jurisdiction of the public body.

Fionnuala B. Kofoed, MMC, City Recorder



**EAGLE MOUNTAIN CITY
PLANNING COMMISSION MEETING
JULY 14, 2020**

TITLE: DISCUSSION ITEM - Special Uses Standards.

ITEM TYPE: Discussion

APPLICANT: Staff

ACTION ITEM:

No

PUBLIC HEARING:

No

PREPARED BY:

Pete Kane, Planning

BACKGROUND:

ITEMS FOR CONSIDERATION:

REQUIRED FINDINGS:

RECOMMENDATION:

ATTACHMENTS:

[DRAFT - 17.75 Standards as of July 10.docx](#)

Chapter 17.75 STANDARDS FOR SPECIAL USES

[PROPOSED]

17.75.010 What this chapter does.

17.75.020 Purpose.

17.75.030 Residential-related uses.

~~17.75.030 Automobile service station and car wash operations.~~

~~17.75.035 Construction office trailers.~~

~~17.75.040 Temporary subdivision sales offices.~~

17.75.040 Civic-related uses.

17.75.050 Commercial-related uses.

~~17.75.050 Nonresidential adult group care facility or child group day care/preschool center.~~

~~17.75.060 Residential facility for persons with a disability.~~

17.75.070 Industrial-related uses.

~~17.75.070 Residential rehabilitation and treatment facility.~~

~~17.75.080 Residential juvenile group homes.~~

17.75.080 Utility-related uses.

17.75.090 Temporary uses.

17.75.100 Ancillary uses.

~~17.75.090 Storage of commercial vehicles.~~

~~17.75.100 Temporary commercial uses.~~

~~17.75.110~~ 17.75.110 Unbuildable land.

~~17.75.120 Swimming pool, hot tub and spa safety requirements.~~

17.75.010 What this chapter does.

This chapter identifies various supplemental land use provisions applicable to all zoning districts. [Ord. O-12-2009 § 2 (Exh. A); Ord. O-04-2009 § 2 (Exh. A); Ord. O-10-2007 § 2 (Exh. A § 15.1); Ord. O-23-2005 § 3 (Exh. 1(1) § 15.1)].

17.75.020 Purpose.

The purpose of this chapter is to provide supplemental land use provisions that apply to special uses in all zoning districts which are designed to protect and preserve the general health, safety and welfare of the public. [Ord. O-12-2009 § 2 (Exh. A); Ord. O-04-2009 § 2 (Exh. A); Ord. O-10-2007 § 2 (Exh. A § 15.2); Ord. O-23-2005 § 3 (Exh. 1(1) § 15.2)].

17.75.030 Residential-related uses.

17.75.031 Assisted living facility.

As special uses, assisted living facilities may be permitted only where:

A. State Licensing Required. All assisted living facilities shall receive the approval and license from the Utah Department of Human Services.

B. Building Design. All buildings shall comply with the requirements of EMMC 17.72.

C. Building Placement and Orientation. All buildings in the assisted living facility shall front onto a right of way that is accessible to emergency vehicles, unless an alternately appropriate orientation toward an inner courtyard or green space is approved along with a site plan.

D. Site Plan. All assisted living facilities shall be subject to the site plan review process outlined in EMMC 17.100 and have an approved site plan with the following:

- a. Parking areas, service areas, buffers, entrances, exits, yards, courts, landscaping, graphics, and lighting shall be designed as integrated portions of the total development and shall present a residential character.
- b. Pedestrian and automobile circulation shall flow in a logical manner and integrate neighborhood street connectivity.
 - i. To encourage connectivity, assisted living facilities shall emulate the existing neighborhood street pattern and design and connect to public street networks and adjacent private street networks at all logical points.
 - ii. The project shall be served by an internal pedestrian and automobile system which provides safe and convenient access to each dwelling unit and adequate circulation within the project.
 - iii. Traffic calming measures such as lateral shifts, raised crosswalks, bulb outs, or chicanes shall be incorporated where appropriate.
 - iv. Pedestrian pathways shall be provided between access points, entryways, public gathering nodes, and parking areas. Pedestrian access points shall be installed between the project and the external neighborhood.

E. Residents. No person who is being treated for alcoholism or drug abuse may be placed in an assisted living facility.

~~17.75.050~~ 17.75.032 Nonresidential adult group care facility or child group day care/preschool center.

Development or operation of a group day care or preschool center must be approved by the planning commission, and must be found to conform to the following requirements:

A. Nuisance/Threat. It shall not create a nuisance or pose a threat of danger to persons or property on existing or proposed land uses within the vicinity.

B. State Recommendation. It shall receive the approval of the Utah State Department of Social Services.

C. Parking. It shall provide required parking spaces on the site and an adequate pickup and delivery area.

D. Frontage. The site shall have frontage on a street with an existing or proposed right-of-way of 60 feet or greater. [Ord. O-12-2009 § 2 (Exh. A); Ord. O-04-2009 § 2 (Exh. A); Ord. O-10-2007 § 2 (Exh. A § 15.5); Ord. O-23-2005 § 3 (Exh. 1(1) § 15.5)].

~~17.75.060~~ 17.75.034 Residential facility for persons with a disability.

A residential facility for persons with a disability is a conditional use in any zoning district where residential dwellings are allowed. “Disability” is defined in Section 57-21-2, Utah Code Annotated 1953.

A. Application. A conditional use application for this use must include the following information:

- a. All application requirements listed in Chapter 17.95 EMMC, Conditional Uses, except the following items: survey; grading, drainage, and erosion plan; lighting plan; traffic impact study; signage plan.
- b. The maximum number of residents being proposed.
- c. A thorough description of the conditions/diagnoses that are requiring these individuals to stay at a group home.
- d. The number of trained professionals/supervisors that will be on site at a time.
- e. Any special precautions planned to keep visitors and neighbors safe and nuisance-free.
- f. A floor plan showing the exact places of residence, restroom facilities, location of office staff, as well as any security measures taken.
- g. Sufficient information to show compliance with all requirements of this section.

B. Approval Process. The approval process for a conditional use permit shall follow the process found in Chapter 17.95 EMMC, Conditional Uses. Upon being approved by the planning commission, the operator of the facility shall secure a business license from the city.

C. A conditional use permit shall be approved by the planning commission based only on compliance with the following requirements (and those of a subsequent section, if applicable):

- a. The group home shall be occupied by no more than eight residents who meet the following criteria as individuals who are disabled or handicapped: having a physical or mental impairment that substantially limits one or more of a person’s major life activities. “Persons with a disability” does not include persons diagnosed with kleptomania, pyromania, transvestism, pedophilia, exhibitionism or voyeurism, or any history of sexual or physical assault, not resulting from physical impairments or other disorders.

- b. Occupancy by any paid, professional staff member shall only be allowed if such occupancy is primarily for the purpose of serving the residents and not primarily a benefit of employment to the staff member.
- c. The applicant must verify compliance with all applicable requirements, regulations, and standards of the Utah State Department of Human Services and the owner/operator shall obtain all licenses required by the state to operate such a home.
- d. The group home shall conform to all state and local building, safety, health, and zoning requirements applicable to similar structures.
- e. Separation. No residential group home or facility may be located within a one-mile radius of another existing group home of any type, measured in a straight line from property line to property line.
- f. Nuisance/Threat. It shall not create a nuisance or pose a threat of danger to persons or property on existing or proposed land uses within the vicinity.
- g. Parking. A parking plan and improvement schedule shall be submitted, including a minimum of one parking stall for each resident of the group home in order to properly provide for staff and visitor parking, landscaping to screen the parking areas, and a schedule for completion of the additional parking and landscaping. A pickup and delivery area shall be provided if appropriate. Parking areas shall not be allowed to change the residential character of the property.
- h. The only outdoor signage permitted is a nameplate and address sign no larger than two square feet, and property control signs (no parking, no trespassing, etc.).
- i. The group home shall not be made available to or occupied by any individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in physical damage to the property of others. An individualized written assessment of each person who is proposed to become a resident of the group home shall be performed to determine if such person would constitute a direct threat prior to allowing occupancy of the group home by such person. The assessment shall be performed and certified by an independent medical doctor (MD), licensed clinical social worker (LCSW), licensed professional counselor (LPC), licensed psychologist, licensed psychiatrist, licensed substance abuse counselor (LSAC) or nurse practitioner (APRN) that is licensed and approved by the Utah Department of Professional Licensing (or other equivalent licensing board of another state) and certified in mental health counseling. The licensee shall not admit any person who has a history of sexual or physical violence or who may be a threat to themselves or someone else. The licensee shall provide documentation to the Utah Department of Human Services, Office of Licensing, that an individualized assessment has been performed for each resident, and no person will or does reside in the facility whose tenancy would likely constitute a direct threat to the health or safety of other individuals or whose tenancy would result in physical damage to the property of others.
- j. The residents must be properly supervised and monitored on a 24-hour basis.
- k. The group home shall be used as a group home without structural or landscaping alterations that would change the structure's residential character. Landscaping shall be established and well-maintained in a manner consistent with the standard of maintenance for yards and landscaping of other homes in the immediate neighborhood.

- l. No person sentenced for a felony crime of possession with intent to distribute a controlled substance, distribution of a controlled substance, a crime involving the use of a weapon, firearm or violence, burglary, unlawful entry, or sexual crimes shall be an occupant or staff member in the group home.
- m. No professional counseling, therapy or other treatment shall be provided in the group home for any person other than a resident or invited guest of the resident of the group home.
- n. The licensee shall maintain and provide sufficient documentation and other evidence reasonably required by the Utah Department of Human Services, Office of Licensing, and will be available for inspection upon request to establish compliance with the requirements of these conditions for use of the premises as a group home. Appropriate authorities and licensing entities shall have the right to inspect appropriate documentation upon request to verify compliance.
- o. The licensee shall at a minimum provide the following information and shall notify the city whenever any of the following information changes:
 - i. The name, address, and telephone number of the licensee or applicant;
 - ii. The name, address, and telephone number of each person who has an interest in the ownership or operation of the group home whether personally or through a partnership, corporation, trust or other entity;
 - iii. Any changes to the group home's policies and procedures manual (including house rules).
- p. The licensee (or designee) shall maintain compliance with the requirements of all conditions under their licensure (including conditional use permit conditions). In addition, upon receipt of notice of a possible violation, the licensee (or designee) shall immediately investigate whether a violation has occurred and take appropriate enforcement action. The licensee must comply with and assist the Utah Department of Human Services, Office of Licensing, and/or the city in investigating complaints or licensing violations.
- q. The city may deny the issuance of a license to operate the group living home to a person (including any entity) if the city reasonably finds that issuance of a license or permit to such person would likely create a threat to the health or safety of other individuals or would likely result in physical damage to the property of others. The city may also deny the issuance of a permit if the applicant or any person described in compliance with subsection (C)(16) of this section has a history or has been found guilty of operating a similar facility in violation of state or local law.
- r. The permit and license issued pursuant to the conditions set forth herein shall be nontransferable and shall terminate if the structure is devoted to a use other than a group home or the structure or use fails to comply with all conditions, building, safety, health and zoning requirements of the Eagle Mountain City Code applicable to similar structures.
- s. Failure of the licensee to comply with or to enforce any of the conditions herein shall result in a review of noncompliance by the Utah Department of Human Services, Office of Licensing, which may result in fines, probation, and revocation of licensure. If the Utah Department of Human Services, Office of Licensing, revokes the license for this

location, this conditional use permit automatically expires. Conditions violated that are not enforced by the Utah Department of Human Services, Office of Licensing, may lead to violation notices and fines by the city, and eventual revocation of the business license and conditional use permit. A first violation shall result in a violation notice. A second violation occurring within any 18-month period shall result in a fine of \$500.00 to the licensee. A third violation occurring within any 18-month period shall result in a fine of \$2,000 to the licensee. The fines set for violation as provided herein shall be paid within 10 days of receipt of the notice of the imposition of the fine. A fourth violation occurring within any 18-month period shall result in the revocation of the license to operate the group home and no license shall be reissued to the licensee, the principals of the licensee if the licensee is an entity, or any alter ego of the licensee for a period of at least two years following such revocation. Eagle Mountain City shall have the right to deny a permit to any individual or entity (or their principals or alter ego) that has had more than one revocation of a permit to operate a group home.

D. As provided for by the Fair Housing Act, an applicant may request a reasonable accommodation to a requirement if it is necessary to afford persons with disabilities an equal opportunity to use and enjoy housing. This is done as part of the conditional use application. Requests for modifications of requirements are unreasonable if the request imposes an undue burden or expense on the city or the use fundamentally alters the zoning scheme. [Ord. O-04-2015 § 2 (Exh. A); Ord. O-12-2009 § 2 (Exh. A)].

~~17.75.080~~ 17.75.035 Residential juvenile group homes.

A juvenile group home is a 24-hour group living environment for adolescents under the age of 18, unrelated to an owner or operator, that helps individuals who have emotional, psychological, developmental, or behavioral dysfunctions or impairments to acquire and strengthen the social and behavioral skills necessary to live independently in the community. In addition to the requirements of EMMC 17.75.06034, a residential juvenile group home must be found to conform to the following additional requirements:

A. The applicant must verify compliance with all applicable requirements, regulations, and standards of the Department of Human Services of the state of Utah governing the licensing and operation of juvenile group homes.

B. The facility shall be occupied only by individuals under the age of 18 and paid, professional staff members.

C. A juvenile group home shall not include any persons referred by the Utah State Department of Corrections, any adult or juvenile court, or the juvenile justice system.

D. No individual who has an impairment due to addiction of any controlled substance or alcohol and currently uses such controlled substance or alcohol may be a resident.

E. A juvenile group home shall not provide outpatient treatment. [Ord. O-12-2009 § 2 (Exh. A)].

~~17.75.070~~ 17.75.036 Residential rehabilitation and treatment facility.

In addition to the requirements of EMMC 17.75.06034, a residential rehabilitation and treatment group home must be found to conform to the following additional requirements:

A. All staff members shall be over the age of 18. The group home shall be occupied only by individuals over the age of 18 who meet the following criteria as individuals who are disabled or handicapped: having a physical or mental impairment that substantially limits one or more of a person's major life activities. Admission criteria may also include but are not limited to the following:

- a. Individuals who have been diagnosed with an addiction to alcohol or a controlled substance (as defined in Section 58-37-2, Utah Code Annotated 1953, as amended) who are not currently using controlled substances and are medically stable;
- b. Individuals who are unable to abstain from the use of alcohol or a controlled substance without the structured supportive setting offered by a group home; and
- c. Individuals who have completely and voluntarily abstained from the use of alcohol and all controlled substances and are medically clear for treatment.

B. The licensee shall not allow any person to become a resident of the group home until the licensee has verified compliance with the requirements of subsection A of this section. For purposes of verifying compliance with subsections (A)(1) and (2) of this section, the licensee shall obtain written certification, from a medical doctor (MD), licensed clinical social worker (LCSW), licensed professional counselor (LPC), licensed psychologist, licensed psychiatrist, licensed substance abuse counselor (LSAC) or nurse practitioner (APRN) certified in mental health and substance abuse counseling, that the proposed resident meets the criteria of those subsections. For purposes of verifying compliance with subsection (A)(3) of this section, the licensee shall keep current statistics, census records, clinical records and documentation of medical stability. Statistic and census records that are not protected by confidentiality may be viewed by licensing entities upon request.

C. All residents in the home must completely abstain from using alcohol and controlled substances during the period that they are residents in the group home. Any resident of the group home who uses alcohol or a controlled substance, whether on or off the premises, shall be immediately expelled from the home and shall not be readmitted without meeting the screening criteria in subsection A of this section. However, nothing contained herein shall be construed to prohibit a resident from taking a prescription drug for which a resident has a valid and current prescription.

D. No, alcohol, unprescribed controlled substances or drug paraphernalia shall be allowed on the premises of the group home. Firearms **shall be prohibited on the premises and** may be carried only by private security or uniformed peace officers that hold legal permits to carry. No resident of the group home shall initiate any contact of any kind with residents of the neighborhood except:

- a. In the case of notice or prevention of an emergency which may cause personal injury, death or substantial property damage.
- b. Residents who are cleared by staff to attend local worship services.

E. In order to verify ongoing abstinence from drugs and alcohol, each resident shall submit to at least three random urinalysis tests per month that test for the presence of alcohol and controlled substances. Any resident testing positive for alcohol or nonprescribed drugs, or who refuses to submit to a test, shall be immediately expelled from the group home. The licensee shall maintain records of urinalysis test results. Such records are available to the Utah Department of Human Services, Office of Licensing, for inspection upon request. At least one substance abuse or alcohol testing method must occur daily, including one of the following: urinalysis, blood, hair follicle, **and** breathalyzer, or visual. The licensee tracks statistics on race, gender, relapse, and many other verifiable conditions that may be made available upon request. [Ord. O-12-2009 § 2 (Exh. A); Ord. O-04-2009 § 2 (Exh. A); Ord. O-10-2007 § 2 (Exh. A § 15.6); Ord. O-23-2005 § 3 (Exh. 1(1) § 15.6). Formerly 17.75.060].

17.75.040 Civic-related uses.

17.75.041 Religious or cultural meeting halls.

As special uses, religious and cultural meeting halls may be permitted only where:

- A. Parking. The development shall comply with EMMC 17.55.
- B. Outdoor Lighting. The development shall comply with EMMC 17.56.
- C. Landscaping. The development shall comply with EMMC 17.60.

17.75.042 Schools (public/charter/private).

As special uses, schools may be permitted only where:

- A. Parking and Vehicle Stacking.
 - a. Parking requirements shall comply with EMMC 17.55.
 - b. Adequate off-street stacking areas which are completely contained on site for student pickup and dropoff are required. No offsite stacking is permitted.
- B. Pedestrian Access.
 - a. All driveways on the school property shall have at least one sidewalk.
 - b. Primary pedestrian crossings shall employ traffic calming features such as speed tables and striping. Secondary pedestrian crossings shall employ a minimum of striping and signs.
- C. Setbacks (Charter Schools). Outdoor play areas shall be setback from property lines by at least fifteen feet (15') made up of substantial landscaping, fencing or wall, and berming where feasible.

17.75.050 Commercial-related uses.

17.75.051 Animal care service.

As special uses, animal care services may be permitted only where:

- A. Nuisance. The use will not be a nuisance to residences and other surrounding uses.

B. Visibility. An outdoor space used for waiting or care is fully screened.

C. Overnight Keeping. The overnight keeping of animals is allowed only for treatment purposes. Overnight boarding is strictly prohibited.

~~17.75.035~~ 17.75.052 Automobile gas/service station and car wash operations.

As ~~conditional~~special uses, automobile gas/service stations and/or car wash operations may be permitted only where:

A. Nuisance. They will not be a nuisance to residences and other surrounding uses.

B. Traffic Congestion. They will not cause traffic hazards or undue traffic congestion.

C. Lot Size. An automobile gas/service station or a freestanding car wash site area will have a minimum of a 15,000-square-foot parcel. The lot frontage, if located on an arterial or collector street, will not be less than 125 feet.

D. Automobile Gas/Service Station or Car Wash Setbacks. Automobile gas/service stations or car wash operations with gasoline pumps will have buildings of the type of construction as defined in the International Building Code, and are to be located at a distance of not less than 25 feet from property or building setback lines.

E. Canopy Setbacks. Gasoline pumps and pump islands for car wash operations or gas/service stations shall have a canopy and the setback (measured from the edge of the canopy) shall be not less than 25 feet from any property lines or shall be in conformity with the building setback lines of the zoning district, whichever is greater.

F. Driveway Design. Driveway design and spacing for automobile gas/service stations or car wash operations shall be reviewed by the city engineer, whose recommendation will be forwarded to the planning commission.

G. Distance to Other Uses. The minimum closest distance from the automobile gas/service station or car wash with gas pumps site to an existing school, park, playground, museum or place of public assembly will be not less than 500 feet.

H. Outdoor Storage or Rentals. No outdoor storage of rental trucks or trailers, stacks of tires or other merchandise will be conducted by the automobile gas/service station or car wash operation except when such equipment or merchandise is screened by an approved fence not less than six feet in height. [Ord. O-12-2009 § 2 (Exh. A); Ord. O-04-2009 § 2 (Exh. A); Ord. O-10-2007 § 2 (Exh. A § 15.3); Ord. O-23-2005 § 3 (Exh. 1(1) § 15.3)].

17.75.053 Check cashing and deferred deposit lenders

As special uses, check cashing and deferred deposit lenders may be permitted only where:

A. Nuisance. The use will not be a nuisance to residences and other surrounding uses.

B. Separation. No check cashing, deferred deposit lender, or similar credit service business shall be located within 5,000 feet of any other check cashing, deferred deposit lender, or similar

credit service business as measured in a straight line between the closest property lines of the lots on which they are located.

C. Density. No more than one check cashing, deferred deposit lender, or similar credit service business shall be allowed for every 10,000 citizens living in the City of Eagle Mountain.

D. Design. In addition to all applicable requirements of this Title, the following will also be required:

- a. The colors of the building shall match the design theme of the center in which it is a part of or if not in a multi-tenant center, surrounding commercial buildings;
- b. At least twenty-five percent (25%) of the first floor façade that faces a street, drive aisle, or sidewalk shall consist of windows and doors of clear or lightly-tinted glass that allows views into and out of the building at eye level;
- c. The use of bars, chains, or similar security devices that are visible from a street, drive aisle, or sidewalk shall be prohibited; and
- d. The use of neon lighting shall be prohibited on the building exterior or exterior building signage.
- e. Lighting and signage shall comply with EMMC 17.56.

17.75.054 Outdoor sales and display.

As special uses, outdoor sales and display may be permitted only where:

A. Definition. For the purposes of this section, “outdoor sales and display” includes the outdoor storage of materials, products, and equipment incidental to an allowed use.

B. Nuisance. The use will not be a nuisance to residences and other surrounding uses.

C. Location. All outdoor sales and display areas shall not be located within a required setback, area of required landscaping, area of required parking, or area of pedestrian or vehicle access and flow.

D. Site Plan. All outdoor sales and display areas shall be clearly defined on the approved site plan and will be limited to these areas.

E. Signs. The outdoor sales and display area shall not include the use of banners, pennants or strings of pennants.

F. Outdoor Storage. All outdoor storage shall require the following screening regulations:

- a. A masonry wall or solid fencing shall be required to screen all open storage areas from view of a street.
- b. A solid fence, screening barrier, or wall shall be required along the side and rear property lines to screen areas of open storage up to and including any gate.
- c. Fences used to screen open storage shall not be less than six feet (6') high. Fences greater than six feet (6') high may be approved as part of a site plan upon a finding that increased height for screening is necessary to reduce impacts to surrounding properties.
- d. Materials, products, and equipment within twenty feet (20') of the fence may not be stored higher than the fence.

17.75.055 Parking garage.

As special uses, parking garages may be permitted only where:

A. Definition. For the purposes of this section, a parking garage includes a communal parking structure of multiple vehicles that is either attached to, incorporate into, or detached from the primary structure.

A. Nuisance.

- a. The use will not be a nuisance to residences and other surrounding uses.
- b. Parking garages shall be designed to minimize vehicle noise and odors on the public realm. Venting and fan locations shall not be located next to public spaces and shall be located as far as possible from adjacent residential uses.

B. Design.

- a. Parking garages shall be architecturally consistent with the project buildings, including the use of the same primary finish materials and colors as the exterior of the adjacent or adjoining buildings.
- b. Any façade facing a street shall include visual mitigation of parked vehicles and drive ramps such as landscape buffers, upper-level setbacks, or additional architectural treatment.
- c. Any façade adjacent to a sidewalk or pathway shall include human-scale design and detailing along the first floor to enhance its relationship with the pedestrian.
- d. The top deck of parking garages shall include screen walls, periphery landscape islands, or similar features where visible from public view in order to soften the appearance of the top of the parking garage and screen the view of cars on the top deck of the structure.
- e. Internal circulation shall be designed such that parking surfaces are level (or without any slopes) along all primary facades. All ramping between levels need to be placed along the secondary façade or to the center of the structure.
- f. Elevator and stairs shall be highlighted architecturally so visitors, internally and externally, can easily access these entry points.

C. Placement.

- a. A parking garage may not be located any closer to the front property line than the primary structure or use (when the parking garage is part of the primary structure).
- b. The view of a parking garage from a street shall be minimized by placing its shortest dimension parallel to the street edge.

D. Lighting.

- a. All top deck lighting shall be screened and directed downward to avoid light spill onto the area below and shall consist of only bollards or building lighting. Light poles are prohibited.
- b. Interior garage lighting shall not produce glaring sources toward adjacent properties while providing safe and adequate lighting levels.

E. Signage and Wayfinding. Signage and wayfinding shall be integrated with the architecture of the parking garage and be architecturally compatible with the design. Public parking garage entrances shall be clearly signed from public streets.

F. Access.

- a. Where a garage entrance or exit crosses a sidewalk, the driveway shall be a different color, texture, and/or paving material than the sidewalk to warn drivers of the possibility of pedestrians.
- b. Pedestrian pathways shall connect the pedestrian exit from the parking garage to the buildings it serves.

G. Safety. Parking garages shall follow best CPTED practices and provide for well-lit and visible pedestrian corridors, visible parking areas, security devices, and natural surveillance both inside and outside of the structure.

17.75.056 Plant and tree nursery/garden center.

As special uses, plant and tree nurseries and garden centers may be permitted only where:

A. Outdoor sales, display, storage. Any associated outdoor sales, display, and storage of products or equipment must comply with EMMC 17.75.054.

17.75.057 Portable storage / shipping container.

As special uses, portable storage and shipping containers may be permitted only where:

A. Stacking. Vertical stacking of portable storage containers and stacking of any other materials or merchandise on top of any portable storage container shall be prohibited.

B. Location.

- a. No portable storage container shall be placed or located on a required parking space, circulation aisle/lane, fire access lane, or public right-of-way.
- b. All portable storage containers shall be located to the rear 50% of the site they are to be located on and shall not be visible from a street. Screening in the form of fencing, landscaping, or a combination of both may be used so that the portable storage container is not visible from a street or to buffer the containers from surrounding properties.

C. Repair and Maintenance. All portable storage containers and their screening and landscaping shall be maintained in good repair. Any dilapidated, dangerous, rusted, or unsightly containers shall be repaired or removed. Graffiti shall be removed within seven (7) days.

D. Use.

- a. Portable storage containers shall be used for storage purposes only. Storage is limited to materials, products, or equipment used, produced, sold, or manufactured on the site of a legally-conforming business or agricultural use.
- b. There shall be no plumbing or electricity connected to the container and all wheels, except for small, non-inflatable rollers, shall be removed.

E. Signage. Portable storage containers shall not be used for signage.

17.75.058 Reception/conference/meeting center.

As special uses, reception, conference, and meeting centers may be permitted only where:

A. Nuisance. The use will not be a nuisance to residences and other surrounding uses.

B. Parking and Vehicle Stacking.

- a. Parking requirements shall comply with EMMC 17.55.
- b. Adequate off-street stacking areas which are completely contained on site for pickup and dropoff are required. No offsite stacking is permitted.

C. Pedestrian Access.

- a. All driveways on the property shall have at least one sidewalk.
- b. Primary pedestrian crossings shall employ traffic calming features such as speed tables and striping. Secondary pedestrian crossings shall employ a minimum of striping and signs.

17.75.059 Restaurant with drive-through services.

As special uses, restaurants with drive-through services may be permitted only where:

A. Purpose. The specific purposes of these regulations are to:

- a. Reduce noise, lighting, and visual impacts on abutting uses, particularly residential uses;
- b. Promote safer and more efficient on-site vehicular and pedestrian circulation; and
- c. Reduce conflicts between queued vehicles and traffic on adjacent streets.

B. Site Plan. An applicant for a restaurant with drive-through service shall submit a site plan that includes: a parking and circulation plan, driveway locations, placement of audio equipment (if applicable), placement of message and/or menu boards, and a litter cleanup plan.

C. Litter Cleanup Plan. A litter cleanup plan shall address litter cleanup on and off site and shall include, but not be limited to, a litter pickup schedule and a map of the cleanup area.

D. Stacking Lanes.

- a. A minimum of one hundred twenty feet (120') for a single stacking lane or sixty feet (60') per lane when there is more than one stacking lane. A stacking lane is measured back to the point of service or final service window. Stacking lanes do not have to be linear.
- b. Stacking lanes shall be designed so that they do not interfere with parking and vehicle circulation; and
- c. All stacking lanes shall be clearly identified through the use of means such as striping, landscaping, and signs.

E. Traffic Circulation.

- a. Only one driveway providing vehicular access to and from the drive-through window or service area shall be provided from any street;
- b. Internal traffic circulation patterns on the lot shall be adequate to keep traffic from backing into a street or blocking access to any required parking spaces located on the lot; and
- c. A traffic study addressing both on- and off-site traffic and circulation impacts may be required as part of the site plan application.

F. Drive-Through Location. Drive-through lanes and windows shall be located away from adjacent residential uses.

G. Noise. Noise emitted from drive-through service windows and related features such as remote ordering equipment at outdoor menu boards shall not create a nuisance or disturbance for abutting properties.

H. Buffer. When a drive-through use adjoins any residential use or residential zone, a minimum six foot (6') high masonry wall or solid fence shall be erected and maintained along such property line.

17.75.060 Sexually oriented business.

As special uses, sexually oriented businesses may be permitted only where:

A. Nuisance. The use will not be a nuisance to residences and other surrounding uses.

B. Location.

- a. No sexually oriented business shall be constructed or operated, as measured in a straight line between the closest property lines of the lots on which they are located, within:
 - i. 1,000 feet of any existing residential use, school, park, playground, museum, or place of public assembly,
 - ii. 500 feet of any historic building or site, or
 - iii. 1,000 feet of any other sexually oriented business.
- b. No church, public park, public library, or school shall be established closer than 1,000 feet from any sexually oriented business.

C. Signs. Signs for each sexually oriented business shall be limited to the following:

- a. Signage is limited to one (1) wall sign. All other signs are prohibited.
- b. The wall sign shall comply with the sign requirements specified in EMMC 17.80 including allowable sign area.
- c. Off-premise signs are prohibited.
- d. Every sexually oriented business sign shall contain alpha-numeric copy only, and no descriptive art or designs depicting any activity related to or inferring the nature of the business shall be allowed on any sexually oriented business sign.
- e. No animation shall be permitted on or around any sexually oriented business sign or on the exterior walls or roof of the premises.
- f. Painted wall advertising shall not be allowed.

D. Visibility. No merchandise or pictures of the products or entertainment on the premises shall be displayed in window areas or in any area where they can be viewed from a public sidewalk.

E. Design. In addition to all applicable requirements of this Title, the following will also be required:

- a. The colors of the building shall match the design theme of the center in which it is a part of or if not in a multi-tenant center, surrounding commercial buildings;
- b. The use of bars, chains, or similar security devices that are visible from a street, drive aisle, or sidewalk shall be prohibited; and
- c. The use of neon lighting shall be prohibited on the building exterior or exterior building signage.

17.75.061 Tobacco specialty business.

As special uses, tobacco specialty businesses may be permitted only where:

A. Nuisance. The use will not be a nuisance to residences and other surrounding uses.

B. Separation. No tobacco specialty business shall be located:

- a. Within 5,000 feet of any other tobacco specialty business as measured in a straight line between the closest property lines of the lots on which they are located.
- b. Within 500 feet of any existing school, park, playground, museum, or place of public assembly as measured in a straight line between the closest property lines of the lots on which they are located.

C. Density. No more than one tobacco specialty business shall be allowed for every 20,000 citizens living in the City of Eagle Mountain.

D. Design. In addition to all applicable requirements of this Title, the following will also be required:

- a. The colors of the building shall match the design theme of the center in which it is a part of or if not in a multi-tenant center, surrounding commercial buildings;
- b. The use of bars, chains, or similar security devices that are visible from a street, drive aisle, or sidewalk shall be prohibited; and
- c. The use of neon lighting shall be prohibited on the building exterior or exterior building signage.

17.75.070 Industrial-related uses.

17.75.071 Towing yards and vehicle storage.

As special uses, towing yards and vehicle storage may be permitted only where:

A. Nuisance. The use will not be a nuisance to residences and other surrounding uses.

B. Screening. Must comply with the requirements set in EMMC 17.75.054(F).

C. Vehicles.

- a. No storage of salvaged, dismantled, or inoperable vehicles is allowed on the site.
- b. No vehicles shall be dismantled or crushed on the site.
- c. No vehicle shall remain for more than one hundred and eighty (180) days on the site.

D. Storage Area. The vehicle storage area shall be graded and paved with asphalt or concrete surfacing to ensure that all surface water generated from the site shall be retained on site and to prohibit percolation of surface water and VOCs from stored vehicles.

E. Sales. No sale or advertising the sale of vehicles shall be permitted.

17.75.080 Utility-related uses.

17.75.081 Utilities, Public and Private

This section is inclusive of facilities, substations, structures, buildings, transmission lines (above and below ground), equipment, and storage (fenced or enclosed) related to the production and distribution of utility services, public and private.

As special uses, utilities and related infrastructure may be permitted only where:

A. General.

- a. Any utility installation shall comply with EMMC Title 13 Public Utilities and Services.
- b. Any utility installation, except utility boxes and transmission lines, shall be subject to EMMC 17.100.

B. Substations.

- a. Fencing. The perimeter of the substation site shall be fenced for public safety and to minimize visual impact.
- b. Landscaping. The perimeter of the substation site (outside of the fence) shall be landscaped.
- c. Location. No substation shall be located in the path of any planned street or trail as illustrated in the city's Transportation Master Plan and Parks and Open Space Master Plan.

C. Ground-Mounted Utility Boxes.

a. Location.

- i. Any ground-mounted utility box shall not be located within one foot (1') of any sidewalk or eighteen inches (18") from the face of a curb or obstruct any required sight distance triangles for driveways and intersections.
- ii. Private Property: on private property with permission of the property owner or representative at the following locations:
 - 1. Below-grade utility boxes that do not extend greater than six inches (6") above ground level.
 - 2. Within the buildable area of a lot, rear yard, or side yard.
 - 3. Behind required front and corner side yards or within five feet (5') of a building when front and corner side yards are not required.

4. Within a utility easement subject to easement restrictions.
5. Within a right-of-way when the location does not interfere with circulation functions of the right-of-way and subject to Item #3 above.
- iii. Public Right-of-Way.
 1. Below-grade utility boxes that do not extend greater than six inches (6") above ground level.
 2. Within a park strip or behind the sidewalk meeting the following criteria:
 - (a) A ground-mounted utility box not exceeding a height of three feet (3') and a footprint of four (4) square feet, or a box not exceeding two feet (2') in height and a footprint of eight (8) square feet.
 - (b) The pad for a ground-mounted utility box shall not extend more than six inches (6") beyond the footprint of the box.
 - (c) A ground-mounted utility box in a residential zoning district is located within fifteen feet (15') of the interior lot line of an adjacent property.
 - (d) Excluding industrial, business park, airport, and commercial zoning districts, no more than three (3) ground-mounted utility boxes, excluding exempt utility boxes, shall be allowed within a six hundred sixty foot (660') segment of street right-of-way.
 - (e) Any small ground-mounted utility box that is less than sixty percent (60%) of the allowed size in subsection Item (a) above of this section shall be exempt from the requirement set in Item (d) above.
 3. A ground-mounted utility box installed in a public alley that does not interfere with the circulation function of the alley.
- iv. Location Exemption. Any ground-mounted utility boxes installed by a governmental entity in the public right-of-way for public safety and management purposes, such as traffic control devices, utility boxes for lighting and parking meters.

- b. Materials. All ground-mounted utility boxes shall consist of high-quality material such as stainless steel or other durable painted or colored material. The finish shall be a neutral color such as dark or light green, beige, grey, or a color similar to utility boxes within the vicinity and coated with a graffiti-resistant treatment.

17.75.082 Communication facilities and towers.

This section is inclusive of wireless telecommunication, radio, microwave, and other transmission towers.

As special uses, communication facilities and towers may be permitted only where:

A. General. The following development standards shall be applicable to all facilities regardless of the facility type or zone within which the facility is proposed to be located:

- a. The proposed facility shall be located on an approved structure and/or site in conformance with this code. If a proposed facility site does not conform to this code, the carrier shall submit and have approved a plan to bring the structure and/or site into conformance with the code prior to completion and operation of the proposed facility.
- b. Any associated mechanical or electrical equipment shall be completely screened from view, from rights-of-way, on-site parking areas and adjacent properties, with a solid fence or wall.
- c. The proposed facility, including associated mechanical and electrical equipment, shall not be located within a public right-of-way.
- d. The proposed facility shall conform to the requirements of this title, this code, and other laws, including pertinent federal regulations of the Federal Communications Commission (FCC) and the Federal Aviation Administration (FAA).
- e. Copies of required permits from pertinent federal agencies establishing compliance with applicable federal regulations shall be filed with the City prior to the issuance of any permit for a proposed facility.
- f. The proposed facility shall conform to applicable development standards set forth in this section.
- g. Lightning rods shall not be included in the height calculation for any facility.
- h. Antennas and equipment boxes on the utility poles shall be painted to match the pole to which it is attached to minimize visual impacts.
- i. Generators or noise producing venting systems shall not be used.
- j. Lighting for aircraft is prohibited except where required by Federal Law.

B. Location and Type Priority. Telecommunication facilities shall be located as unobtrusively as is reasonably possible. The provider shall make a good faith effort to site antennas in the following order of priority:

- a. Existing Structures or Stealth Facilities. First priority shall be granted to antennas located on existing structures or antennas qualifying as stealth facilities, as follows:
 - i. Existing structures. Antennas located on lawfully existing buildings, structures, and antenna support structures, provided that the building, structures, or support structures are: (1) located on a telecommunication facility designed and approved for collocation, (2) located in a non-residential zoning district, or (3) located in a residential zoning district on property that is being used for nonresidential uses such as governments, school, or church; or
 - ii. Stealth Facilities. Antennas certified as stealth facilities as set forth in this ordinance.
- b. Monopoles on property owned by the City.
- c. Monopoles on property owned by a non-City public agency.
- d. Monopoles on nonresidential private property. Monopoles constructed on private property, provided that the private property is (1) located in a nonresidential zoning district, or (2) located in a residential zoning district on property that is used for a nonresidential use such as government, school, or church.

- e. Other. Any combination of antenna type and location other than those listed in this subsection.

C. Burden of Proof. If the applicant desires to locate antennas on a site other than the highest priority site, the applicant shall have the burden of demonstrating to the City why it could not locate antennas on site with a higher priority than the site chosen by the applicant. The applicant shall provide the following information to the approving authority:

- a. Higher Priority Sites. The identity and location of any higher priority sites located within the desired service area.
- b. Reason for Rejection of Higher Priority Sites. The reasons why the higher priority sites are not technologically, legally, or economically feasible. The applicant shall make a good faith effort to locate antennas on a higher priority site. The City may request information from outside sources to justify or rebut the applicant's reasons for rejecting a higher priority site.
- c. Justification for Proposed Site. Why the proposed site is essential to meet the service demands of the geographic service area and the citywide network. If the applicant desires to construct a monopole, the applicant shall also submit a detailed written description of why the applicant cannot obtain coverage using existing buildings, structures, or stealth facilities.

D. Setbacks.

- a. Communication facilities and towers shall comply with the setback requirements of the underlying zone and are further modified in EMMC 17.75.082(H).
- b. When located in a residential zone or on a non-residential lot that is adjacent to residential zones, development, or property designated for residential land use by the general plan, communication facilities and towers shall be a minimum of 200 feet from the property line abutting residential uses. This will allow for adequate separation from residential development.

E. Collocation. Collocation of a communication facilities and towers on a previously-approved communication facility such as an existing building, structure, or antenna support structure, is allowed, provided:

- a. No increase in the height of the existing support structure is proposed;
- b. All aspects of the collocation improvements must be located within the previously-approved screened area;
- c. Compliance with the corresponding provisions set forth in this subsection.

F. Safety.

- a. Regulation Compliance.
 - i. Compliance with FCC and FAA regulations. All operators of communication facilities shall demonstrate compliance with applicable FCC and FAA regulations, including FCC radio frequency regulations, at the time of application and periodically thereafter as requested by the City. Failure to comply with the applicable regulations shall be grounds for revoking a site plan approval.

- ii. Other licenses and permits. The operator of every communication facility shall submit copies of all licenses and permits required by other agencies and governments with jurisdiction over the design, construction, location, and operation of the facility to the City, shall maintain such licenses and permits in good standing, and shall provide evidence of renewal or extension thereof upon request by the City.

G. Emergency. The City shall have authority to move or alter a communication facility in case of emergency. Before taking any such action, the City shall first notify the owner of the facility, if feasible.

H. Abandonment. The City may require the removal of all antennas and monopoles if the facility has been inoperative or out of service for more than consecutive months.

- a. Notice. Notice to remove shall be given in writing by personal service, or by certified mail addressed to the operator's last known address.
- b. Violation. Failure to remove the antennas and monopoles after receiving written notice to remove is a violation of the terms of this chapter. The City may initiate criminal and/or civil legal proceeding against any person, firm, entity, or corporation, whether acting as principal agent, property owner, lessee, lessor, tenant, landlord, employee, employer, or otherwise, for failure to remove antennas and monopoles in accordance with this chapter. The City may seek a civil injunction requiring the removal of any structures on the site in accordance of this chapter. The City may also remove such structures itself and may bill its costs in removing such structures to the operator. Any lease agreement with the City may also stipulate failure to remove the antennas and monopoles after receiving written notice to do so pursuant to this chapter automatically transfers ownership of the antennas, support buildings, and all other structures on the site to the City.

I. Specific Regulations by Type. Communication facilities are characterized by the type or location of the antenna structure. There are five general types of antenna structures contemplated by this ordinance: ham radio towers, monopoles, roof-mounted antennas, stealth facilities, and wall-mounted antennas. If a particular type of antenna structure is allowed by this ordinance as a special use, the minimum standards for that type of antenna are as follows:

- a. Ham Radio Towers. Ham radio towers or any other radio or antennae facilities are regulated by the FCC as well as individual homeowners associations (HOAs) through restrictive covenants or other regulating documents.
- b. Monopoles:
 - i. Justification. If the applicant desires to construct a monopole, the applicant shall first submit a detailed written description of why the applicant cannot obtain coverage using existing buildings, structures, or stealth facilities. The description shall include a radio frequency engineering review of the proposed Monopole Telecommunication Facility in relation to the requested height and possible alternative locations.
 - ii. Visual Analysis. The applicant shall submit a visual analysis which may include photo simulation, field mock up, or other techniques, which identifies the

potential for visual impacts of the proposed monopole. The analysis shall consider views from public areas (streets, parks, etc.) and from private residences.

- iii. **Maximum Height.** The maximum height of the monopole or monopole antenna shall be 60 feet, although the City may allow an antenna or antenna support structure up to 120 feet in height, if the applicant demonstrates that the additional height is necessary to obtain coverage or to allow co-location, and that the applicant has taken steps to mitigate adverse effects on the surrounding neighborhood. The antenna itself shall not exceed ten feet in height.
 - iv. **Setback.** Monopoles shall be set back a minimum distance equal to four times the height of the proposed monopole structure from any residential lot line, measured from the base of the monopole to the nearest residential lot line unless the applicant can demonstrate that a lesser distance is necessary as demonstrated in a certified radio frequency engineering report.
 - v. **Spacing.** No monopole shall be approved within 1,000 feet of another monopole, except those within 120 feet of or adjacent to existing transmission powerline corridors. This is permitted because monopoles will blend in with the power poles.
 - vi. **Color.** A surface treatment may be required so that monopoles, antennas, and related support structures match the background against which they are most commonly seen.
 - vii. **Screening.** Monopoles shall be fenced with a six-foot (6') high black vinyl coated chain-link fence or other fencing or wall method.
- c. **Roof-Mounted Antennas:**
 - i. **Maximum Height.** The maximum height of a-roof mounted antenna shall be 18 feet above the roof line of the building.
 - ii. **Setback.** Roof-mounted antennas shall be setback from the exterior wall of the building or structure a distance at least equal to the height of the antenna above the roof.
 - iii. **Mounting Options.** A roof-mounted antenna shall be mounted only on structures with flat roofs. Roof-mounted antennas may be mounted directly on a roof, or on top of existing penthouses or mechanical equipment rooms if the total height of the antennas do not exceed 18 feet above the roof line of the building.
 - iv. **Color.** Roof-mounted antennas, equipment, and supporting structures shall be painted to match the color of the building or structure, or the background against which they are most commonly seen. Antennas and supporting structures shall be architecturally compatible with the building.
 - v. **Combination of Wall- and Roof-Mounted Antennas.** Any building may have a combination of wall- and roof-mounted antennas meeting the requirements of this section.
- d. **Stealth Facilities:**

- i. **Maximum Height.** The overall height of any structure proposed to be used for a stealth fixture antenna shall be consistent with any similar structure being used as a model for the stealth structure. A stealth fixture shall be no more than ten feet higher than the structure to which it is attached, provided the fixture and the structure to which it is attached is consistent with the character of similar structures located in the same area.
- ii. **Disguise.** A stealth fixture antenna shall be disguised as part of the structure to which it is attached or otherwise concealed from public view as much as reasonably possible. A stealth fixture antenna may be attached to or disguised as a flag pole, light pole, power pole, manmade tree, clock tower, steeple, or a structure used primarily for another use so long as any antenna located on the structure does not detract visually from the primary use. Stealth fixture antennas and all associated equipment visible to public view shall be painted to match the color of the structure to which it is attached. Equipment and/or equipment shelters used in connection with stealth fixture antennas shall be camouflaged.
- iii. **Engineered Structure.** A structure to which a stealth fixture antenna is attached shall be designed by a state certified engineer to verify that the structure can support the stealth fixture antenna.
- iv. **Antenna Size.** A stealth fixture antenna, including the mounting structure, shall not exceed thirty inches (30") in diameter, provided, however, that antennas exceeding thirty inches (30"), including the mounting structure, may be permitted if the antenna is a stealth fixture antenna located on or within a clock tower, steeple, manmade tree, or other similar structure.
- v. **Conversion.** Stealth facilities may include the conversion of existing flagpoles, light standards, athletic field lights or other similar structures to a stealth facility provided the structure's height is not increased more than ten feet (10').
- vi. **Utility Pole Antennas.** Utility pole antennas may be allowed as a stealth facility subject to the following minimum requirements:
 - 1. **Location.** Utility Pole Antennas may only be located on existing City-owned utility poles except for decorative street lights.
 - 2. **Method of Mounting.** Such antennas shall be designed and installed by the applicant according to City's specifications and requirements.
 - 3. **Height.** Antennas shall not extend more than ten feet (10') above the top of the pole.
 - 4. **Antenna Size.** The antennas, including the mounting structure, shall not exceed two feet (2') in diameter.
 - 5. **Electrical Equipment.** Electrical equipment shall not be located in the public right-of-way.
 - 6. **Agreement.** Each telecommunication provider is required to enter into an agreement with the City prior to installing any telecommunication facilities in a public right-of-way. The City shall review site plan conditions prior to the execution of the agreement.
- e. **Wall-Mounted Antennas:**

- i. **Maximum Height.** Wall-mounted antennas shall not extend above the roof line of the building or structure, or extend more than four feet horizontally from the face of the building.
- ii. **Setback.** Wall-mounted antennas shall not be located within 20 feet of a residential zoning district unless it is located on a nonresidential structure as approved by this section.
- iii. **Mounting Options.** Antennas mounted directly on existing parapet walls, penthouses, or mechanical equipment rooms are considered to be wall-mounted antennas if no portion of the antenna extends above the roof line of the parapet wall, penthouse, or mechanical equipment room.
- iv. **Color.** Wall-mounted antennas, equipment, and supporting structures 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 structure on the building shall be architecturally compatible with the building. Whip antennas are not allowed on a wall-mounted antenna structure, but may be camouflaged in a stealth facility as per stealth requirements of this section.
- v. **Maximum Area.** The total area for all wall-mounted antennas and supporting structures on any one building shall not exceed five percent (5%) of any exterior wall of the building.
- vi. **Combination of Wall- and Roof-Mounted Antennas.** Any building may have a combination of wall- and roof-mounted antennas meeting the requirements of this section.

J. Additional Requirements.

- a. **Storage Areas and Solid Waste Receptacles.** No outside storage or solid waste receptacles shall be permitted on a communication facility site.
- b. **Equipment Enclosures.** All electronic and other related equipment and appurtenances necessary for the operation of any communication facility shall, whenever possible, be located within a lawfully pre-existing structure. When a new structure is required to house such equipment, the structure shall be harmonious with, and blend with, the natural features, buildings, and structures surrounding such structure.
- c. **Accessory Buildings.** Freestanding accessory buildings used with a communication facility shall not exceed a combined total of four hundred and fifty (450) square feet and shall comply with the setback requirements for structures in the zoning district in which the facility is located.
- d. **Parking.** The City may require a minimum of one parking stall for sites containing a monopole, tower, and/or accessory buildings, if there is insufficient parking available on the site.
- e. **Maintenance Requirements.** All communication facilities shall be maintained in a safe, neat, and attractive manner.
- f. **Landscaping.** All communication facilities shall be adequately landscaped in order to provide visual screening as deemed necessary by the Planning Commission on a site specific, case by case basis. For monopoles where there are no buildings immediately adjacent to the monopole and equipment facilities, the site shall be surrounded by

dense tree growth to screen views of the facility in all directions. These trees may be existing on the subject property or planted as part of the site improvements. The City may require additional landscaping as part of the site plan approval.

- g. Power Lines. All power lines on the lot leading to the communication facility shall be underground.

17.75.090 Temporary uses.

~~17.75.035~~ 17.75.091 Construction office trailers.

A construction office trailer may not be parked or stored on any construction or development project site without a permit from the planning director. The application for a construction office trailer permit must be made to the planning director on the form provided by the city, and shall include a site plan showing the proposed location of the construction office trailer and distances from roads, building and property lines. The planning director shall not issue the permit unless the planning director determines that the following conditions are met:

- A. The construction office trailer is located entirely on site, and does not infringe on the public right-of-way;
- B. The construction office trailer is not located in the clear vision triangle;
- C. The construction office trailer is not located within 10 feet of any building;
- D. The construction office trailer is not located in a position that will create unreasonable traffic or noise for neighboring homes or business; and
- E. The construction office trailer is not located on any easement.

A construction office trailer shall be removed from the construction site at the earlier of the deadline prescribed in the permit, 30 days after a final certificate of occupancy has been issued for the project, or the project has been abandoned as defined in Chapter 17.10 EMMC. Only one construction office trailer shall be allowed on any construction project unless the planning director determines that unique circumstances exist that warrant more than one construction office trailer on any construction project. [Ord. O-02-2016 § 2 (Exh. A)].

~~17.75.040~~ 17.75.092 Temporary subdivision sales offices.

A. Temporary Sales Trailers. One temporary sales trailer is allowed for subdivisions ranging between five and 50 acres. Subdivisions in excess of 50 acres may have two temporary sales trailers. A permit for a subdivision sales office may be issued by the building department at any time after recording of the subdivision and shall become void one year following the date on which the permit was issued. The temporary office shall then be removed unless, 30 days prior to the expiration of one year following the date on which the permit was issued, a request for an extension of time is made to and granted by the planning commission. In no case will the extension be granted for a period of more than one year.

B. Model Homes. A subdivision may have multiple model homes which contain sales offices. The temporary sales office must be removed from a model home when the subdivision is more than 80 percent developed or has been occupied as a temporary sales office for three years,

whichever occurs first. Time extensions may be considered by the planning director on a case-by-case basis, depending on the impact on existing dwellings in the development, the suitability of the office in a residential area, and traffic flow generated by the temporary sales office. A temporary sales office or model home may not be used as a general real estate office, a construction management office, or an off-site sales office. [Ord. O-09-2013 § 2 (Exh. A); Ord. O-12-2009 § 2 (Exh. A); Ord. O-04-2009 § 2 (Exh. A); Ord. O-10-2007 § 2 (Exh. A § 15.4); Ord. O-23-2005 § 3 (Exh. 1(1) § 15.4)].

~~17.75.100~~ 17.75.093 Temporary commercial uses.

Special commercial events such as fireworks and Christmas tree sales, carnivals or temporary sales events may be approved by the planning director when located in commercial-type zoning districts and in accordance with city ordinances. The planning director shall be required to find that the proposed use will not constitute a nuisance to be in conflict with other land uses near the subject property. In approving a temporary commercial use, the planning commission may review the length of time requested for the use to be conducted, the proposed hours of operation, anticipated parking needs, traffic circulation or impacts on surrounding streets and neighborhoods, or any other regulation or condition necessary for the preservation of the public health, safety and welfare. [Ord. O-12-2009 § 2 (Exh. A); Ord. O-04-2009 § 2 (Exh. A); Ord. O-10-2007 § 2 (Exh. A § 15.8); Ord. O-23-2005 § 3 (Exh. 1(1) § 15.8). Formerly 17.75.080].

17.75.100 Ancillary uses.

~~17.75.090~~ 17.75.101 Storage of commercial vehicles.

No motor vehicle, trailer or related equipment associated with a commercial or industrial use shall be parked, stored or maintained on any lot or parcel of land in a residential zone, nor shall any contracting and/or earth moving equipment be parked, stored or maintained on any lot or parcel of land in a residential zone. This shall not be construed to restrict the overnight parking of vehicles and equipment used in the daily activities of the property owner's occupation. [Ord. O-12-2009 § 2 (Exh. A); Ord. O-04-2009 § 2 (Exh. A); Ord. O-10-2007 § 2 (Exh. A § 15.7); Ord. O-23-2005 § 3 (Exh. 1(1) § 15.7). Formerly 17.75.070].

~~17.75.120~~ 17.75.102 Swimming pool, hot tub and spa safety requirements.

Any recreational water facility not contained within a fully enclosed building, gazebo or other structure must comply with the following conditions and requirements:

A. Setbacks. A recreational water facility shall be set back a minimum of five feet from all property lines, shall only be located within a side or rear yard, and shall not be located within any public utility easement.

B. Barrier Fence/Wall. A recreational water facility shall be completely surrounded by a fence or wall having a height of at least five feet. Except for the gate opening, fences shall not include any slots or openings that would permit a four-inch-diameter sphere to pass through. All gates shall be equipped with self-closing and selflatching devices located on the interior side of the gate, and must be able to accommodate a lock. All gates located within 10 feet of the recreational water facility must swing outward from the recreational water facility. Fences or

walls shall not be located adjacent to permanent structures, equipment, or similar objects that could be used to climb them. The bottom of the fence/wall shall be no more than two inches from the ground.

C. Barrier Fence/Wall Exceptions. Above-ground spas and hot tubs are exempt from subsection B of this section if equipped with a hard safety cover that can be latched or locked. Above-ground pools, spas, and hot tubs with nonclimbable walls at least five feet in height where access is provided by a ladder or steps must meet one of the following:

- a. The ladder or steps shall be capable of being locked or removed to prevent access; or
- b. The ladder or steps shall be surrounded by a barrier fence/wall that meets the standards in subsection B of this section.

D. County Health Department. If a permanent swimming pool is to be located on the same property as a septic tank or sewage disposal drain field, the location must be approved by the Utah County health department.

E. Swimming pool construction shall conform to all requirements of the adopted building codes, including the International Swimming Pool and Spa Code. [Ord. O-17-2017 § 2 (Exh. A)].

~~17.75.110~~ 17.75.110 Unbuildable lands.

In considering the layout of any development in the city, the developer shall conform to the following restrictions with respect to unbuildable lands. No construction may occur in areas that have slopes in excess of 25 percent, land restricted by power lines, high volume floodplains, alluvial discharge areas, floodplains and floodways, and wetlands. Land in excess of 15 percent is ineligible for inclusion in improved open space requirements unless the planning commission recommends and the city council approves specific improvements on land in excess of 15 percent which these bodies have determined to be an approved entity. In this case, only the acreage of unbuildable land in excess of 15 percent which is improved will be considered towards the improved open space requirements. [Ord. O-12-2009 § 2 (Exh. A); Ord. O-04-2009 § 2 (Exh. A); Ord. O-10-2007 § 2 (Exh. A § 15.9); Ord. O-23-2005 § 3 (Exh. 1(1) § 15.9). Formerly 17.75.090].



**EAGLE MOUNTAIN CITY
PLANNING COMMISSION MEETING
JULY 14, 2020**

TITLE: DISCUSSION ITEM - Historic Preservation Zone.

ITEM TYPE: Discussion

APPLICANT: Staff

ACTION ITEM:

No

PUBLIC HEARING:

No

PREPARED BY:

Pete Kane, Planning

BACKGROUND:

ITEMS FOR CONSIDERATION:

REQUIRED FINDINGS:

RECOMMENDATION:

ATTACHMENTS:



**EAGLE MOUNTAIN CITY
PLANNING COMMISSION MEETING
JULY 14, 2020**

TITLE: DISCUSSION ITEM - Industrial Zone

ITEM TYPE: Discussion

APPLICANT: Staff/Planning Commission

ACTION ITEM:

No

PUBLIC HEARING:

No

PREPARED BY:

Pete Kane, Planning

BACKGROUND:

ITEMS FOR CONSIDERATION:

REQUIRED FINDINGS:

RECOMMENDATION:

ATTACHMENTS:

[Initial Review/Comparison of LMD and Industrial Zones](#)

EVALUATION OF INDUSTRIAL-DISTRIBUTION TYPE USES IN EAGLE MOUNTAIN MUNICIPAL CODE

COMPARISON OF USES CURRENTLY IN EMMC

Below is the full list of uses that are set as permitted (P), special use (S), or conditional use (C) with the “Light Manufacturing / Distribution (LMD)” and “Industrial” zoning districts.

Items highlighted in **red** are those that appear to set a lower threshold in the LMD zone and may require a change in one or both zones.

USE	LIGHT MANU / DIST	INDUSTRIAL
Educational uses		
Vocation (trade) schools	P	
Healthcare / medical		
Laboratories (medical and pharmaceutical)	P	
Medical research facilities (medical and pharmaceutical non-medical waste storage)	P	
Civic uses		
Public / civic buildings & facilities (city owned)	P	
Public parks, plazas, trails, and open space	P	P
Transit stop (bus, light-rail)	P	
Communication & utilities		
Communication facilities & towers	S	
Electrical substations & power transmission lines	S	P
Oil & gas transmission lines	S	P
Public and private (with franchise agreement) utility underground lines & utility buildings and other above ground structures	S	P
Public and private utility equipment and inventory storage, fenced or enclosed	S	P
Commercial / non-residential uses		
Animal care service (overnight boarding)	P	
Athletic instruction, including dance, gymnastics, martial arts, etc.	P	
Automobile gas/service stations	S	C
Automobile sales and/or service	P	C
Automobile service & repair (including auto body)	P	C
Banks		C ¹
Body art facility / tattoo parlor	P	
Brewery	P	
Car wash	P	
Car wash (ancillary to a gas/service station)	P	
Check cashing and deferred deposit lenders	S	
Child day care center or preschool	P	
Commercial and industrial laundries		C
Construction and equipment sales / rental	P	
Contract construction services establishments		C
Convenience store; corner market	P	C
Fitness center	P	
Flex office / retail / warehouse	P	
Food trucks	P	
Grocery store, small/neighborhood (generally < 30,000 sf)	P	

Grocery store, medium/community (generally 30,000-75,000 sf)	P	
Grocery store, large/regional (generally > 75,000 sf)	P	
Hardware & home improvement retail	P	
Laundry (no onsite dry cleaning)	P	
Laundry and dry cleaning establishments		C
Mortuary	P	
Motels and hotels		C
Moving and storage facilities and businesses		C
Office buildings including medical, dental or professional offices, corporate offices or corporate campuses		P
Other businesses retailing goods and services or rendering personal services for a fee, except as otherwise regulated by the city's ordinances		C
Outdoor sales and display (including storage of materials, products, and equipment incidental to an allowed use)	P	
Pawn shop	P	
Pharmacy	P	
Pharmacy (medical cannabis)	P	
Plant & tree nursery / garden center (with outside display)	P	
Portable storage / shipping container	S	
Printing, lithography and publishing establishments		C
Race tracks for go-carts, ATVs, and other motorized sports recreational facilities	P	
Reception/Conference/Meeting Center	P	
Recreation (indoor)	P	
Recreation vehicle sales/rentals	P	
Research and development facilities, excluding medical (non-hazardous material producing or obnoxious smells)	P	
Research and development facilities, including medical or electronic assembly and manufacturing		P
Restaurant or bakery	P	C ¹
Retail sales (generally ancillary to warehouse and distribution center or medical/educational facility)	P	
Salon (hair, nails, etc.)	P	
Self-storage or mini-storage units		C
Sexually oriented business	S	C
State liquor store	P	
Temporary sales (Christmas tree lots, farmers market or fruit/vegetable stands, fireworks, food trucks, snow cones, etc.)	S	
Tobacco specialty business	S	
Manufacturing, processing and distribution		
Agricultural processing facilities (non-cannabis)	P	
Building material manufacturing and other construction-related business	P	
Clean manufacturing businesses (no negative impacts on air quality)	P	
Electronic data management businesses	P	
Facilities for the development and production of movies, film, television, and similar visual media	P	
Food processing, packaging, and manufacturing (not including on-site slaughter, killing, or harvesting of animals)	P	
Ice and cold storage	P	
Industrial parks and warehouses		P
Laboratory and testing services (the use of animal testing and experimentation is prohibited)	P	
Light manufacturing and assembly	P	C

Other manufacturing businesses		C
Recycling facilities		C
Tractor and diesel repair shops	P	
Trade and craftsman industries, including furniture and carpentry, upholstery shops, monument works, metal works and welding shops	P	
Wholesale and warehouse distribution (excluding hazardous material and materials that emit obnoxious or foul odor)	P	C
Towing yards and vehicle storage	S	

¹ Can include drive-through facilities

COMPARISON OF THE DISTRICT PURPOSE STATEMENTS

LIGHT MANUFACTURING / DISTRIBUTION ZONE	The purpose of the LMD zone is for limited retail, research, office, light manufacturing, and warehouse uses. This zone would allow medium distribution centers, light manufacturing, research labs not producing hazardous waste, warehouses with small office areas in the front of the building and outside machinery and product storage attached to a business. These buildings will be required to have professional looking exteriors with landscaping, parking out front with docks and screened storage yards in the back. These types of businesses will be located near major collectors, arterial roads and highways. This zone is generally most appropriate in areas designated as Business Park / Light Industry on the City's Future Land Use Map, but it may also be considered for approval in other areas at the discretion of the approval authority, depending on the surrounding land uses and other circumstances.
INDUSTRIAL	The purpose of the industrial zone is to provide for industrial opportunities which are reasonably separated from residential development and other incompatible land uses.

INDUSTRIAL AND DISTRIBUTION USES NOT CURRENTLY IN EMMC

The following uses are types of businesses/activities that are included in other Utah city municipal codes and may be considered for either or both the Light Manufacturing / Distribution and Industrial zones.

POTENTIAL USE	LIGHT MANU / DIST	INDUSTRIAL
Automobile wrecking yard		
Chemical manufacturing and/or storage		
Correctional facility		
Concrete and/or asphalt manufacturing		
Crematorium		
Explosive manufacturing and storage		
Flammable liquids or gases, heating fuel distribution and storage		
Incinerator, medical waste/hazardous waste		
Junk or salvage yard		
Large wind energy system		
Lumberyard		
Package delivery facility		
Paint manufacturing		
Refinery		
Rock, sand and gravel storage and distribution		
Slaughterhouse		



**EAGLE MOUNTAIN CITY
PLANNING COMMISSION MEETING
JULY 14, 2020**

TITLE:	DISCUSSION ITEM - Tier & Bonus Density Language Removal
ITEM TYPE:	Discussion
APPLICANT:	Staff

ACTION ITEM:

No

PUBLIC HEARING:

No

PREPARED BY:

Michael Hadley, Planning

BACKGROUND:

An update on the Tier & Bonus Density Language being removed from the City Code.

ITEMS FOR CONSIDERATION:

REQUIRED FINDINGS:

RECOMMENDATION:

ATTACHMENTS:

[Proposed Tier Language .docx](#)

[Bonus Density Language.docx](#)

[Base Density Language.docx](#)

Division III. Generally Applicable Requirements/Standards

Chapter 16.30

GENERAL REQUIREMENTS FOR ALL SUBDIVISIONS

Sections:

16.30.010 What this chapter does.

16.30.020 Purpose.

16.30.030 Eagle Mountain City construction specifications and standards.

16.30.040 Required improvements defined.

16.30.050 Installation at developer's expense.

16.30.060 Guarantees.

16.30.070 Warranty of improvements.

16.30.080 Rural residential subdivisions.

16.30.090 Connectivity standards.

16.30.010 What this chapter does.

This chapter requires the installation, contribution and dedication, at no cost to the city, of required improvements in developments at the developer's expense, sets improvement standards or refers to other standards, permits the phased installation of improvements, and requires the perpetual maintenance of required improvements which are not dedicated to the city. [Ord. O-06-2015 § 2 (Exh. A); Ord. O-07-2014 (Exh. A); Ord. O-07-2006 § 2 (Exh. 1 § 6.1); Ord. O-23-2005 § 3 (Exh. 1(2) § 6.1)].

16.30.020 Purpose.

The purpose of this chapter is to set forth the general requirements for all subdivisions in Eagle Mountain City. This chapter identifies required improvements, provides for a method of constructing required improvements, and provides for the construction bonding and warranty of public facilities. [Ord. O-06-2015 § 2 (Exh. A); Ord. O-07-2014 (Exh. A); Ord. O-07-2006 § 2 (Exh. 1 § 6.2); Ord. O-23-2005 § 3 (Exh. 1(2) § 6.2)].

16.30.030 Eagle Mountain City construction specifications and standards.¹

The city has adopted a publication titled, "Eagle Mountain City Construction Specifications and Standards." The provisions, standards and specifications found in this manual (and as amended in the future) are hereby incorporated herein by reference. The city engineer shall use this manual in the review of proposed construction plans for public facilities. Developers and subdividers shall also use this manual in the preparation of their construction plans. In addition, required improvements shall be installed in compliance with this title and any capital facilities plans, designs, and engineering standards separately adopted by the city or other agencies responsible for providing services to the development. [Ord. O-06-2015 § 2 (Exh. A); Ord. O-07-2014 (Exh. A); Ord. O-07-2006 § 2 (Exh. 1 § 6.3); Ord. O-23-2005 § 3 (Exh. 1(2) § 6.3)].

16.30.040 Required improvements defined.

A “required improvement” is any legal entitlement such as water rights or other legal or tangible physical improvements required for compliance with state or local statutes and ordinances. Required improvements include, but are not limited to:

A. Drainage System. A drainage system that addresses the impacts of the project on both off-site and on-site surface runoff water and that meets the requirements of Chapter [16.40](#) EMMC;

B. Buffers and Screens. Landscaped buffers, screening fences or walls, and similar improvements required to mitigate potential nuisances;

C. Culinary Water and Wastewater Facilities. Water and sewer mains and related improvements, water storage, lift stations, and other utilities;

D. Water Rights and Sources. Sufficient water, including sources if necessary, and water rights conveyed to the city and usable by the city for municipal purposes acceptable to the city attorney, and to meet all applicable city and other government regulatory standards for the uses proposed;

E. Off-Street Parking Areas. Off-street parking and loading areas, including any required landscaping;

F. Transportation Improvements. Roads and related improvements, including bridges, culverts, traffic control signs, and street trees (when applicable);

G. Sidewalk and Trail Systems. Sidewalks and trail systems, including signage;

H. Parks and Open Space. Parks and open space as required in the preliminary and final approval of the project, including improvements to be made on property to be owned or maintained by a homeowners’ association;

I. Restoration of Native Plants. Restoration of native plant materials and species in natural open space areas when they are disturbed (a temporary irrigation system may be required by the city engineer to stabilize plant material);

J. Utilities. Utilities such as telecommunications, electric power, natural gas, and any required conduit;

K. Street lighting;

L. Fire hydrants. [Ord. O-20-2018 § 2 (Exh. A); Ord. O-06-2015 § 2 (Exh. A); Ord. O-07-2014 (Exh. A); Ord. O-07-2006 § 2 (Exh. 1 § 6.4); Ord. O-23-2005 § 3 (Exh. 1(2) § 6.4)].

16.30.050 Installation at developer’s expense.

The installation of required improvements shall be at the developer’s expense except that the city may choose to participate in the cost of certain improvements in order to correct deficiencies in areas outside the development, or to provide capacity for future development in accordance with the capital facilities plan or

general plan. Where off-site improvements, such as utility extensions, are constructed at the developer's expense, provisions may be included in an agreement for reimbursement by landowners whose property subsequently benefits from the improvements. [Ord. O-06-2015 § 2 (Exh. A); Ord. O-07-2014 (Exh. A); Ord. O-07-2006 § 2 (Exh. 1 § 6.5); Ord. O-23-2005 § 3 (Exh. 1(2) § 6.5)].

16.30.060 Guarantees.

Completion of the improvements identified in a notice of decision and approved plans shall be guaranteed by one of the methods listed below. A separate guarantee shall be required for each phase of the development.

A. Bond. The developer may place an amount equal to 110 percent of the estimated cost of the required infrastructure improvements in escrow or improvement bond, with that amount and the accumulated interest (for a cash escrow bond) being released only after the city has inspected and accepted the required improvements. The city council may approve a phased release of portions of the funds of the bond as work proceeds, but at least 10 percent of the total shall be retained until all required improvements are installed, inspected, and accepted. If any required improvements are not completed, the city shall use as much as necessary of the escrow account or improvement bond to complete those improvements, then return any remaining balance to the developer or bonding agency.

1. Parks, Trails, and Open Space Improvements. All required parks, trails, and open space improvements in the preliminary plat or overall project are required to be improved prior to recording the first plat or a separate cash escrow of \$3,750 per lot must be put in place with the city with each plat to cover the anticipated cost of park improvements. For example: final plat = 20 lots; cash escrow for final plat = \$75,000 (\$3,750 x 20).

B. City Attorney's Approval. Each escrow agreement, improvement bond or other security shall be in a form approved by the city attorney.

C. Engineering Inspections. Required improvements shall be inspected by the city engineer before acceptance. Such acceptance of required improvements shall be by approval of a bond release by the city council, following submission of the developer's written request for acceptance and receipt of the city engineer's report that all improvements have been inspected and are in compliance with this title and EMMC Title [17](#). Fees for the inspection of required improvements shall be remitted prior to the recordation of any final plats or prior to the construction of any public improvements in the case of construction not related to subdivision plats.

D. Parks and Open Space Inspections. Required parks, trails, and open space improvements shall be inspected by the parks and recreation director (or designee) before acceptance. Such acceptance of these improvements shall be following submission of the developer's written request for acceptance and the parks and recreation director's verification that all these improvements have been inspected and are in compliance with this title and EMMC Title [17](#). Fees for the inspection of these improvements shall be remitted prior to the recordation of any final plats or prior to the pre-construction meeting for parks and open space, if improved prior to recording. Escrow releases shall be made a maximum of once every 30 days. Phased escrow releases

as work proceeds may be made at the discretion of the parks director. After city has inspected and accepted the required improvements, city shall accept maintenance responsibility for the improvements (unless an HOA will maintain the improvements) and a 10 percent warranty amount shall be kept for one year and may be used to replace dead trees/shrubs or other failed improvements. Following the out-of-warranty inspection any remaining funds shall be released to the developer.

E. As-Built Drawings. The applicant shall pay the costs associated with the city preparing the as-built drawings of the public improvements prior to the release of any bonding amounts. [Ord. O-20-2018 § 2 (Exh. A); Ord. O-06-2015 § 2 (Exh. A); Ord. O-07-2014 (Exh. A); Ord. O-07-2006 § 2 (Exh. 1 § 6.7); Ord. O-23-2005 § 3 (Exh. 1(2) § 6.7). Formerly 16.30.070].

16.30.070 Warranty of improvements.

A. Each required improvement shall be warranted by the developer for both materials and workmanship for two years after their acceptance. Enforcement of the warranty shall be assured by one of the following:

1. Ten Percent Retention – Escrow. Retention of 10 percent of an escrow account established to comply with this title; or
2. Ten Percent Retention – New Account. Establishment of a new escrow account, in which an amount no less than 10 percent of the cost of the required improvements is deposited, and which shall be released, with accumulated interest, upon expiration of the warranty.

B. Other construction, warranty and maintenance issues include:

1. Maintenance until Final Acceptance. The developer shall be responsible for the maintenance of improvements until there has been a final acceptance of the improvement.
2. Maintenance by Homeowners' Association. Any development that is subject to continuing maintenance requirements – such as multifamily residential developments or condominiums – shall create a homeowners' association. The developer shall submit the proposed declaration of covenants, conditions and restrictions, condominium declarations, articles of incorporation, and bylaws for the community association for review and approval by the city attorney.
3. Maintenance as Required by Title. The maintenance of any developed and/or landscaped open space required for compliance with this title or other city ordinances shall include, but not be limited to, upkeep of landscaping, parks, trails, and fencing, where required; control of noxious weeds; litter removal; and wildfire suppression. Maintenance activities shall not diminish the protected open space values (wetlands, slopes, etc.).
4. Landscape Maintenance. Maintenance of landscaped areas includes the installation and maintenance of an irrigation system, timely irrigation, weed and pest control, and all other activities required to maintain the function of the landscaped area. Sufficient water rights for the maintenance of landscaped areas shall be dedicated to the city.

5. Two-Year Completion. Improvements must be completed within two years of recording the final plat, unless a shorter period is otherwise provided in an agreement.

6. Improvements before Building Permits. Road access must be provided as approved by the city engineer, and fire hydrants must be operational with adequate fire flow as specified in the International Fire Code before any construction within the subdivision will be allowed to proceed above foundation level. Other restrictions contained in the International Building Code or the International Residential Code may also apply.

7. Infrastructure Completed before Certificates of Occupancy. Residential occupancy of structures within a subdivision shall not be allowed until all roads are asphalted, street signs installed, utilities (except telephone) and other required public infrastructure are installed and operable (see EMMC [16.05.100\(D\)](#)). The completion of required public parks may be governed by a notice of decision and shall not necessarily restrict residential occupancy. The city may allow residents to occupy a home when the weather precludes the streets from being asphalted so long as there is a guarantee that the streets will be asphalted when the weather permits.

8. Excavation Permits. Subdivisions that have received final plat approval may obtain an excavation permit to begin construction prior to recordation of final plats. [Ord. O-06-2015 § 2 (Exh. A); Ord. O-07-2014 (Exh. A); Ord. O-07-2006 § 2 (Exh. 1 § 6.8); Ord. O-23-2005 § 3 (Exh. 1(2) § 6.8). Formerly 16.30.080].

16.30.080 Rural residential subdivisions.

Subdivisions that are to be reviewed under agricultural, ~~base density RA1~~, or ~~Tier I residential RA2~~ zone development standards (see Chapters [17.20 and 17.25](#) ~~17.25 and 17.30~~ EMMC) may not be required to install the same public improvements as subdivisions developed in other zones. Requirements to install curbs, gutters, sidewalks, water and sewer utilities, and street lights may be waived by the city council after a recommendation from the planning commission, upon condition that the developer provides for pedestrian circulation and accommodates water and sewer utilities and surface drainage throughout the subdivision. Necessary facilities may include, but not be limited to, trails and pathways, storm drainage detention ponds or secondary water facilities. [Ord. O-06-2015 § 2 (Exh. A); Ord. O-07-2014 (Exh. A); Ord. O-07-2006 § 2 (Exh. 1 § 6.9); Ord. O-23-2005 § 3 (Exh. 1(2) § 6.9). Formerly 16.30.090].

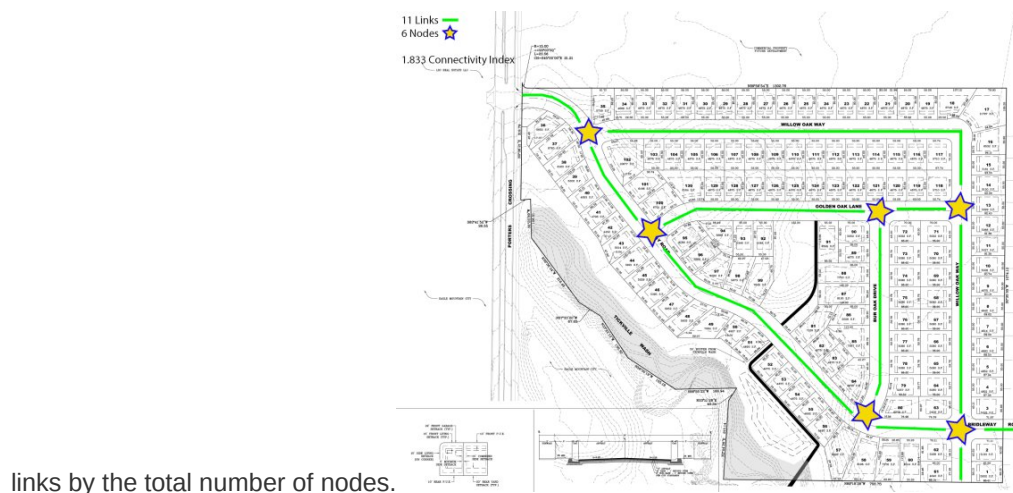
16.30.090 Connectivity standards.

These standards are intended to create a connected transportation system between neighborhoods and commercial areas, with the goal of promoting walkability through additional connections and shorter block lengths, improving emergency response times, providing better routes to schools and parks, preventing isolated developments, and reducing impacts of development on arterial and collector roads by providing alternate routes.

A. A circulation plan shall be provided as part of a preliminary subdivision plat application which shall:

1. Address street connectivity, pedestrian circulation, emergency access, and parking movements. If cut-through traffic is likely, traffic calming measures such as curb extensions, chicanes, raised crossings, or other features shall be required.
2. Show connectivity index, block length dimensions, cul-de-sac length dimensions, pedestrian facilities, and any proposed traffic calming features.
3. Plan must account for access and connectivity on adjacent parcels. On a case-by-case basis the community development director and city engineer may require changes to stub road locations if it will increase the connectivity within an adjacent property.
4. Required for any proposed residential development over one acre in size or with more than 10 units. The planning commission may waive the requirement for a circulation plan on a case-by-case basis according the following criteria:
 - a. Landlocked. Surrounding properties have not provided adequate stub road connections into the project.
 - b. A single multifamily structure (10+ units) is being constructed within an existing multifamily development.
 - c. The proposed development doesn't create any new links or nodes.

B. Connectivity Index Calculation. The required connectivity index is calculated by dividing the total number of



(This example shows 11 links and six nodes which equates to a connectivity index of 1.83)

1. For the purpose of calculating the number of total links, one link beyond each node shall be included in the connectivity index calculation. Street stubs that provide future access to adjacent properties or streets that connect to existing streets are considered links.

a. An additional half link shall be included in the connectivity index calculation for each hard surface pedestrian connection through a cul-de-sac with a minimum width of eight feet with an additional two-foot soft shoulder on each side.

b. An additional quarter link shall be included in the connectivity index calculation for each roadway segment where homes face an amenitized open space, park, or natural area. The roadway segment shall have a minimum 300 feet of frontage along the said open space.

C. Residential Connectivity Standards. All new residential subdivisions with 10 or more units or more than one acre shall meet the following connectivity index: block length and cul-de-sac length standards for public roads. Private roads shall be reviewed on a case-by-case basis; however, a public road may be required to prevent a private road in a subdivision from stubbing into a future or existing public road.

1. Required Connectivity Index. The minimum required connectivity index shall be required based on the project density as identified in the following table of minimum connectivity index scores:

Tier Level Zone Designation	Minimum Index Score
Base RA1	1.25
Tier I RA2	1.5
Tier II FR & R1/R2/R3	1.6
Tier III & Tier IV RC/MF1 & MF2	1.75

a. Reduction in Required Connectivity Index. The required connectivity index may be reduced if the applicant provides clear and convincing evidence that it is impossible or impracticable to achieve due to the following limitations:

- i. Topography;
- ii. Natural features including lakes, rivers, and designated wetlands;
- iii. Existing adjacent development;

- iv. Rail corridors;
- v. Limited access roadways.

Reductions in the required connectivity index will be reviewed on a case-by-case basis and must require recommendations from the reviewing departments and the planning commission and approval by the city council.

The total allowed reduction to the required connectivity index will be based on an analysis of existing conditions that prevent connections. As part of the analysis, city staff will ensure the internal connectivity of the subdivision meets the required connectivity index and that the connectivity is provided to adjacent properties where possible.

2. Maximum Block Lengths. Maximum block lengths allowed shall be required based on the project density as identified in the following table:

Tier Level Zone Designation	Maximum Block Length
Base RA1	1,200'/1,500'*
Tier I RA2	1,000'/1,200'*
Tier II FR & R1/R2/R3	800'/1,100'*
Tier III & Tier IV RC/MF1 & MF2	600'/900'*

* Longer block length permitted if a midblock pedestrian connection is provided.

a. Increase in Block Length. The maximum allowed block length may be increased if the applicant provides clear and convincing evidence that it is impossible or impracticable to achieve due to the following limitations:

- i. Topography;

- ii. Natural features including lakes, rivers, and designated wetlands;
- iii. Existing adjacent development;
- iv. Rail corridors;
- v. Limited access roadways.

Increases in block length will be reviewed on a case-by-case basis and must require recommendations from the reviewing departments and planning commission and approval by the city council.

3. Cul-de-Sac Length Standards. Maximum cul-de-sac lengths allowed shall be required based on the project density as identified in the following table:

Tier Level Zone Designation	Maximum Cul-de-Sac Length
Base & Tier I RA1 & RA2	400'
Tier II, Tier III & Tier IV FR, R1, R2, R3, RC, MF1, and MF2	250'

a. Cul-de-sacs shall not be allowed in ~~Tier II, Tier III, or Tier IV~~ FR, R1, R2, R3, RC, MF1, or MF2 subdivisions unless the applicant provides clear and convincing evidence that a cul-de-sac is necessary to develop the entire parcel due to the following limitations:

- i. Topography;
- ii. Natural features including lakes, rivers, and designated wetlands;
- iii. Existing adjacent development;
- iv. Rail corridors;
- v. Limited access roadways.

Requests for cul-de-sacs within ~~Tier II, Tier III, and Tier IV~~ FR, R1, R2, R3, RC, MF1, or MF2 subdivisions will be reviewed on a case-by-case basis and must require recommendations from the reviewing departments, and planning commission and approval by the city council.

4. External Street Connectivity Standards. In addition to the internal street connectivity standards, external connectivity shall be maintained.

a. Cul-de-Sacs. In cases where cul-de-sacs have one or two rows of lots between the end of the cul-de-sac and an external road, a hard surface pedestrian connection with a minimum width of eight feet and an additional two-foot soft shoulder on each side shall be utilized to connect to the external street.

b. Pedestrian connections shall be utilized to connect proposed developments to master planned trails and adjacent existing or future developments where applicable. Connections shall be a hard surface pedestrian connection with a minimum width of eight feet and an additional two-foot soft shoulder on each side.

5. Nonresidential Connectivity Standards. All new nonresidential subdivisions containing the dedication of public roads shall meet the following connectivity index and block length standards. Private roads shall be reviewed on a case-by-case basis; however, a public road may be required to prevent a private road in a subdivision from stubbing into a future or existing public road.

a. Required Connectivity Index. The minimum required connectivity index score shall be 1.5 for nonresidential developments.

i. Reduction in Required Connectivity Index. The required connectivity index may be reduced if the applicant provides clear and convincing evidence that it is impossible or impracticable to achieve due to the following limitations:

(A) Topography;

(B) Natural features including lakes, rivers, and designated wetlands;

(C) Existing adjacent development;

(D) Rail corridors;

(E) Limited access roadways.

Reduction in the required connectivity index will be reviewed on a case-by-case basis and must require recommendations from the reviewing departments and planning commission and approval by the city council.

The total allowed reduction to the required connectivity index will be based on an analysis of existing conditions that prevent connections. As part of the analysis, city staff will ensure the internal connectivity of the subdivision meets the required connectivity index and that connectivity is provided to adjacent properties where possible.

b. Maximum Block Lengths. Maximum block lengths allowed shall be 1,000 feet for nonresidential subdivision.

i. Increase in Block Length. The maximum allowed block length may be increased if the applicant provides clear and convincing evidence that it is impossible or impracticable to achieve due to the following limitations:

- (A) Topography;
- (B) Natural features including lakes, rivers, and designated wetlands;
- (C) Existing adjacent development;
- (D) Rail corridors;
- (E) Limited access roadways.

Increases in block length will be reviewed on a case-by-case basis and must require recommendations from the reviewing departments and planning commission and approval by the city council.

ii. Cul-de-Sac Standards. Cul-de-sacs shall not be allowed in any nonresidential zone unless the applicant provides clear and convincing evidence that a cul-de-sac is necessary to develop the entire parcel due to the following limitations:

- (A) Topography;
- (B) Natural features including lakes, rivers, and designated wetlands;
- (C) Existing adjacent development;
- (D) Rail corridors;
- (E) Limited access roadways.

Requests for cul-de-sacs within nonresidential zones will be reviewed on a case-by-case basis and must require recommendations from the reviewing departments and planning commission and approval by the city council.

iii. Cross-Access. It is highly encouraged for nonresidential site plans to provide cross-access to adjacent developments to allow auto and pedestrian trips to occur between developments without the need of using the street. [Ord. O-02-2017 § 2 (Exh. A)].

17.10.030 Definitions.

“Multifamily dwelling” means all attached housing products and types, including condominiums, apartments, townhomes, and twinhomes. ~~All multifamily dwellings shall be considered Tier III or Tier IV residential.~~ Multifamily dwellings may include dwelling units intended to be rented and maintained under central ownership or management, or cooperative apartments, condominiums and the like. Any multifamily dwelling in which dwelling units are available for rental or lease for periods of less than one month shall be considered a hotel/motel. See also “Family.”

“Residential, ~~base density~~ Rural Density 1” means the residential zone category that consists of projects with gross densities less than or equal to 0.8 dwelling units per acre. All residential projects are allowed to develop at this density.

“Residential, ~~Tier I~~ Rural Density 2” means the residential zone category that consists of projects with densities between 0.81 and 1.6 dwelling units per acre.

“Residential, ~~Tier II~~ Foothill Residential & Neighborhood Residential 1” means the residential zone category that consists of projects with densities between 1.61 and 5.2 dwelling units per acre.

“Residential, ~~Tier III~~ Neighborhood Residential 2” means the residential zone category that consists of projects with densities between 5.21 and 12.2 dwelling units per acre. ~~Tier III residential~~ Neighborhood Residential 2 is a conditional use in the residential zone and must be processed as part of a master development plan.

“Residential, ~~Tier IV~~ Neighborhood Residential 3” means the residential zone category that consists of projects with densities between 12.21 and 22.7 dwelling units per acre. ~~Tier IV residential~~ Neighborhood Residential 3 is a conditional use in the residential zone and must be processed as part of a master development plan.

17.60.090 Required landscaping.

A. Portions of property that are not developed with structures, rights-of-way, driveways, and parking areas shall be required to be landscaped in all zones (except in the ~~residential base density and Tier I categories~~ Rural Density 1, Rural Density 2, and the agriculture zones). Commercial, industrial, and multifamily dwellings shall adhere to the minimum landscaping standards contained in Table 17.60.160(a), Required Landscape Improvements for Multifamily. The planning commission shall have authority to waive these standards as circumstances dictate.

17.60.150 Lot size transitioning.

New subdivisions that are being proposed adjacent to existing or approved subdivisions and master development plans, building lots in an agriculture zone, or Camp Williams and BLM properties shall have lots that transition in accordance to the following standards:

A. Existing Subdivisions and Master Development Plans of Lower Density. All new developments that are proposing higher densities than existing adjacent development shall follow the transitioning standards of this chapter found in Table 17.60.150(1) and illustrated in Figure 17.60.150(1) to buffer incompatible uses.

Lot Size Transitioning from Larger Lots to Smaller Lots						
Lot Size	1st adjacent lot minimum	2nd adjacent lot minimum	3rd adjacent lot minimum	4th adjacent lot minimum	5th adjacent lot minimum	6th adjacent row minimum
4+ Acres	2 Acres	1 Acre	1/2 Acre	1/4 Acre	Small Single-Family or Tier II FR, R1, R2, & R3	No Additional Buffering Required
3.99 – 1 Acre	1 Acre	1/2 Acre	1/4 Acre	Small Single-Family or Tier II RC & MF1	No Additional Buffering Required	
.99 – .51 Acre	1/2 Acre	1/4 Acre	Small Single-Family or Tier II RC & MF1	No Additional Buffering Required		
.49 – .25 Acre	1/4 Acre	No Additional Buffering Required				
Small Lot/ Tier III RC & MF1	No Buffering Required					

B. Existing Subdivisions and Master Development Plans of Higher Density. All new developments that are proposing lower density than existing adjacent development shall follow the transitioning standards of this chapter found in Table 17.60.150(2) and illustrated in Figure 17.60.150(1) to buffer incompatible uses.

Lot Size Transitioning from Smaller Lots to Larger Lots						
Lot Size	1st adjacent lot minimum	2nd adjacent lot minimum	3rd adjacent lot minimum	4th adjacent lot minimum	5th adjacent lot minimum	6th adjacent row minimum
Condo	Small Single-Family or Tier III RC & MF1	1/4 Acre	1/2 Acre	1 Acre	2 Acres	No Additional Buffering Required
Small Lot/ Tier III RC & MF1	1/4 Acre	1/2 Acre	1 Acre	2 Acres	No Additional Buffering Required	
.25 – .49 Acre	1/2 Acre	1 Acre	2 Acres	No Additional Buffering Required		
.50 – 1 Acre	2 Acres	No Additional Buffering Required				
1.1 – 3.99 Acre	No Buffering Required					

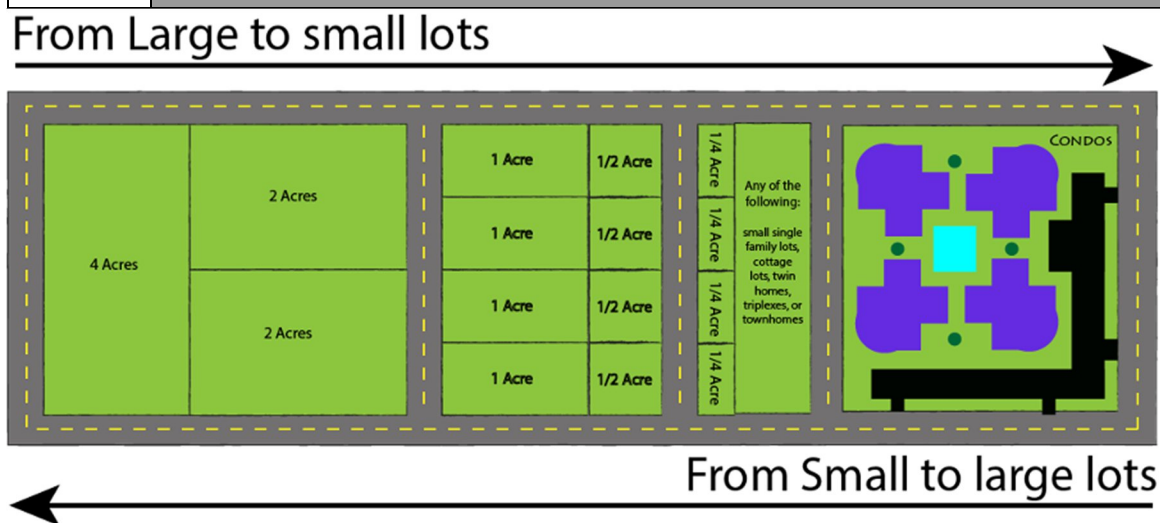


Figure 17.60.150(1) Lot Size Transitioning

16.35.100 Sidewalks, trails, and pathways.

Sidewalks shall be provided along both sides of streets, at the developer's expense, and in compliance with the detailed performance standards of "Eagle Mountain City Construction Specifications and Standards." Sidewalks are required improvements, subject to the guarantee provisions of Chapter [16.30](#) EMMC.

A. Developments Not Requiring Sidewalks. Sidewalks are not required along alleys. Sidewalks, curbs, and gutters may not be required in agricultural, ~~base-density Rural Density 1~~, or ~~Tier I residential Rural Density 2~~ developments (see EMMC [16.30.090](#) and Chapter [17.25](#) EMMC). Notwithstanding other provisions of this title, the city council may determine in the development agreement that sidewalks will not be required on one or both sides of the street. Such determination may be made if lot sizes, traffic patterns, wider roads or other related design factors support a more flexible approach. If sidewalks are not required, the city council may specify the completion of other public facilities in lieu of sidewalks.

B. Improved Trails. Developments shall provide improved trails and pathways constructed to "Eagle Mountain City Construction Specifications and Standards" for bicycle and/or horse use which connect the development to other public facilities such as parks or the major existing and planned trails established in the city's general plan. Connecting trails are required improvements, subject to the guarantee provisions of Chapter [16.30](#) EMMC.

C. Street Lighting. Street lighting shall be installed where necessary to ensure the safety of pedestrians, but may not be required in agricultural, ~~base-density Rural Density 1~~, or ~~Tier I residential Rural Density 2~~ developments (see Chapter [17.25](#) EMMC), except at subdivision entryways. [Ord. O-16-2016 § 2 (Exh. A); Ord. O-27-2006 § 2 (Exh. A § 7.10); Ord. O-07-2006 § 2 (Exh. 1 § 7.10); Ord. O-23-2005 § 3 (Exh. 1(2) § 7.10)].

17.70.060 Approval criteria.

Proposed accessory apartment uses must be in compliance with the following criteria to ensure that health and safety considerations are addressed and that the residential characteristics of neighborhoods are preserved. Accessory apartments are to be clearly incidental and secondary to the residential use of the property. The approval criteria include:

G. Detached Structures. Accessory apartments shall only be permitted in a detached structure away from the principal building on ~~lot in the base-density or Tier I categories of the residential zone, or in the agriculture or airport zones~~ residential lots that are at least 8,000 square feet in size.

17.70.080 Tiny homes on wheels.

A. Permitted as accessory apartments in ~~base and Tier I residential~~ Agriculture, RA1, RA2, RD1, and RD2 zones.

7.10.070 New developments.

~~A. Per EMMC 17.30.080, Tier II residential bonus density entitlements (optional), development density areas participating in the street trees, enlarged park strips, fencing, and street signposts option shall be eligible for an additional 0.7 dwelling unit per acre bonus density entitlement.~~

17.90.080 Disapproval/denial of rezoning applications.



Disapproval or denial of an application to amend the zoning of a property shall preclude the filing of another application to amend the zoning or to reclassify the same parcel of property, or any portion thereof, to a different zoning classification, ~~to a different residential density tier~~, 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 city 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. Prior to the city accepting a new rezone application within the one-year period, the city council must approve a request to resubmit rezone application, clearly stating the new evidence and/or substantial changes in circumstances. An applicant is not entitled to have a request to resubmit rezone application considered by the city council, and such a request shall only be included on the city council agenda in accordance with EMMC [2.15.030](#). [Ord. O-05-2016 § 2 (Exh. A)].

17.10.030 Definitions.

~~“Bonus density”~~ means any density granted above the base density of 0.8 dwelling units per acre.

~~“Bonus density ceiling”~~ means the maximum allowable density available in any particular residential zone category.

~~Chapter 17.30~~

~~RESIDENTIAL ZONE BONUS DENSITY ENTITLEMENTS~~

7.10.070 New developments.

A. Per EMMC ~~17.30.080~~, Tier II residential ~~bonus density~~ entitlements (optional), development density areas participating in the street trees, enlarged park strips, fencing, and street signposts option shall be eligible for an additional 0.7 dwelling unit per acre ~~bonus density~~ entitlement.

16.10.040 General considerations.

E. Development Agreement. Creation of a development agreement that identifies land uses, zoning, residential densities, nonresidential land uses, public and private funding obligations, construction of public and private amenities, impact fees or other development credits, ~~bonus density~~ systems and phasing of the development shall be executed upon approval of the master development plan. [Ord. O-16-2010 § 2 (Exh. A); Ord. O-23-2005 § 3 (Exh. 1(2) § 2.4)].

16.35.105 Park and improved open space requirements.

The amount of land required for parks shall be calculated during the master development plan, preliminary plat and/or site plan approval process, according to the requirements in Chapter ~~17.30~~ EMMC, Residential Zone ~~Bonus density~~ Entitlements. The park requirements are intended to be flexible in order to best meet the recreational needs of a neighborhood.

16.40.090 Impervious cover on slopes – Diagram 16.40.090.

Minimum guidelines shall be incorporated into the erosion and runoff control plans and will govern the amount of impervious area that can be placed on lots of various grades and soil conditions. The limitation of impervious areas shall be taken into account by the developer and ~~bonus density~~ entitlements shall not be calculated on or given for slope and soil constrained lands unless otherwise agreed upon by the planning commission and city council. Diagram 16.40.090, Impervious Area Limitations by Slope and Soil Characteristics, depicts the maximum area of a parcel that may be developed as impervious cover based upon the property's average slope (predevelopment) and soil conditions. Property that has an average slope between eight and 25 percent shall comply with Diagram 16.40.090 and the following standards:

16.35.100 Sidewalks, trails, and pathways.

Sidewalks shall be provided along both sides of streets, at the developer's expense, and in compliance with the detailed performance standards of "Eagle Mountain City Construction Specifications and Standards." Sidewalks are required improvements, subject to the guarantee provisions of Chapter [16.30](#) EMMC.

A. Developments Not Requiring Sidewalks. Sidewalks are not required along alleys. Sidewalks, curbs, and gutters may not be required in agricultural, ~~base-density RA1~~, or Tier I residential developments (see EMMC [16.30.090](#) and Chapter [17.25](#) EMMC). Notwithstanding other provisions of this title, the city council may determine in the development agreement that sidewalks will not be required on one or both sides of the street. Such determination may be made if lot sizes, traffic patterns, wider roads or other related design factors support a more flexible approach. If sidewalks are not required, the city council may specify the completion of other public facilities in lieu of sidewalks.

B. Improved Trails. Developments shall provide improved trails and pathways constructed to "Eagle Mountain City Construction Specifications and Standards" for bicycle and/or horse use which connect the development to other public facilities such as parks or the major existing and planned trails established in the city's general plan. Connecting trails are required improvements, subject to the guarantee provisions of Chapter [16.30](#) EMMC.

C. Street Lighting. Street lighting shall be installed where necessary to ensure the safety of pedestrians, but may not be required in agricultural, ~~base-density RA1~~, or Tier I residential developments (see Chapter 17.25 EMMC), except at subdivision entryways. [Ord. O-16-2016 § 2 (Exh. A); Ord. O-27-2006 § 2 (Exh. A § 7.10); Ord. O-07-2006 § 2 (Exh. 1 § 7.10); Ord. O-23-2005 § 3 (Exh. 1(2) § 7.10)].

17.10.030 Definitions.

"Bonus density" means any density granted above the ~~base-density RA1~~ of 0.8 dwelling units per acre.

"Residential, ~~base-density RA1~~" means the residential zone category that consists of projects with gross densities less than or equal to 0.8 dwelling units per acre. All residential projects are allowed to develop at this density.

17.60.090 Required landscaping.

A. Portions of property that are not developed with structures, rights-of-way, driveways, and parking areas shall be required to be landscaped in all zones (except in the ~~residential-base-density RA1~~ and Tier I categories and the agriculture zones). Commercial, industrial, and multifamily dwellings shall adhere to the minimum landscaping standards contained in Table 17.60.160(a), Required Landscape Improvements for Multifamily. The planning commission shall have authority to waive these standards as circumstances dictate.

16.30.080 Rural residential subdivisions.

Subdivisions that are to be reviewed under agricultural, ~~base-density RA1~~, or Tier I residential zone development standards (see Chapters [17.20](#), [17.25](#) and [17.30](#) EMMC) may not be required to install the same public improvements as subdivisions developed in other zones. Requirements to install curbs, gutters, sidewalks, water and sewer utilities, and street lights may be waived by the city council after a recommendation from the planning commission, upon condition that the developer provides for pedestrian circulation and accommodates water and sewer utilities and surface drainage throughout the subdivision. Necessary facilities may include, but not be limited to, trails and pathways, storm drainage detention ponds or secondary water facilities. [Ord. O-06-2015 § 2 (Exh. A); Ord. O-07-2014 (Exh. A); Ord. O-07-2006 § 2 (Exh. 1 § 6.9); Ord. O-23-2005 § 3 (Exh. 1(2) § 6.9). Formerly 16.30.090].

17.65.060 Generally applicable standards for all home businesses.

N. Long-Term Storage. Long-term storage shall be permitted as a conditional use in agriculture and ~~base-density RA1~~ residential developments under the following circumstances:

1. Minimum lot size: two acres.
2. All storage must be within a legal permitted enclosed structure that maintains the aesthetic qualities of the primary use of the property and the surrounding area.
3. Use must remain secondary to primary residential use of property.
4. The community development director or his/her designee may limit hours of operation and/or total number of clients if necessary to protect the character of the neighborhood. [Ord. O-26-2018 § 2 (Exh. A); Ord. O-19-2011 § 3 (Exh. 1); Ord. O-05-2010 § 2 (Exh. A); Ord. O-10-2007 § 2 (Exh. A § 13.6); Ord. O-02-2006 § 3 (Exh. 1 § 13.6); Ord. O-23-2005 § 3 (Exh. 1(1) § 13.6)].

17.70.060 Approval criteria.

G. Detached Structures. Accessory apartments shall only be permitted in a detached structure away from the principal building on the lot in the ~~base-density RA1~~ or Tier I categories of the residential zone, or in the agriculture or airport zones.



**EAGLE MOUNTAIN CITY
PLANNING COMMISSION MEETING
JULY 14, 2020**

TITLE: DISCUSSION ITEM - Master Development Agreement/Plan

ITEM TYPE: Discussion

APPLICANT: Staff/Planning Commission

ACTION ITEM:

No

PUBLIC HEARING:

No

PREPARED BY:

Michael Hadley, Planning

BACKGROUND:

ITEMS FOR CONSIDERATION:

REQUIRED FINDINGS:

RECOMMENDATION:

ATTACHMENTS:



**EAGLE MOUNTAIN CITY
PLANNING COMMISSION MEETING
JULY 14, 2020**

TITLE:	PUBLIC HEARING - LBiSat (Site Plan)
ITEM TYPE:	Site Plan
APPLICANT:	Scot Hazard

ACTION ITEM:

Yes

PUBLIC HEARING:

Yes

PREPARED BY:

Michael Hadley, Planning

BACKGROUND:

This is a proposal for a satellite communications facility. It is located in the Sweetwater Industrial Park on 10 acres. This project is being proposed with the intention of it being under the Sweetwater Industrial Overlay Zone. Under the overlay zone it is a permitted use as a Communications Facilities and Towers. Final approval for this site plan is contingent on the approval of the rezone of the property to the Sweetwater Industrial Overlay Zone. The applicant is wanting to take the site plan and the rezone to the City Council at the same meeting.

ITEMS FOR CONSIDERATION:

ARCHITECTURAL FEATURES AND DESIGN EMMC 17.72

The building square footage is 13,478 sq ft, this includes an office area and a warehouse area. The building renderings and elevations have been submitted. The proposed design uses some different and acceptable materials. 17.72.040D says that "Large uninterrupted expanses of a building wall are prohibited." The building needs more facade modulation/articulation, and needs to avoid "large, featureless and/or panelized surfaces such as the west facing facade which is visible from the road. The front of the building should have some more articulation and additional material mixture. Per city code. EMMC 17.72.040–L Storage, Loading Areas, and Trash Enclosures. Storage and loading areas and trash enclosures shall be located out of view from public streets, and shall be screened and designed with the architectural style of the building, including materials, colors, details, etc. Chain link fences and fencing with vinyl slats are prohibited as screening. EMMC 17.72.040-2G for building colors states: G. Building Color. Buildings should not be restricted to using desert landscape colors, such as beige, tan, grays, browns, etc. A wide palette of colors is recommended, excluding any neon, ultra-bright,

or reflective colors. Minor deviations from these elevations, still in compliance with the Design Standards, require approval by the Planning Director.

PARKING EMMC 17.72.030 (B) The proposed parking is located in the front of the building between the building and road. Surface parking is typically required to be on the side or the rear of buildings. This parking requirement is important with commercial, retail and office development. It can be up to the Planning Commission to decide whether that is an important requirement in an industrial development. This project has the parking divided into two separate requirements one for office and professional which requires 1 stall per 300 sq ft of gross floor area (6,000 sq ft of proposed area) and warehouse (7,748 sq ft of proposed area) parking which requires 1 stall per 2,000 sq ft of gross floor area. The proposal has 20 parking stalls for the office professional, 4 stalls of warehouse and 1 ADA stall. This complies with city requirement.

LANDSCAPING EMMC 17.60 The applicants have designed the site according to City standards. The LBi Sat has designed the landscaping with water wise design. LBi Sat will be responsible for the maintenance of the landscaping on the site. All plants and trees are drought tolerant.

LIGHTING EMMC 17.56 At the time of this report a lighting plan had not been submitted to staff (EMMC 17.56 Outdoor Lighting). Lights must be dark sky compliant shielded downward and the light source may not be visible from surrounding properties.

SIGNS EMMC 17.80 Any proposed signs will require a sign permit(s) prior to any construction. Staff recommends that the sign contain a maximum height of 5 ft, as required by EMMC 17.80.070-C-3, and the maximum sign copy is 32 sq. ft. The sign should have stone up one side to maintain consistency with other signage in the city. EMMC 17.80.070-C-3 states, "The materials and design shall be consistent for each sign in the development/project.". The sign must have dimming technology that automatically adjusts the display brightness based on light conditions. Pylon signs are not permitted in Eagle Mountain. Rock/Stone/Brick is added to the base 2' up from bottom and one side of monument sign as required by city code (17.80.070B).

TRAFFIC 17.100.070 (10) EMMC A traffic impact study (completed by a professional that is competent in the field of traffic engineering) may be required if it is estimated by the city engineer that the project could generate traffic impacts that require further study or that may require site improvements to transportation facilities.

FENCING AND SCREENING 17.53.060(D) Outdoor storage of equipment, used materials, and wrecked or abandoned vehicles shall be screened behind an opaque fence or wall to be out of sight of major roads. Fencing and screening of outdoor uses shall be reviewed with each individual site plan. It should be noted that this project is not located on any major roads...just normal industrial roads.

REQUIRED FINDINGS:

Site Plan approvals are based upon compliance with City Code requirements and requirements of any applicable development agreements. The approval criteria for a site plan can be found in EMMC 17.100. There is no Development Agreement for this project.

RECOMMENDATION:

The recommended motions are provided for the benefit of the Planning Commission and may be read or referenced when making a motion. The Planning Commission has the option to recommend approval, recommend approving with conditions, table, or recommend denial of the application, and should make one of the following motions:

I move that the Planning Commission recommend approval of the LBiSat site plan with the following conditions:

- 1) The applicant shall submit a lighting plan that complies with the Dark Sky Outdoor Lighting standards (EMMC 17.56).
- 2) The west side and the front of the building shall include more articulation and a increased mixture of materials.
- 3) The final site plan approval is contingent on the approval of the Sweetwater Industrial Overlay Zone rezone.
- 4) All signage will require a sign application and permit.

The Planning Commission may add any conditions that are deemed appropriate.

I move that the Planning Commission table the proposed LBiSat site plan to the next meeting (*state specific reasoning, i.e. lighting plan, architectural changes, fencing changes, etc.*)

ATTACHMENTS:

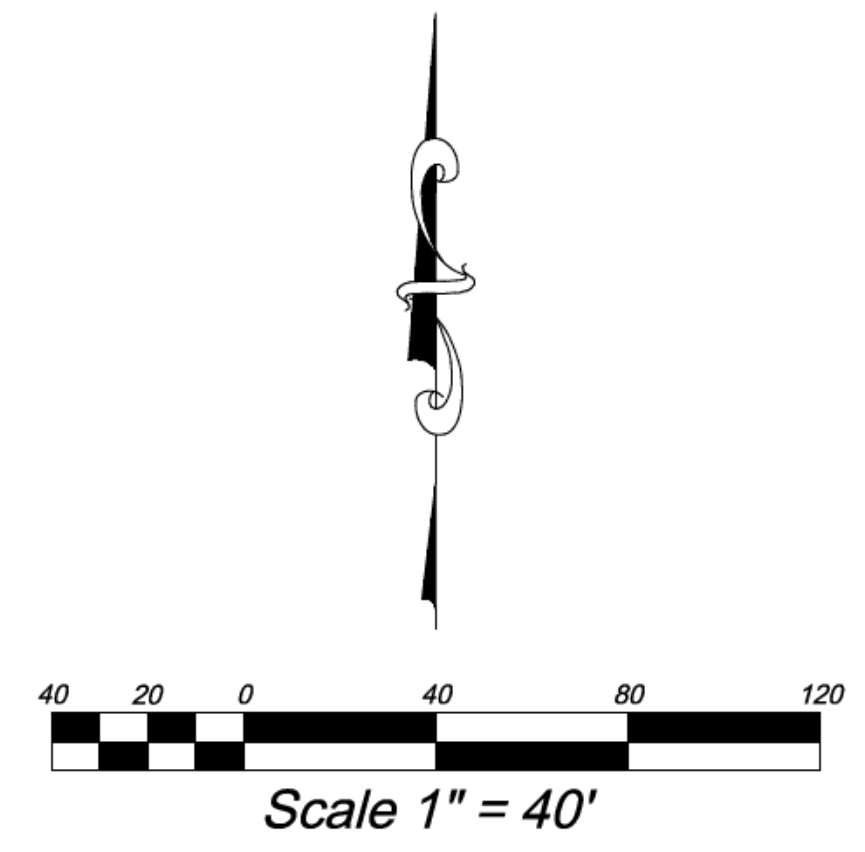
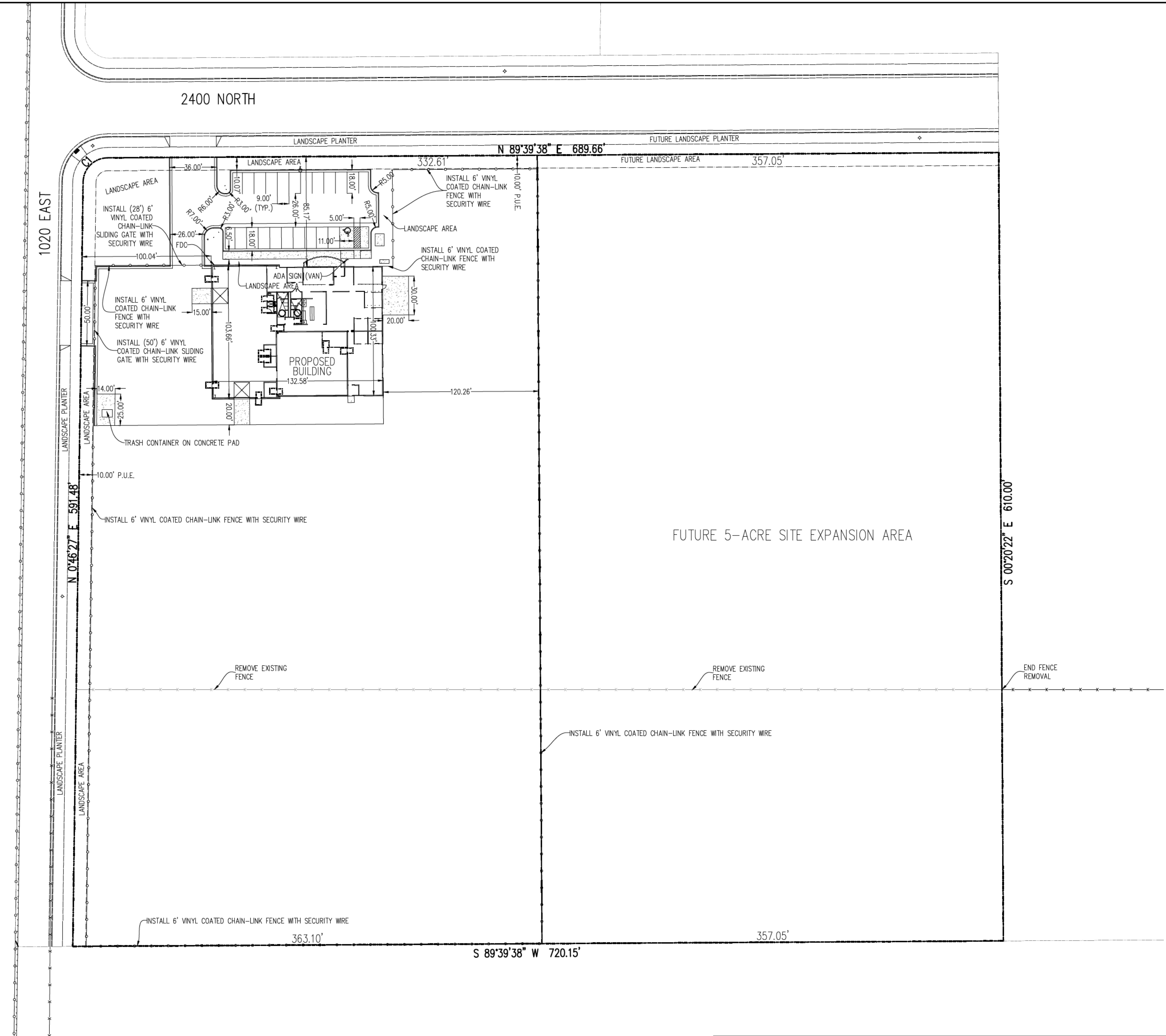
Site Plan

Exterior Elevations

Landscape Plan

Sweetwater Master Site Plan & Preliminary Plat

PC Minutes 05.26.2020



CURVE TABLE

CURVE	RADIUS	LENGTH	DELTA	CHORD	BEARING
C1	19.00	29.48	88°53'11"	26.61	N 45°13'2" E

LAND TABULATIONS

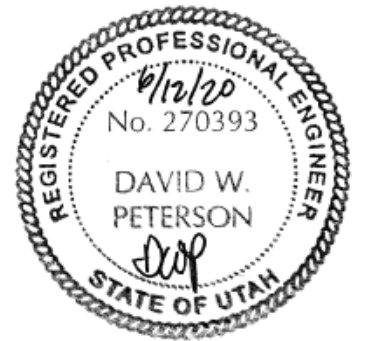
ITEM	AREA	%
TOTAL AREA:	435,600 S.F. (10 ACRES)	
FUTURE SITE EXPANSION AREA:	217,800 S.F. (5 ACRES)	
PROPOSED DEVELOPMENT AREA:	217,800 S.F. (5 ACRES)	100%
BUILDING AREA:	13,478 S.F.	6.2%
LANDSCAPE AREA:	15,168 S.F.	7.0%
IMPERVIOUS AREA:	25,598 S.F.	11.8%
GRAVEL YARD AREA:	163,556 S.F.	75.0%

PARKING TABULATIONS

PARKING REQUIRED:	
OFFICE AND PROFESSIONAL 1 STALL PER 300 S.F. OF GROSS FLOOR AREA 6,000 S.F./300 S.F.	= 20 STALLS
WAREHOUSE 1 STALL PER 2,000 S.F. OF GROSS FLOOR AREA 7,748 S.F./2,000 S.F.	= 4 STALLS
TOTAL PARKING REQUIRED:	= 24 STALLS
TOTAL PARKING PROVIDED INCLUDING 1 VAN ACCESSIBLE STALLS	= 24 STALLS.

SHEET INDEX

C1	SITE PLAN
C2	UTILITY PLAN
C3	GRADING & DRAINAGE PLAN (NORTH)
C4	GRADING & DRAINAGE PLAN (SOUTH)
C5	EROSION CONTROL PLAN
C6	BMP DETAILS
C7	SITE DETAILS



REVISIONS

Rev.	Date	Description

Developer/Property Owner:

Address
Phone

EXCEL
ENGINEERING
David W. Peterson, P.E., License #270393
12 West 100 North, Suite 201, American Fork, UT 84003
P: (801) 756-4504; david@excelcivil.com

LBiSat
EAGLE MOUNTAIN 1082 East 2400 North UTAH

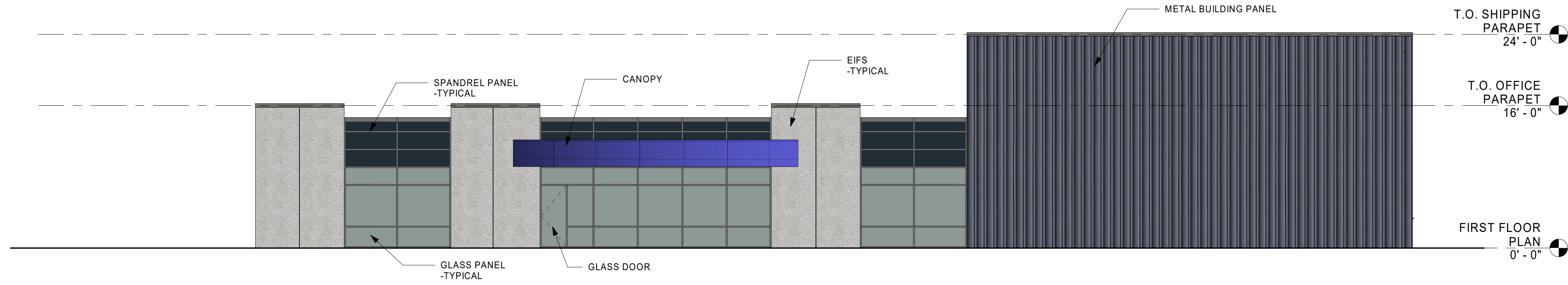
Drawn by:
D.W.P.

Designed by:
D.W.P.

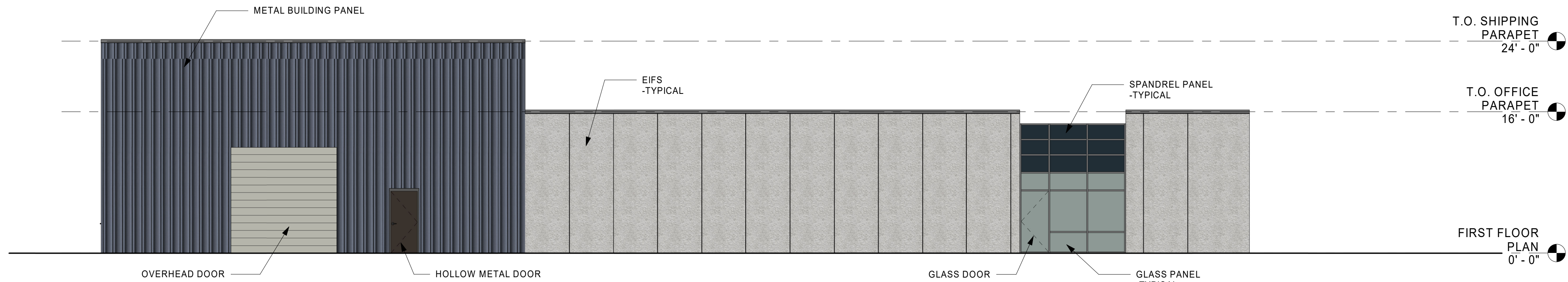
Checked by:
D.W.P.

SITE PLAN

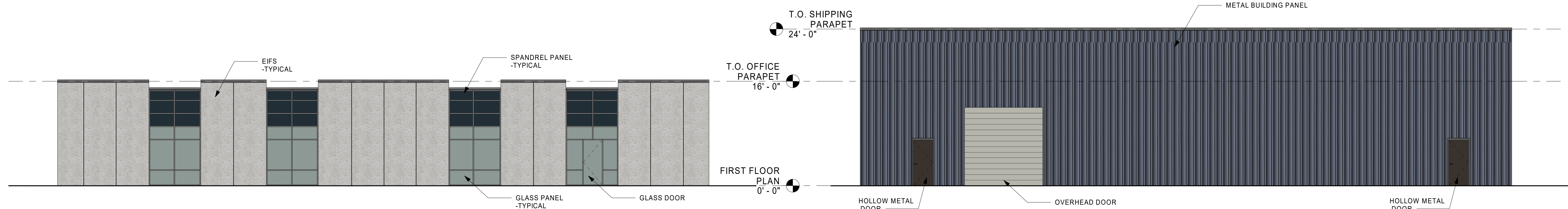
Scale:
1"=40'
Date:
06/12/20
C1 61



1 NORTH EXTERIOR ELEVATION
1/8" = 1'-0"



3 SOUTH EXTERIOR ELEVATION
1/8" = 1'-0"



2 EAST EXTERIOR ELEVATION
1/8" = 1'-0"

4 WEST EXTERIOR ELEVATION
1/8" = 1'-0"



PLANT SCHEDULE

DECIDUOUS TREES	CODE	QTY	BOTANICAL / COMMON NAME	CONT	CAL
	Ag	3	Amelanchier x grandiflora 'Autumn Brilliance' Autumn Brilliance Serviceberry	20 gal.	Multi-trunked
	Co'h	9	Celtis occidentalis Common Hackberry	1.5" Cal	
	Fs'd	1	Fagus sylvatica 'Dawydok' Columnar Beech	1.5" Cal	
	Up'l	9	Ulmus parvifolia Lanceleaf Elm	1.5" Cal	
	Zs'm	8	Zelkova serrata 'Musashino' Sawleaf Zelkova	1.5" Cal	
	Zs'v	2	Zelkova serrata 'Village Green' Sawleaf Zelkova	1.5" Cal	
EVERGREEN TREES	CODE	QTY	BOTANICAL / COMMON NAME	CONT	CAL
	Pn	3	Pinus nigra Austrian Black Pine	6" MIN.	
SHRUBS	CODE	QTY	BOTANICAL / COMMON NAME	CONT	
	Fp	12	Fallugia paradoxa Apache Plume	5 gal	
	Ic's	7	Ilex crenata 'Sky Pencil' Sky Pencil Japanese Holly	5 gal	
	Jc's	45	Juniperus chinensis 'Spartan' Spartan Juniper	5 gal	
	Jh'b	23	Juniperus horizontalis 'Blue Chip' Blue Chip Juniper	5 gal	
	Mr	21	Mahonia repens Creeping Mahonia	5 gal	
	Rf	46	Rhamnus frangula 'Columnaris' Tall Hedge Buckthorn	5 gal	
	Ra	20	Rhus aromatica 'Autumn Amber' Autumn Amber Sumac	3 gal	
GRASSES	CODE	QTY	BOTANICAL / COMMON NAME	CONT	
	C	20	Calamagrostis x acutiflora 'Karl Foerster' Feather Reed Grass	1 gal	

REFERENCE NOTES SCHEDULE

SYMBOL	LANDSCAPE DESCRIPTION	QTY
	2"-4" COPPER CANYON COBBLE: 4" DEPTH. PLANTING AREAS TO RECEIVE MIN. 12" DEPTH OF QUALITY TOPSOIL. IF TOPSOIL IS PRESENT ON SITE, PROVIDE SOIL TEST TO DETERMINE SOIL QUALITY FOR PROPOSED PLANTINGS. WEED SCREEN REQUIRED UNDER ROCK.	4,742 sf
	1.5" WASATCH GREY: 3" DEPTH. PLANTING AREAS TO RECEIVE MIN. 12" DEPTH OF QUALITY TOPSOIL. IF TOPSOIL IS PRESENT ON SITE, PROVIDE SOIL TEST TO DETERMINE SOIL QUALITY FOR PROPOSED PLANTINGS. WEED SCREEN REQUIRED UNDER ROCK.	16,306 sf
SYMBOL	LANDSCAPE DESCRIPTION	QTY
	BOULDERS - DECORATIVE	22
	5.5" DEEP STEEL EDGING - INSTALL PER MANUFACTURER SPECIFICATION.	736 lf
SYMBOL	LANDSCAPE DESCRIPTION	QTY
	4"-7" RIVER ROCK AT BOTTOM OF POND.	782 sf

ISSUE DATE

06-12-2020

PROJECT NUMBER

UT20071

NO.

REVISION

DATE

1	XXXX	XX-XX-XX
2		
3		
4		
5		
6		
7		

811

BLUE STAKES OF UTAH
UTILITY NOTIFICATION CENTER, INC.
1-800-662-4111
www.bluestakes.org

GRAPHIC SCALE: 1" = 20'

PROJECT INFORMATION

LBiSAT

1082 EAST 2400 NORTH

EAGLE MOUNTAIN, UTAH

DEVELOPER / PROPERTY OWNER / CLIENT

Developer / Property Owner:

Client / Engineer:

DAVID W. PETERSON, P.E.
12 West 100 North, SUITE # 201
AMERICAN FORK, UTAH 84003 (801) 756-4504

LANDSCAPE ARCHITECT / PLANNER

3450 N. TRIUMPH BLVD. SUITE 102
LEHI, UTAH 84043 (801) 960-2698
www.pkjdesigngroup.com

LICENSE STAMP

COLOR PLAN

PRELIMINARY PLANS NOT FOR CONSTRUCTION

LP-COLOR

DRAWING INFO

PM: JTA

DRAWN: KBA

CHECKED: TM

PLOT DATE: 6/12/2020

N QTR COR SEC 23
T6S, R2W, SLB&M
ELEV = 4851.41'

HARDING
59:055:0011

BAKER
59:055:0020

SUNSET MOUNTAIN PROPERTIES LP
59:055:0018

SUNSET MOUNTAIN PROPERTIES LP
59:055:0019

MONTE VISTA RANCH LC
59:046:0009

SIEVERS
59:046:0003

MONTE VISTA
RANCH LC
59:046:0008

NW COR SEC 24
T6S, R2W, SLB&M
1976 BRASS CAP
ELEV = 4852.37'

WALDEN
59:045:0073

N QTR COR SEC 24
T6S, R2W, SLB&M
2002 BRASS CAP
ELEV = 4851.62'

DEVELOPMENT AREA
16.36 ACRES

DEVELOPMENT AREA
16.11 ACRES

DEVELOPMENT AREA
19.45 ACRES

DEVELOPMENT AREA
24.58 ACRES

DEVELOPMENT AREA
38.31 ACRES

DEVELOPMENT AREA
32.24 ACRES

LOT 2
4.64 ACRES

LOT 1
10.00 ACRES

DEVELOPMENT AREA
10.58 ACRES

DEVELOPMENT AREA
2.67 ACRES

OVERALL LEGAL DESCRIPTION

Beginning at the Northwest Corner of Section 24, Township 6 South, Range 2 West, Salt Lake Base and Meridian; thence South 88°51'59" East along section line 2537.53 feet; thence South 0°28'20" West along the westerly right of way of Sweetwater Road a distance of 1472.80 feet; thence along the arc of a 30.00 foot radius curve to the left through a central angle of 90°00'35" (chord bears North 44°31'40" West 42.43 feet); thence North 89°31'40" West 567.70 feet; thence South 0°28'20" West 507.69 feet; thence North 88°59'34" West 224.00 feet; thence South 1°00'26" West 89.00 feet; thence South 89°39'38" West 361.13 feet; thence North 1°00'26" West 316.09 feet; thence South 89°39'38" West 1363.61 feet; thence North 0°46'27" East along section line 1070.36 feet; thence North 89°56'46" West along the sixteenth section line 2672.38 feet; thence North 0°21'41" East along quarter section line 1333.60 feet to the North Quarter Corner of Section 33; thence North 89°59'10" East along section line 2682.03 feet to the point of beginning.

Area = 203.62 Acres

CURVE TABLE

CURVE	RADIUS	LENGTH	DELTA	CHORD	BEARING
C1	30.00	47.13	90°0'35"	42.43	N 44°31'40" W

SITE LEGEND

	SECTION CORNER
	PROPERTY CORNER
	PROPERTY LINE
	LOT LINE
	EASEMENT LINE

GENERAL NOTES

- SEE SHEET 3 FOR EXISTING CONTOURS.
- TURNAROUNDS WILL BE PROVIDED AT PHASING LINES WITH A 96-FOOT RADIUS PAVED TURN AROUND OR AN APPROVED PAVED HAMMERHEAD FIRE TURN AROUND.
- BUILDING PADS, BUILDING ENVELOPES, AND BUILDING SETBACKS WILL BE PROVIDED WITH THE FINAL PLAT.
- LIGHTING STANDARDS STILL APPLY TO THIS PROJECT.

PLAT CALCULATIONS

TOTAL ACREAGE:	203.62 ACRES
ROADWAY AREA:	28.31 ACRES
LOT AREA:	175.31 ACRES

BENCH MARK

NORTHWEST CORNER, SECTION 24,
TOWNSHIP 6 SOUTH, RANGE 2 WEST,
SALT LAKE BASE AND MERIDIAN
ELEVATION = 4852.37'
PSOMAS ELEV AT THIS
MONUMENT=4856.02'

LAND SURVEYOR:
AZTEC ENGINEERING INC.
491 N. 450 W.
OREM, UT. 84057
(801) 224-7308

REVISIONS

Rev.	Date	Description

Developer/Property Owner:

Mike Wren
Phone: (801) 636-5948

EXCEL
ENGINEERING

David W. Peterson, P.E., License #270393
12 West 100 North, Suite 201, American Fork, UT 84003
P: (801) 756-4504; F: (801) 756-4511

SWEETWATER INDUSTRIAL SITE PLAN

EAGLE MOUNTAIN

UTAH

Drawn by:
G.J.Y.

Designed by:
G.J.Y.

Checked by:
D.W.P.

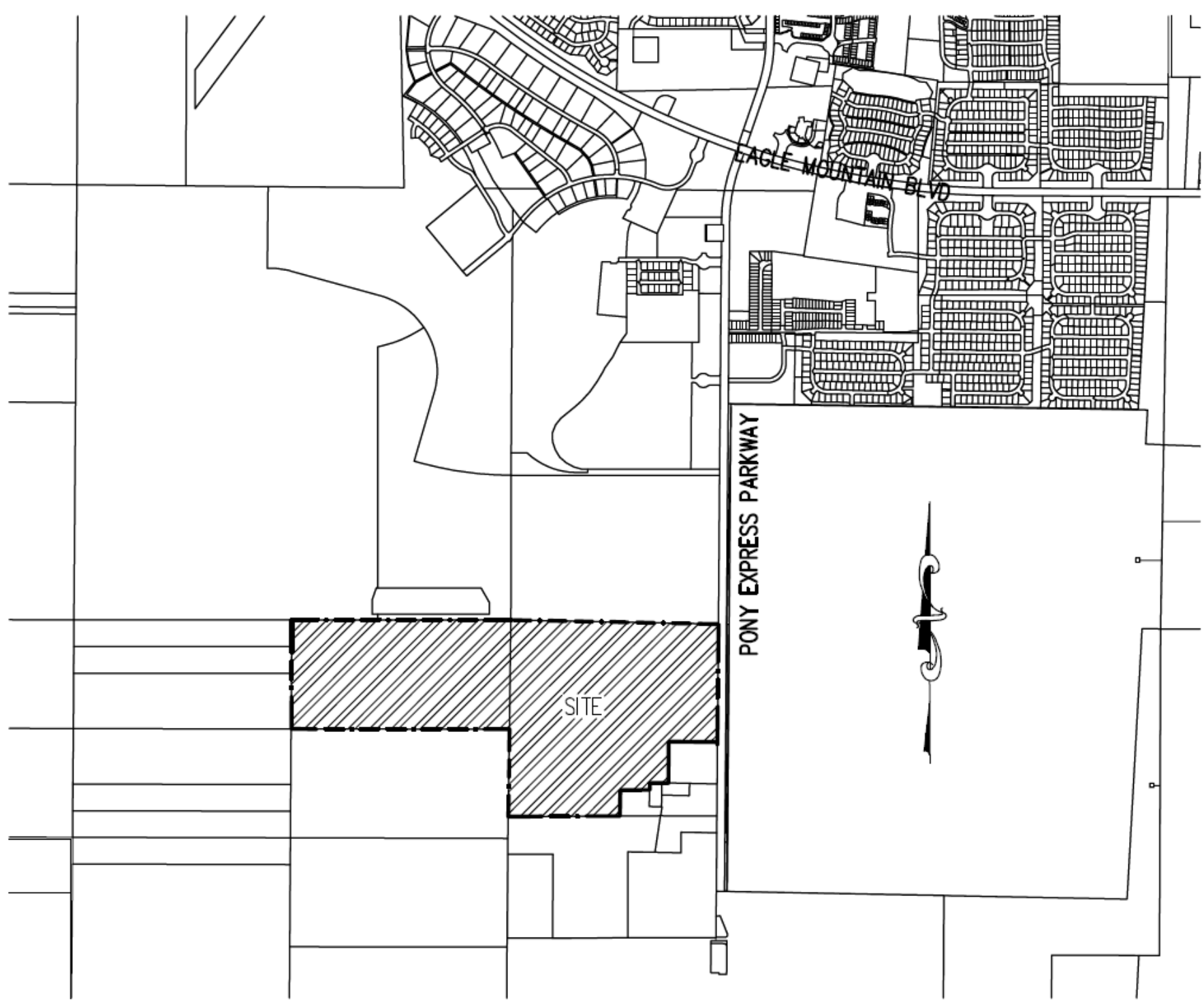
**MASTER SITE PLAN &
PRELIMINARY PLAT**

LOCATED IN SECTIONS 23 & 24, TOWNSHIP 6
SOUTH, RANGE 2 WEST, SLB&M

Scale:
1"=180'

Date:
05/07/20

1 OF 64



VICINITY MAP



Scale 1" = 180'



EAGLE MOUNTAIN Planning Commission MEETING MINUTES

May 26, 2020, 5:30 p.m.
Eagle Mountain City Council Chambers
1650 East Stagecoach Run, Eagle Mountain, Utah 84005

5:30 P.M. – Eagle Mountain City Planning Commission Work Session

COMMISSION MEMBERS PRESENT: Matthew Everett, Christopher Pengra, Erin Wells, Rich Wood, and Brett Wright.

CITY STAFF PRESENT: Steve Mumford, Community Development Director; Michael Hadley, Planning Manager; Fionnuala Kofoed, City Recorder; and Elizabeth Fewkes, Recording Secretary.

Commissioner Wood called the work session to order at 5:34 p.m.

1. Discussion Items

1.A. General Plan Future Transportation Map Review

Community Development Director Steve Mumford presented and reviewed the Future Transportation Map: General Plan Review Discussion. He stated the City Engineer Chris Trusty plans to update the Transportation Master Plan Impact Fee Facilities Plan (IFFP) which will include a City-wide update to the traffic model and recommendations for changes to the transportation network and system. Mr. Trusty suggested to delay the approval or implementation of changes and updates to the Municipal traffic plan until after the completion of the traffic studies and the IFFP update.

Discussion ensued regarding potential transportation system change recommendations for staff to discuss and address with the traffic study consultants. Commissioner Wood requested that Mr. Mumford to update the Planning Commission with study findings when available.

1.B. Development Code Amendments Including, but not Limited to the Industrial Zone & Overlay Zones

The Planning Commission discussed Eagle Mountain Municipal Code (EMMC) Chapter 17.40 Industrial Zone, the desirability of various types of heavy manufacturing uses, and potential concerns.

Commissioner Wood requested that the Industrial Zone return to the following work session and stated the City Council has requested the removal of conditional uses from the Code.

Commissioner Pengra volunteered to present Industrial Zone information and suggestions at the following work session meeting.

The Planning Commission discussed permitted uses and other concerns regarding extractive industries, industrial, and equine overlay zones.

Commissioner Wood requested that staff to include the Sweetwater Industrial Overlay Zone, a historical preservation zone, regional technology and industry overlay zone, ridgeline protection standards, and a water source protection overlay zone on the work session agenda for the next meeting.

1.C. Chapter 17.10 Definitions; Tier and Bonus Density Language Removal

Commissioner Wood stated amendments to the residential zones had resulted in language references to sections that have been repealed. He stated tier and bonus density language needs to be amended or removed from the Municipal Code. Mr. Mumford explained staff is working on identifying Code inconsistencies and special uses standards concerns and will share the findings with the Planning Commission.

6:30 P.M. – Eagle Mountain City Planning Commission Policy Session

Commissioner Wood called the meeting to order at 6:35 p.m. and announced the meeting was being held remotely via Lifesize. Commissioner Wood thanked City Recorder Fionnuala Kofoed and the Recorder's Office staff for facilitating remote meetings.

2. Pledge of Allegiance

Ms. Kofoed led the Pledge of Allegiance.

3. Declaration of Conflicts of Interest

None.

4. Approval of Meeting Minutes

4.A. May 12, 2020 Planning Commission Minutes

The Planning Commission discussed the Auto Zone site plan and recorded plat amendment public hearing and determined the intent of the Commission was to continue the hearing to the meeting in which the item returns.

Commissioner Everett clarified the area of the proposed 7-Eleven and Dollar Tree locations had been proposed residential with townhomes but not rezoned.

MOTION: *Commissioner Wright moved to approve the May 12, 2020 minutes, as discussed. Commissioner Wells seconded the motion. Those voting aye: Matthew Everett, Brett Wright, Rich Wood, Christopher Pengra, and Erin Wells. The motion passed with a unanimous vote.*

5. Status Report

This item was discussed after item 8.

Mr. Mumford stated the City Council approved an amendment to the Sage Park Business Center development agreement that included residential and flex use office buildings and storage units. The discussion focused on the road width to be reimbursed by the City. The applicant agreed to dedicate and improve a 65-foot road width, including 40 feet of asphalt, and the language in agreement included a right-in/right-out access critical to the development with the location to be determined.

Staff began discussing future applications during work sessions with the City Council two weeks prior to the vote on the item. Mr. Mumford discussed and received feedback on the Regional Commercial Zone, the Airpark Zone, and official signs.

6. Action and Advisory Items

6.A. Sweetwater Industrial Park – Master Site Plan & Preliminary Plat – Public Hearing

Mr. Mumford presented the item. The applicant is proposing an industrial master site plan for approximately 203 acres of land to the north and northwest of the City's Community Development Building. The majority of this property is shown in the City's Future Land Use Map as Business Park/Light Industry, with a smaller portion on the northwest side designated as Neighborhood Residential One. The property was zoned as Industrial in the Eagle Mountain Properties Master Development Plan and has not been rezoned since that time.

A master site plan for this property was approved on September 1, 2015 but has since expired. Many of the conditions of approval for the original project were stipulations to comply with City Code requirements such as lighting, parking, landscaping, building height, and streetlights. The current application will need to comply with the current applicable Municipal Code requirements.

Items for consideration:

Roads

The Future Land Use and Transportation Corridors Map includes the following major roadways that impact this project:

- A 122-foot wide minor arterial road on the east side (Pony Express Parkway)
- A 152-foot wide major arterial road on the north side (Tiffany Lane; previously referred to as Pole Canyon Boulevard)
- A north-south collector road (77 or 94 feet) through the project (shown as 1020 East on the site plan)

The master site plan indicates a dedication of 76 feet on the north (half-width of 152 feet), 61 feet on the east (half-width of 122 feet), and 77 feet along the collector road through the project. The plan also shows that the public roads in the project are designed as 77-foot minor collector roads,

with 40 feet of asphalt to allow for a middle turn lane (with alternate striping), as well as 8-foot park strips and 8-foot asphalt or concrete paths.

A portion of the north-south collector road through the project has been designed and will soon be built by the City (in partnership with Facebook), along with an 18-inch waterline. This road will provide an additional access to the Facebook site.

Sweetwater Industrial Overlay Zone

The applicant recently submitted a rezone application to add the Sweetwater Industrial Overlay Zone to this project. (See EMMC Chapter 17.53 for the overlay zone standards.) The purpose of the overlay is to provide for and allow industrial and business opportunities that will provide a buffer zone between the wastewater treatment facility and higher end businesses and industrial uses. The overlay zone includes a list of permitted and conditional uses and some reduced development standards (pedestrian-scaled architecture details not required, metal buildings allowed, gravel parking areas behind buildings, no parking lot landscaping requirements behind buildings, outdoor storage allowed). This application will be brought to the Planning Commission in a future meeting.

Staff recommends that the Planning Commission recommends approval to the City Council of the Sweetwater Industrial master site plan and preliminary plat with the following conditions:

1. The intersections along Tiffany Lane shall be shifted to provide a minimum of 1,320 feet between intersections.
2. A landscape plan shall be submitted for the park strips throughout the development, including street trees and consistent landscaping, to be approved by the City Parks Director.

Mr. Mumford explained the Municipal Code requirement for a master development plan for parcels larger than 160 acres includes standards not applicable to industrial uses. He stated Code allows for the Planning Director to waive certain requirements that may not be necessary for industrial proposals in parcels larger than five acres in size and explained Municipal Code permits the processing of the master site plan application as a master development plan. Commissioner Wood stated the benefits of requiring a master development plan.

Commissioner Wright requested clarification regarding the staff suggestion to provide a public road access to the adjacent properties. Mr. Mumford stated the adjacent properties had never been included in a subdivision plat and would ideally be included as lots in this project had the parcels been owned by a single entity. He stated Municipal Code does not require lot frontage on a public road for industrial areas; however, public road access would prevent potential disputes caused by the removal of a private drive easement in the future.

Discussion ensued regarding road frontage and setback requirements for industrial uses.

Commissioner Wells expressed concern regarding allowing a single access to the adjacent properties.

Mr. Mumford explained the landowner is responsible for half of the road width installation during the development of the property and the remaining road width competition requirement is deferred until the development of the adjacent property, regardless if a single entity owns both properties.

Applicant representative Scot Hazard stated staff has assisted in accelerating the application to allow the applicant to receive feedback due to time-sensitive commercial development opportunities for the property. He expressed willingness to move the intersection to meet Municipal Code standards and to preserve access to the adjacent property. He stated the lots along Tiffany Lane and Pony Express Parkway did not need to be included in the Sweetwater Industrial Overlay zone area as they are intended for commercial uses. He explained industrial uses were desired for the area adjacent to the sewage treatment plant as the area near the plant is undesirable to other uses due to odor and other concerns. He stated potential uses for the area include construction activity, contract construction activity, and satellite communications. The owner desires reduced standards to permit exterior/non-enclosed uses and metal buildings. He stated more detailed plans would be provided during the commercial site plan reviews once specific uses for the lots have been determined. He suggested addressing landscaping with a covenants, conditions, and restrictions to bind all future owners to the terms of the plan for aesthetical congruency.

Commissioner Wells verified the easement to the Miller property was 50-feet wide. Mr. Hazard stated he did not know if the easement had been recorded or only proposed.

Commissioner Wood opened the public hearing at 7:12 p.m. No comments were submitted to the City Recorder's Office phone line at 801.789.6611 or online via the City website at <https://eaglemountaincity.com/city-recorder/city-meetings-portal/#meetingdocs>, and no public was in attendance to make comment. As there were no comments, Commissioner Wood closed the hearing.

Discussion ensued regarding EMMC Chapter 16.10.030 Master Development Plans Required and recommending waiving the requirement for a master development plan for the application to the City Council.

Commissioner Wright stated appreciation for the applicant sharing his intention for the project and for recognizing the lots along Tiffany Lane and Pony Express Parkway were suited for commercial uses not industrial uses and expressed the desire to offer some flexibility with the project.

Commissioner Wells suggested potentially including staff recommendations regarding utility and traffic study concerns as conditions of approval to ensure the issues were addressed by the applicant. Mr. Mumford explained Municipal Code indicates the City Engineer may require a traffic study for a site plan and would not necessarily need to be included as a condition.

Discussion ensued regarding traffic concerns and traffic study requirements for industrial areas. Mr. Hazard stated his willingness to comply with the engineering standards, including utilities, once he receives direction from the City Engineer.

Commissioner Everett suggested permitting landscaping options to create cohesiveness while still allowing flexibility due to the potential for various industrial uses.

Mr. Hazard stated staff recommended a dripline and trees in a park strip. He expressed concern with proper park strip maintenance in industrial applications and suggested low maintenance options such as xeriscaping.

Mr. Mumford stated the Planning Commission and City Council could determine to install medians on the sections of Tiffany Lane and Pony Express Parkway near the property and stated neither street currently includes medians. Commissioner Wood stated medians beautify the City and provide a sense of openness and are more difficult to install after road completion. Mr. Mumford explained the City is responsible for the cost of median installation and maintenance.

Commissioner Pengra expressed concern with funding proper median maintenance in industrial areas and stated the need to bring in additional businesses and taxes prior to raising standards and costs. He expressed concerns with medians impeding truck traffic flow in an industrial area.

Commissioner Wright expressed concerns with medians in an industrial area due to impracticality and truck traffic impediments and safety.

Discussion ensued regarding landscaping requirements and buffering.

MOTION: *Commissioner Pengra moved to recommend approval of the Sweetwater Industrial Park master site plan and preliminary plat to the City Council with the following conditions:*

- 1. The intersection along Tiffany Lane shall be shifted to provide a minimum of 1,320 feet between intersections;*
- 2. An appropriate landscaping plan for the park strip throughout the development, including street trees and consistent landscaping, shall be submitted removing the requirement for medians fronting adjacent to the north on Tiffany Land and the east on Pony Express Parkway; and*
- 3. A master development plan shall not be required as per Chapter 16.10.030 (C).*

Commissioner Wright seconded the motion. Those voting aye: Matthew Everett, Brett Wright, Rich Wood, and Christopher Pengra. Those voting nay: Erin Wells. The motion carried with a vote of 4:1.

Commissioner Wells clarified her vote against the motion was due to the removal of the median requirement and stated decorative rock could be used to reduce maintenance concerns.

Commissioner Wood recessed the meeting at 7:43 p.m. and reconvened the meeting at 7:54 p.m.

6.B. Dollar Tree Site Plan

City Planner Michael Hadley reviewed the item. This item was tabled at the May 12, 2020 planning commission meeting.

The applicant has submitted updated plans since the last meeting.

Mr. Hadley stated the applicant is working with staff on a lighting plan, as the submitted lighting plan that was missing the lumen count calculation; the monument sign will need to comply with Municipal Code and will require a permit.

Mr. Hadley verified the applicants addressed elevation movement and variance concerns and an updated landscaping plan had yet to be submitted due to the applicants' focus on resolving the building design and orientation concerns with the previous site plan.

Commissioner Wood stated a public comment was received from Clinton Spencer regarding the Dollar Tree and 7-Eleven site plans. The public hearings for the site plans were held and closed during the May 12, 2020 Planning Commission meeting.

Applicant representative Ryan Forsythe explained the reorientation of the building caused property lane overlap with the neighboring property due to site space limitations requiring an easement or property, acquirement which is not guaranteed. The applicant asked if the City would allow a Code-compliant monument sign in the right-of-way along Pony Express Parkway, and if an additional curb cut would be allowed in the Pony Express Parkway median between the Dollar Tree and 7-Eleven.

Mr. Hadley stated the City does not allow monument signs in the right-of-way and he would need to review Municipal Code to determine if there are exceptions are allowed. He said he did not believe another curb-cut would be allowed and would need to consult with the City Engineer regarding the request.

Mr. Mumford explained the City partnered with private sign owners and allowed directional signs in the right-of-way. He said he would research if other businesses had been granted right-of-way signage exemptions.

Mr. Forsyth expressed concern with the lack of visibility due to the building orientation and lack of signage. He verified the faux store front is finished with composite material and stated rock columns and window awnings had been added to address elevation concerns.

Applicant representative Steven McMahon, Dollar Tree Manager of Architecture Services, explained the protrusion on the columns is usually six to eight inches.

Discussion ensued regarding addressing of building articulation concerns.

Mr. Forsyth stated Dollar Tree preferred the 5A Site Plan and explained he is in the process of obtaining an easement or land purchase from the adjacent landowner.

Commissioner Wood stated a precedence for monument sign rights-of-way exemptions has been established by businesses such as Cedar Valley Pharmacy located at the intersection of Pony Express Parkway and Ranches Parkway and agreed that locating the signage on the parking strip would reduce visibility. Mr. Mumford explained the sign Commissioner Wood referenced was a

project sign and Municipal Code allows for town center signs to be placed in the right-of-way. He said a few other signs have been granted exemptions to be place signs in the right-of-way.

Commissioner Wright thanked Dollar Tree for returning with a revised submission. He said other than ensuring utility access, he did not have concerns permitting a sign in the right-of-way. He stated the proposed elevations provided sufficient visual variance and was in favor of recommending approval of the revised site plan to the City Council.

Commissioner Pengra stated the architectural elevations were appropriate for the business type and in harmony with the appearance of other City businesses. He stated if the City allows exemptions for municipal signage and semi-permanent ladder signs, business exemptions should also be considered, when appropriate and with consideration of utility access, and felt it was appropriate to make an exemption for the monument sign, as the need for the signage increased due to the applicant accommodating the City with the reorientation of the building.

Commissioner Everett was excused at 8:26 p.m. due to technical difficulties.

Commissioner Wells thanked the applicant for the work and fast turnaround time and suggested increasing the architectural elements on the rear elevations. She stated permitting signage in the right-of-way would be appropriate, for this application, due to the requirement of the drive aisle. She noted the application was incomplete without the lighting and landscaping plans but did not have concerns about the applicant's ability to produce compliant plans.

Commissioner Pengra concurred with Commissioner Wells' concerns regarding the exclusion of the lighting plan and the resulting difficulty in making a recommendation to the City Council without all of the requested materials; however, he expressed preference not to hold and delay the application in this instance.

Mr. Hadley explained staff had received a Code-compliant lighting plan that was missing the total lumens per acreage calculation. He said the City requires for all lighting to shine downwards and the plan meets the architectural design standards. He verified no lighting would be allowed behind the property adjacent to residential areas. Mr. Hadley stated the elevations meet City architectural standards and some of the architectural depth variances are difficult to depict in a rendering.

MOTION: *Commissioner Wood moved to recommend approval of the Dollar Tree site plan 5A to the City Council with the following conditions:*

- 1. The applicant shall meet the lighting code standards in EMMC Chapter 17.56 and present a compliant lighting plan with an updated lumen count to the City Council;*
- 2. The applicant shall work with staff and the City Council on an agreement to allow right-of-way monument signage representing multiple business in the commercial development;*
- 3. The plan shall comply with the architectural standards found in EMMC Chapter 17.72.040(d); and*
- 4. The applicant shall submit a landscaping plan in compliance with EMMC Chapter 17.60.*

Commissioner Pengra seconded the motion. Those voting aye: Brett Wright, Rich Wood, Christopher Pengra, and Erin Wells. Those voting nay: None. The motion passed with a unanimous vote.

7. Discussion Items

7.A. Redstone Farms - Concept Plan

Mr. Hadley presented the item. The Scenic Mountain Master Development Plan was approved by the City Council on October 18, 2016. The Scenic Mountain Master Development Agreement (MDA) was approved by the City Council on November 15, 2016. This is the final development area in the Scenic Mountain Master Development Plan. The proposal consists of 90 townhome units on 5.33 acres, for a density of 16.8 units per acre. This area is zoned as Flex Use on the approved Master Development Plan's Land Use Map and is approved for up to 90 residential units.

Mr. Hadley explained the project required additional improved open space and the pickleball court is most likely the final amenity required for the overall development. He said an applicant representative will provide staff with additional information regarding the open space requirement fulfillment.

Mr. Hadley clarified that Phase C is the final phase in the project and the applicant is working to make the sloped area viable for construction.

Commissioner Everett returned to the meeting at 8:45 p.m.

Commissioner Wood verified the phase did not exceed the total allowed density per the MDA.

Commissioner Wright verified the reduction in allowable density from 120 to 90 unit was due to the Utah Department of Transportation acquiring a portion of the land, the new agreement superseded the terms of the previous MDA, and the community center, fire suppression, and trail connectivity MDA requirements have been met.

Commissioner Wood expressed concern that the intent of the open space requirement had not been met and allocating all of the open space to other areas of the project caused overcrowding in the proposed townhome units.

Applicant representative James Doolin with Land Development Partners, LLC stated the intent of presenting the concept plan was to receive feedback from the Planning Commission regarding the layout and architectural design. He explained the land is under contract to be purchased from Fieldstone Homes. Fieldstone Homes developed the first two phases and the remaining land is bound to the density requirements per the MDA. He stated the concept plan contains the maximum 90 units arranged with rear-loading garages fronting on courtyards to provide open space. He explained grading and lifting plans to make the sloped areas viable for construction, and the roads and private drive layout.

Commissioner Wood stated the side and rear elevations did not comply with City standards and required additional variance and movement. He said community feedback regarding the applicant's product has not been favorable and directed the applicant to EMMC Chapter 17.72.030(A)(2) Multifamily Building Orientation to review the requirements and see a preferred example.

Commissioner Wright noted Municipal Code states "units accessed via rear service drive shall have a man door on the garage side of the unit, and be addressed off the service drive," per the fire Code safety standards. He expressed concern the concept plan did not meet the open/plaza space requirements and invited the applicant to be more creative with the site design to prevent enclosed, tunnel-like walkways between buildings, and include trail connectivity to the other phases.

Mr. Doolin stated blasting would not be required due to the lack of rock.

Commissioner Pengra concurred with the concerns expressed by the other Commissioners. He stated the plan to maximize the density did not create a desirable layout or a differentiated, attractive product; he expressed his opinion that the City Council would not be in favor of the concept plan.

Commissioner Wood expressed concern that the proposed units would reduce the value of the existing homes in the area and suggested the inclusion of cluster homes to provide buffering.

Commissioner Wells stated favor for the front elevations and agreed the side and rear elevations which abut roads needed improvement. She expressed concern the three-bedroom townhomes did not provide sufficient open space for families with children.

Mr. Doolin expressed appreciation for the Planning Commission. He explained some of the developer constraints due to obtaining the property from Fieldstone Homes and limitations due to their product library. He said he will review the feedback and possibly reduce the density to increase open space and include cluster homes.

Commissioner Wright suggested the applicant consider commercial applications for the area or developing townhomes similar to the units west of the property.

Commissioner Everett expressed appreciation that the units presented had rear-loading garages and concurred with Commissioner Wells' approval of the front elevations. He expressed concern with unfavorable aesthetics created by the combination of six to eight units.

Commissioner Wood expressed concern with safe pedestrian passages around and between the units.

Discussion ensued regarding the property having been designated for commercial uses on the Future Land Use Map.

8. [Next scheduled meeting](#)

Mr. Hadley stated the Auto Zone site plan and the City Center Marketplace master site plan applications should return to the following meeting.

Commissioner Wood thanked the Planning Department and Recorder's Office staff for their time and efforts in preparing applications and facilitating meetings.

Commissioner Wells stated she would be unable to attend the next meeting.

Commissioner Everett noted a public comment was received by Louann Newton requesting a Community Center. He suggested that she approach the City Council regarding the matter during the open public comment section of a City Council meeting.

9. [Adjournment](#)

MOTION: *Commissioner Everett moved to adjourn. No second or vote was called.*

The meeting was adjourned at 9:23 p.m.

Approved by the Planning Commission on June 9, 2020.

Steve Mumford, AICP
Community Development Director



**EAGLE MOUNTAIN CITY
PLANNING COMMISSION MEETING
JULY 14, 2020**

TITLE:	PUBLIC HEARING - Development Code Amendment Lot Line Adjustment (EMMC 16.50) & Development Code Amendment Plat Amendments (EMMC 16.55).
ITEM TYPE:	Development Code Amendment
APPLICANT:	Staff

ACTION ITEM:

Yes

PUBLIC HEARING:

Yes

PREPARED BY:

Michael Hadley, Planning

BACKGROUND:

These are proposed code amendments to the lot line adjustment and plat amendment code. The proposed changes to the lot line adjustment code is to require a mylar plat map to be submitted with any lot line application located in any recorded subdivision plat. The way the current code stands an individual can do a lot line adjustment and process it with warranty deeds, this can create problems with title companies, banks and property owners. When a lot line is done with warranty deeds it creates a separate parcel which the title company and banks do not insure with the original legal description. This new parcel can get lost in transfer of title or ownership creating a situation where the new parcel could be owned by someone other than the owner of the recorded plat lot. The parcel could also go without taxes being paid on the new parcel and then eventually end up in a tax sale where someone will purchase the piece and then try to gain financial gains from the property owner that owns the lot. By requiring a mylar plat amendment the current lots will be vacated and then recorded as two new subdivision lots cleaning up any possible issue with multiple parcels.

The change to the plat amendments is section added for minor plat amendments. The minor plat amendments specifically allow staff to process lot line adjustments and minor changes that do not include the addition of lots or vacation, alteration, or amendment of any street. The minor plat amendment changes would be a staff level approval.

ITEMS FOR CONSIDERATION:

REQUIRED FINDINGS:

Development Code Amendments are legislative decisions and are considered valid if reasonably debatable and not illegal.

RECOMMENDATION:

We recommend the following motion:

I move that the Planning Commission recommend approval of the proposed code amendments to EMMC Chapters 16.50 and 16.55 to the City Council as presented (or with minor changes agreed upon at the meeting).

ATTACHMENTS:

[Chapter 16 Plat Amendments - Draft Final](#)

[Lot Line Adjustment - Draft Final](#)

Chapter 16.55 PLAT AMENDMENTS

Sections:

16.55.010 What this chapter does.

16.55.020 Purpose.

16.55.030 Application.

16.55.040 Approval process.

16.55.050 Minor Plat Amendments

16.55.010 What this chapter does.

This chapter establishes the review, submittal requirements, and approval process for a plat amendment. [Ord. O-23-2005 § 3 (Exh. 1(2) § 11.1)].

16.55.020 Purpose.

This process allows for the city council and owners of property to amend a recorded plat. [Ord. O-23-2005 § 3 (Exh. 1(2) § 11.2)].

16.55.030 Application.

The city council, the property owner, or their duly authorized agent shall make application for a plat amendment on forms prepared by the planning director. No plat amendment application may be processed without the submission of the application, all the supporting materials as required by this chapter and the processing fee. Incomplete applications shall not be processed under any circumstance.

A. Supporting Materials. The following items shall be submitted with an application for a plat amendment. The number of hard copies and electronic copies, as well as the appropriate format of each, will be determined by the planning director.

1. Petition. A signed petition shall be submitted that consists of the following: (a) an explanation of the purpose of the proposed amended plat; (b) the name and address of all owners of record of the land contained in the entire plat; (c) the name and address of all owners of record that are adjacent to any street that is proposed to be vacated, altered, or amended; (d) the signatures of each of these owners who consent to the petition.

2. Title Report. A title report shall be submitted for the area proposed to be amended.

3. Proposed Amended Plat. The amended plat shall be submitted. This plat must define what portion of the plat is being amended.
4. Recorded Plat. The recorded plat should be submitted to show the existing boundaries and/or lot lines.
5. Public Notice. Addressed stamped envelopes of all property owners within 600 feet of any boundary of the property to be amended (including a minimum of at least 25 adjacent property owners).
6. Declaration of Covenants, Conditions, and Restrictions. Declaration of covenants, conditions and restrictions shall be submitted for any new lot **if required by the current recorded plat.**
7. Fee. The processing fee required by the current consolidated fee schedule approved by the city council. [Ord. O-23-2005 § 3 (Exh. 1(2) § 11.3)].

16.55.040 Approval process.

The plat amendment application shall not be construed as an absolute right upon submission of an application and does not require the approval body to take action based upon findings of facts. The approval process for a plat amendment shall be as follows:

A. Planning Commission Review. Upon receipt of a completed application and subsequent review by the staff, the planning director shall place the application on the planning commission's agenda within 30 days.

B. City Council Public Hearing. Upon the planning commission's review and recommendation the city council shall have 45 days to conduct a public hearing on the proposed plat amendment if a public hearing is required. A public hearing is required if the proposed plat change includes the vacation of a public street or alley. A public hearing may be required if all of the property owners in the subdivision have not signed the petition or, upon receiving notice of the public hearing, an affected property owner objects in writing to the proposed plat amendment.

1. Public Notice. Public notices shall be given as follows:

- a. Lot Amendment. Each owner of property located within 600 feet of the property (including a minimum of at least 25 adjacent property owners and affected entities if there be any) that is the subject of the proposed plat

change shall receive notice by mail. A copy of the public notice of the hearing shall also be posted in three public places (including the city offices) within the city at least 10 days prior to the hearing. The mailed notice shall include the following:

- i. A statement that anyone objecting to the proposed plat change must file a written objection to the change within 10 days of the date of the notice;
- ii. A statement that if no written objections are received by the appointed person within the 10 days, a public hearing may not be held; and
- iii. The date, place, and time when a hearing will be held, if one is required, to consider a vacation, alteration, or amendment.

b. Street Amendment. If the proposed change involves the vacation, alteration, or amendment of a street, the responsible body or officer shall give notice of the date, place, and time of the hearing by:

- i. Mailing a notice as required in subsection (B)(1)(a) of this section; and
- ii. Publishing the notice once a week for four consecutive weeks before the hearing in a newspaper of general circulation.

C. Adoption of Ordinance. The city council shall consider the criteria in this chapter when reviewing plat amendments. If the plat amendment is approved, the city council shall adopt an ordinance that contains a finding that the city council is satisfied that neither the public nor any person will be materially injured by the proposed vacation, alteration, or amendment, and that there is good cause for the vacation, alteration, or amendment. [Ord. O-23-2005 § 3 (Exh. 1(2) § 11.4)].

D. Minor Plat Amendments. Minor plat amendments may be approved by the planning director or designee if the proposed change involves a minor change not including the addition of lots or vacation, alteration, or amendment of a street. All minor plat amendments are subject to the applicable requirements of the plat amendment code.

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Chapter 16.50 LOT LINE ADJUSTMENTS

Sections:

16.50.010 What this chapter does.

16.50.020 Purpose.

16.50.030 Application.

16.50.040 Approval process.

16.50.050 Review responsibilities.

16.50.060 Criteria for approval.

16.50.010 What this chapter does.

This chapter establishes the application, review and approval process, and duties of the planning director for lot line adjustments. [Ord. O-23-2005 § 3 (Exh. 1(2) § 10.1)].

16.50.020 Purpose.

The lot line adjustment process allows for property boundaries between adjacent parcels to be adjusted under specific circumstances allowed by state law without being subject to the plat amendment or subdivision processes. [Ord. O-23-2005 § 3 (Exh. 1(2) § 10.2)].

16.50.030 Application.

Property owners or their duly authorized agents shall make application for a lot line adjustment on forms prepared by the planning director. No lot line adjustment application may be processed without the submission of the application, all the supporting materials as required by this chapter and the processing fee. Incomplete applications shall not be processed under any circumstances.

A. Supporting Materials. The following items shall be submitted with an application for a lot line adjustment. The number of hard copies and electronic copies, as well as the appropriate format of each, will be determined by the planning director.

1. Title Report. A title report ~~shall be submitted~~ for the properties that are the subject of the lot line adjustment.
2. Recorded Plat. The existing recorded plat that includes the properties that are the subject of the lot line adjustment ~~shall be submitted~~.
3. Legal Description. A legal description for the property to be exchanged and the each of the new lots that will be created ~~shall be submitted~~.

4. Diagrams of Improvements. Diagrams showing the current and proposed lot lines and building setbacks. These drawings must also show the locations of any structures and their respective distances from the proposed lot lines.

5. Locations of Utilities and Easements. A plan that identifies the existing and proposed utilities and easements ~~shall be submitted~~.

~~6. Deed. A signed special warranty deed defining the transfer of property shall be submitted.~~

7. Plat Map. A mylar plat map for any recorded subdivision lot.

8. Letter of Consent. A letter of consent from Aany lending institution that has a lien on any ~~owns~~ property that will be altered by the proposed application ~~must submit a letter consenting to the application.~~

9. Fee. The ~~applicant shall reimburse the city for expenses incurred during the processing of the application plus a 15 percent administration charge prior to the recordation of the deed or the~~ processing fee required by the current adopted consolidated fee schedule. [Ord. O-23-2005 § 3 (Exh. 1(2) § 10.3)].

16.50.040 Approval process. SHARE

Upon submission of the aforementioned materials, the planning director (or designee) will review the application for completeness, accuracy, and for compliance with the criteria for approval. After the planning director (or designee) has reviewed the application, they may approve, approve with conditions, or deny the application. ~~No deed shall be recorded without the city attorney's authorization.~~ [Ord. O-23-2005 § 3 (Exh. 1(2) § 10.4)].

16.50.050 Review responsibilities. SHARE

As part of the review, the city engineer and city attorney will perform the following duties:

A. City Engineer. The city engineer will verify that the proposed property boundaries close and that there are no conflicts with the existing utilities in the easements and the proposed property boundaries. The city engineer will require that the altering of any property lines shall also include the adjustment of utilities to be located within the easements.

B. City Attorney. The city attorney will review the title reports, ~~proposed deed~~, plat map, and letters of consent. [Ord. O-23-2005 § 3 (Exh. 1(2) § 10.5)].

16.50.060 Criteria for approval.



The planning director (or designee) may only approve proposed lot line adjustments if the application meets all of the following criteria listed below:

A. No New Dwelling. No new dwelling unit or lot shall be created as a result of approval of the proposed lot line adjustment.

~~B. Consent. The adjoining property owners shall consent to the lot line adjustment application.~~

B. Remnant Land. No remnant land shall be created that did not previously exist prior to the lot line adjustment being approved.

C. Violation of Land Use Requirements. No violation of the city's land use requirements shall be created as a result of the lot line adjustment ~~being approved~~.

D. Other Processes. Failure to meet all of the approval criteria will result in denial of the lot line adjustment and may cause the request to be processed as a plat amendment or subdivision. [Ord. O-23-2005 § 3 (Exh. 1(2) § 10.6)].

Home



The Eagle Mountain Municipal Code is current through Ordinance O-06-2020, passed April 7, 2020.

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