



Planning and Development Services

2001 S. State Street N3-600 • Salt Lake City, UT 84190-4050

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www.pwpds.slco.org

Copperton Metro Township Planning Commission

Public Meeting Agenda

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

Location

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

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

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

PUBLIC HEARING

30912 – Ordinance Amendment – Hearing and recommendation for the adoption of chapter 19.20 “Open Space (OS) Zones,” to create a zoning designation for both developed and natural open spaces in Copperton. **Planner:** Curtis Woodward

BUSINESS MEETING

- 1) Election of Chair and Vice Chair 2019 (Continued)
- 2) Approval of Minutes from the March 12, 2019 meeting.
- 3) RCOZ discussion with the Metro Township Council
- 4) Continued discussion of zoning and subdivision ordinances
- 5) Other Business Items (as needed)

ADJOURN

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File # 30912

Ordinance Summary and Recommendation

Public Body: Copperton Metro Township Planning Commission

Meeting Date: April 9, 2019

Request: Creation of a new chapter to the zoning ordinance which establishes 2 types of open space zones, the OS-P for developed open space like parks, and the OS-N for natural open space (which may include trails and trailheads).

Planner: Curtis Woodward

EXECUTIVE SUMMARY

The planning commission previously discussed the creation of an open space zone that was based off of the open space zone used by the city of South Jordan. The Copperton Metro Township Council has authorized the planning commission to hold a public hearing and make formal recommendation to the Council for action.

The proposed ordinance contains two zones, the OS-P and the OS-N. The OS-P is primarily for developed open space like parks, while the OS-N is primarily for natural open space.

PLANNING STAFF ANALYSIS

Based on input from the planning commission at the previous meeting where this ordinance was discussed, staff has suggested some changes to the text to further differentiate between the OS-P and OS-N zones. Uses that involve the development of land, such as amphitheaters, community gardens, and botanical gardens have been removed from the OS-N, and trails, trailheads, and associated potential improvements (such as parking lots and restrooms) have been moved from list of permitted uses to the list of conditional uses.

PLANNING STAFF RECOMMENDATION

Staff recommends that the planning commission open a public hearing to receive public input, and after having received that input, close the public hearing and adopt the following motion:

“Move to recommend approval of the Open Space Zones chapter of the zoning ordinance with the amendments to the text from previous drafts of the ordinance as indicated in the staff report.”

Chapter 19.20 OPEN SPACE (OS) ZONES

19.20.010: PURPOSE:

The open space zones may be cited as the "OS-P" (Park Open Space) or "OS-N" (Natural Open Space) and are established to provide areas where large and small scale open space amenities can be located in the Metro. Generally, these areas are to be open or largely undeveloped. The zones are intended to encourage a comprehensive network of permanent, multifunctional, publicly and privately owned open spaces. Development standards are designed to prevent the encroachment of residential, commercial, and industrial uses into open space areas and to help implement open space objectives of the Metro's general plan.

19.20.020: USE REGULATIONS:

Uses may be conducted in OS zones only in accordance with the following regulations:

- A. Only allowed permitted, conditional or accessory uses as set forth in this chapter may be conducted in OS zones. A conditional use permit must be obtained prior to the establishment of a conditional use.
- B. Accessory uses and buildings are permitted in OS zones only in conjunction with allowed permitted and conditional uses. Accessory uses include, but are not limited to, parking lots and terraces, properly screened utility and loading areas and other buildings and activities which are incidental and subordinate to the principal permitted or conditional use on the premises.
- C. There shall be no open storage of trash, debris, used materials, wrecked or neglected equipment or materials in OS zones.
- D. No vehicle, boat or trailer, or parts thereof, which is in a wrecked, junked, dismantled, inoperative or abandoned condition, attended or not, may be parked or stored in OS zones for longer than seventy two (72) hours unless stored within a completely enclosed building.
- E. No commercial vehicles such as earthmoving or material handling equipment, semitrucks or trailers or any commercial truck, trailer or vehicle may be stored in OS zones for longer than seventy two (72) hours, except in conjunction with an approved use or approved development or construction activities on the property.
- F. Utility trailers and recreational vehicles such as motorhomes, travel trailers, watercraft, campers and all-terrain vehicles, may not be stored in any area in OS zones.

19.20.030: DEVELOPMENT REVIEW:

All uses proposed in OS zones may only be established in conformance with development review procedures of the Metro. Applicants shall follow the procedures and requirements of this code regarding development review in the preparation and review of development proposals in the OS zones. All uses shall be conducted according to the approved plan or plat and any conditions of approval. Plans or plats may not be altered without prior approval of the Metro, except as allowed under state law.

19.20.040: LOT WIDTH AND FRONTAGE:

No minimum lot width is required for lots in the OS zone except that parcels shall have sufficient frontage or access to accommodate proposed development. Parcels not fronting on a street must be accessible via a recorded easement or right of way.

19.20.050: AREA REQUIREMENTS:

The following area requirements shall apply in the OS zone:

- A. Minimum Zone Area: The minimum area in an OS zone shall be one acre.
- B. Minimum Lot Area: There shall be no minimum lot area in OS zones except that parcels shall have sufficient size to accommodate proposed development.

19.20.060: PRIOR CREATED LOTS:

Nonconforming lots or parcels of land which legally existed or were created by a preliminary or final plat approval prior to the establishment of an OS zone shall be brought into conformance with the requirements of this chapter prior to development.

19.20.070: PARKING AND ACCESS:

Parking areas and access in OS zones shall meet requirements of the zoning ordinance.

19.20.080: FENCING, SCREENING AND CLEAR VISION:

The following fencing, screening and clear vision requirements shall apply in OS zones:

- A. All mechanical equipment, antennas (where possible), loading and utility areas and trash dumpsters shall be screened from view with architectural features or walls consistent with materials used in the associated buildings.
- B. The boundary of an OS zone which is not in or adjacent to a street and which is adjacent to a residential or agricultural zone may be required to be fenced. Fencing or landscaping techniques may be required to buffer and protect waterways, trails, parks, open spaces or other uses as determined with development approval.
- C. No wall, fence or screening material shall be erected between a street and a front or street side building line in OS zones, except as required in subsection A of this section.
- D. Landscape materials, except for mature trees which are pruned at least seven feet (7') above the ground, and fences shall not exceed three feet (3') in height within a ten foot (10') triangular area formed by the edge of a driveway and a street right of way line or within a thirty foot (30') triangular area formed by the right of way lines of intersecting streets.

19.20.090: ARCHITECTURAL STANDARDS:

The following architectural standards are required in OS zones:

- A. Architectural drawings and elevations, exterior materials and colors of all buildings shall be submitted in conjunction with site plan review. In projects containing multiple buildings, a design book containing architectural theme, features, exterior materials and colors governing the entire project shall be submitted.
- B. All building materials shall be high quality, durable and low maintenance.
- C. Exterior walls of buildings, in excess of sixty feet (60') in length, shall have relief features at least four inches (4") deep at planned intervals. All sides of buildings shall receive design consideration.
- D. Signs shall meet requirements of the zoning ordinance and shall be constructed of materials which complement the buildings which they identify.
- E. The maximum building height in OS zones shall be thirty five feet (35'), unless otherwise approved by the planning commission.
- F. The exteriors of buildings in the OS zone shall be properly maintained by the owners.

19.20.100: LANDSCAPING REQUIREMENTS:

The following landscaping requirements and standards shall apply in OS zones:

- A. The front, side and rear yards of lots in OS zones, shall be landscaped and properly maintained with grass, deciduous and evergreen trees and other plant material approved in conjunction with a site plan or plat for the development. Natural open space areas shall incorporate plant materials as provided in the Metro's "Foothills and Canyons Overlay Zone".
- B. All areas of lots in OS zones not approved for parking, buildings or other hard surfacing shall be landscaped and properly maintained with grass, deciduous and evergreen trees and other plant material approved in conjunction with a site plan or plat for the development. Natural open space areas shall incorporate plant materials as provided in the Metro's "Foothills and Canyons Overlay Zone".
- C. A minimum of thirty percent (30%) of required yard area trees shall be minimum seven foot (7') evergreens. Deciduous trees shall be minimum two inch (2") caliper. Deciduous and evergreen trees required in this section need not be equally spaced but shall be dispersed throughout the required yard areas on the site.
- D. All collector streets and other public and private park strips in OS zones shall be improved and maintained by the adjoining owners according to specifications adopted by the Metro unless otherwise allowed with development approval.
- E. Trees may not be topped nor may any landscape material be removed in OS zones without Metro approval. Any dead plant material shall be replaced in accordance with the requirements of this chapter and the conditions of site plan or plat approval.
- F. The landscaping in parking areas in OS zones shall comply with the requirements of 19.77.060.
- G. Development which is contiguous to canals, streams or drainage areas shall make reasonable efforts to include banks and rights of way in the landscaping of the project and the urban trails system. Any areas so included and perpetually preserved may be counted toward required yard space. If approved by the Metro engineer, waterways which traverse developments may be left open if properly landscaped and maintained by the adjacent owners. Waterways may not be altered without written approval of any entity or agency

having jurisdiction over said waterways.

H. All required landscaping in OS zones shall be installed (or escrowed due to season) prior to occupancy.

I. All landscaped areas, including adjoining public right of way areas, shall be properly irrigated and maintained by the owners.

19.20.110: LIGHTING:

A lighting plan shall be submitted with all new developments in the OS zone. Site lighting shall be shielded to prevent glare on adjacent properties.

Lighting fixtures shall be architectural grade with a unified streetlight design, as approved by Public Works.

19.20.120: OTHER REQUIREMENTS:

A. Grading And Drainage: All development sites in OS zones shall be graded according to the Metro engineering and building requirements to provide adequate drainage. Buildings shall be equipped with facilities for the discharge of all roof drainage onto the subject lot or parcel.

B. Maintenance: All private areas in developments shall be properly maintained by the owners.

C. Easements: Buildings may not be located within a public easement.

D. Phasing Plan: A project phasing plan shall be submitted for review at the time of plat or site plan approval. Development shall be in accordance with the phasing plan unless a revised phasing plan is approved by the Metro.

19.20.130: REQUIREMENTS UNIQUE TO THE PARK OPEN SPACE (OS-P) SUBDISTRICT:

Purpose of the OS-P Subdistrict: The purpose of this subdistrict is to encourage the acquisition and development of park open space acreage within the Metro. The focus of the zone is to help implement the open space and recreational goals and policies of the Metro's general plan, as well as the Metro's open space master plan, in regard to developable open space.-

19.20.140: PERMITTED USES IN THE OS-P SUBDISTRICT:

The following uses may be conducted in the OS-P subdistrict:

- Accessory uses to approved permitted and conditional uses, such as, but not limited to, restrooms, parking lots, properly screened utility and loading areas, the preparing and serving of food and beverages, the sale of equipment and supplies in connection with approved recreational activities, and other buildings and activities which are incidental and subordinate to the principal permitted use on the premises.
- Botanical gardens.
- Community gardens.
- Conservation areas, including, but not limited to, watershed areas, wildlife refuges, wetlands, woodlands, and riparian areas.
- Nature or zoological exhibits and facilities.
- Open air theaters, amphitheaters, and meeting places.

- Trails, trailheads, and walkways.

19.20.150: CONDITIONAL USES IN THE OS-P SUBDISTRICT:

- Cemetery.
- Parks and recreational areas, including, but not limited to, playgrounds, athletic fields, golf courses, country clubs, tennis courts, pavilions, dog parks, urban fisheries, and swimming pools.
- Public, quasi-public facilities.
- Telecommunications, meeting the requirements of the zoning ordinance.

19.20.160: REQUIREMENTS UNIQUE TO THE NATURAL OPEN SPACE (OS-N) SUBDISTRICT:

A. Purpose Of The OS-N Subdistrict: The purpose of this subdistrict is to encourage the acquisition and protection of natural open space acreage within the Metro. Activities that may have a detrimental effect upon natural open space are discouraged. The focus of the zone is to help implement the open space goals and policies of the Metro's general plan in regards to the protection of natural open space.

19.20.170: PERMITTED USES IN THE OS-N SUBDISTRICT:

The following uses may be conducted in the OS-N subdistrict:

- ~~— Accessory uses to approve permitted and conditional uses, such as, but not limited to, restrooms, parking lots and other buildings and activities which are incidental and subordinate to the principal permitted use on the premises.~~
- ~~— Botanical gardens.~~
- ~~— Community gardens.~~
- Conservation areas, including, but not limited to, watershed areas, wildlife refuges, wetlands, woodlands, and riparian areas. Nature or zoological exhibits and facilities.
- ~~— Open air theaters, amphitheaters, and meeting places.~~
- ~~— Trails, trailheads, and walkways.~~

19.20.180: CONDITIONAL USES IN THE OS-N SUBDISTRICT:

- ~~—~~ Parks for the preservation of natural open space and trails. Public, quasi-public facilities.
- Trails, trailheads, and walkways, including accessory uses such as restrooms, parking lots and other buildings and activities which are incidental and subordinate to the principal permitted use on the premises.



MEETING MINUTE SUMMARY
COPPERTON METRO TOWNSHIP PLANNING COMMISSION MEETING
Tuesday, March 12, 2019 6:00 p.m.

Approximate meeting length: 1 hour 1 minute
Number of public in attendance: 0
Summary Prepared by: Wendy Gurr
Meeting Conducted by: Commissioner Green

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

ATTENDANCE

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

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

BUSINESS MEETING

Meeting began at – 6:13 p.m.

- 1) Election of Chair and Vice Chair 2019
 Election of Chair
Motion: Continue to the April 9th meeting.
Motion by: Commissioner
2nd by: Commissioner
Vote: Commissioners voted unanimous in favor (of commissioners present)

 Election of Vice Chair
Motion: Continue to the April 9th meeting.
Motion by: Commissioner
2nd by: Commissioner
Vote: Commissioners voted unanimous in favor (of commissioners present)
- 2) Approval of Minutes from the February 12, 2019 meeting
Motion: To approve minutes from the February 12, 2019 meeting as presented.
Motion by: Commissioner Taylor
2nd by: Commissioner Stone
Vote: Commissioners voted unanimous in favor (of commissioners present)
- 3) Continued discussion of zoning and subdivision ordinances
Mr. Woodward apologized for not having a public meeting and will plan for the next meeting to allow for noticing.

Commissioners and staff had a brief discussion regarding the zoning of open space.

19.66 – M-1 Manufacturing Zone

19.66 – No questions or changes

19.68 – M-2 Manufacturing Zone

19.68 – No questions or changes

19.69 – Planned Community (P-C) Zone

19.69 – Planning Commission discussed the P-C zone to council on the books and if the council would like the planning commission to have a hearing for recommendation or wait. Commissioner Green said his suggestion is take it to the council and report back to planning commission.

4) Other Business Items (as needed)

No other business items to discuss.

MEETING ADJOURNED

Time Adjourned – 7:14 p.m.



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30704

Ordinance Summary

Public Body: Copperton Metro Township Planning Commission

Meeting Date: April 9, 2019

Request: Work Meeting with the Metro Council

Planner: Curtis Woodward

PROJECT DESCRIPTION

At the meeting of November 13, 2018, the Copperton Metro Township planning commission voted to recommend approval of the residential compatibility ordinance, which would replace Chapter 19.71 of the current County Zoning Ordinance with a chapter to regulate new residential construction within the Copperton Metro Township.

On November 28, 2018, the Metro Council discussed some concerns they had with the ordinance, particularly with regard to the appeals process. At their March 2019 meeting, planning staff suggested Council members meet with the planning commission in a work session to discuss those concerns.

Attached to this report is a copy of the ordinance as forwarded by the planning commission with comments in the margin representing thoughts of the attorney for the Metro Township Council.

Chapter 19.71 - RESIDENTIAL COMPATIBILITY DESIGN STANDARDS

19.71.010 - Purpose of provisions.

- A. The general purpose of the residential compatibility design standards is to:
 - 1. Promote public welfare and to balance neighborhood compatibility with the private property interests of those who wish to construct new dwellings,
 - 2. Encourage new development, including the subdivision of lots, that is compatible with the character of the existing development,
 - 3. Foster civic pride in the history of the Copperton Metro Township,
 - 4. Protect and enhance the attraction of the Metro Township's historic character for residents and visitors, and,
 - 5. Encourage social, economic and environmental sustainability, and
 - 6. To require approval from the Copperton Metro Township planning and development services division (the "division") for the construction of all new residential homes.
- B. Recognizing the wide variation of circumstances incident to a residential application and the need for architectural freedom, the metro township ~~is adopting a~~ shall use the below three-tiered approach when evaluating applications to construct a new residential home:
 - 1. Option A provides for strict standards of height, area, and setback with permits issued by the Copperton Metro Township planning and development services division (the "division").
 - 2. Option B allows the division to consider deviations from ~~one or more of the specific~~ standards provided in Option A based upon the compatibility of the proposed residential application with other houses in the immediate neighborhood.
 - 3. Option C allows a planning commission to consider at a public hearing a special exception for unusual or extraordinary circumstances that justify deviations from one or more of the limitations under Options A and B.

Commented [NSB1]: Is this intent that this lines up with the Copperton Code or the Salt Lake County Code.

I assume that Copperton will continue to follow all other aspects of Salt Lake County's zoning ordinances, meaning that the Salt Lake County Code will continue to cover non-residential construction and multi-family homes.

Commented [NSB2]: Is the subdivision of lots and the potential increase in density and growth associated with subdivision something Copperton wants to encourage?

Commented [NSB3]: I assume this presumes Copperton will continue to use the County's planning and zoning division?

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Commented [NSB4]: I think this is more accurate. As drafted, the ordinance does not allow the division to approve deviations from the requirements regarding: (1) proportion of principal facades; (2) front and rear yard; (3) building envelope; and (4) composition of principal facades. Deviations for these aspects would require special permission from the planning commission.

19.71.020 - Overlay zone, scope and application.

- A. Geographic Area of Application. The standards and regulations contained in this chapter shall apply to ~~the construction of all new residential homes~~ construction commenced after the effective date of this chapter in the Copperton Metro Township, according to the zones listed in Table I below.
- B. Applicability to Lots of Record. The standards and regulations contained in this chapter shall apply to all legally subdivided lots, including those that were recorded prior to the enactment of this chapter.
- C. Exemption for Previous Residential Development. Noncomplying buildings or structures commenced or completed prior to the enactment of this chapter are exempt from the requirements of this chapter.
- D. Inconsistent Provisions. When the provisions of this chapter are inconsistent with provisions found in any other chapters of ~~the Copperton m~~ Metro T township ordinances, the most restrictive provisions shall apply.
- E. The planning commission shall review subdivision plats proposed for property within the Metro Township and may require changes to ensure the proposed subdivision will be compatible with the historic character of ~~the Copperton~~ Metro Township.

Commented [NSB5]:

Commented [NSB6]: "New residential home construction" could be read broadly has including any new construction involving a home, including remodels.

Also, the use of the term "residential home" seems to apply only to single family homes and could be interpreted as not applying to multi-family units or other construction. Is that the intent? The other language in this section appears to pertain to all new construction and subdivisions.

19.71.030 - Option A. General standards—Planning and development services review.

A. Application.

1. Any person seeking to build-construct a new residential home in any zone listed in Table I shall file an application with the division and obtain land-use approval from the division. An applicant may seek a determination of the applicable limits under Option A from the division prior to the submission of any building plans.

2. This Chapter will not apply to residential additions, remodels, or other site changes, including but not limited to landscaping changes to existing residential homes within the Copperton Metro Township.

Commented [NSB7]:

Commented [NSB8]: What about multi-family units and non-residential development?

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B. Standards. Unless applying for approval under Option B or Option C, the division shall approve all applications shall-that comply with the following minimum standards:

1. Maximum Building Height. The proposed height shall be visually compatible with surrounding structures and streetscape. Each point on the highest ridge of the structure shall be no more than that specified in Table I, column (b) for the zone in which the property is situated. Maximum building height shall be measured in feet from that point on the original grade vertically below the referenced ridge height (not including chimneys and vent stacks).

2. Maximum Lot Coverage. The lot coverage of all structures on the lot shall be not more than the percentages given in Table I, column (d).

3. Proportion of Principal Facades. The relationship of the width to the height of the principal elevations shall be in scale with surrounding structures and streetscape.

4. Roof Shape. The roof shall have a minimum 4:12 pitch in order to be visually compatible with the predominant housing type.

5. Side Yard. The combined side yard setbacks for any main structure shall be at least twenty-five percent of the lot width with no side setback less than eight feet. For purposes of this provision, "lot width" is the diameter of the largest circle that can be inscribed entirely within the lot, not including streams, floodplains, wetlands, areas of thirty percent slope or greater or other natural hazard areas. No extensions, bay windows or similar building elements may encroach into the required setbacks under Option A, except for (a) attached air conditioning units, electrical boxes, utility meters and the like and (b) roof overhangs or eaves that extend no more than two feet into the area of the minimum side setback.

6. Front and Rear Yard. The minimum front and rear setback of the primary residence and any accessory building shall be as specified in the applicable Copperton Metro Township code.

7. Building Envelope. The size and mass of the structures shall be visually compatible with the size and mass of surrounding structures and streetscapes, and shall be further limited by the building envelope created by starting at a point eight feet above ground at each point on the property line of the lot and extending on a line at a forty-five degree angle from the vertical toward the interior of the lot, the projection of such line on the horizontal plane of the lot to be perpendicular to the property line. The entire building must fit under this envelope except for dormers and gables that satisfy the following limitations:

a. A dormer may exceed the graduated height envelope, provided:

- i. The width of the dormer is no more than fourteen feet;
- ii. With multiple dormers, the distance to the front, or side edges of the roof is at least one-half the distance between dormers; and
- iii. The dormer is no higher than the ridge of the roof.

Commented [NSB9]: I think an express disclaimer like this is needed to address resident concerns that this ordinance will function like an HOA.

Commented [NSB10]: Unless otherwise specified in an applicable portion of the County Code, I think we should specify: (1) the standard of proof that an applicant needs to satisfy to gain approval; (2) how applicants will be notified that their application has been approved or denied; and (3) if an application has been denied, that the division will explain the reasons why and the steps needed to submit an acceptable application.

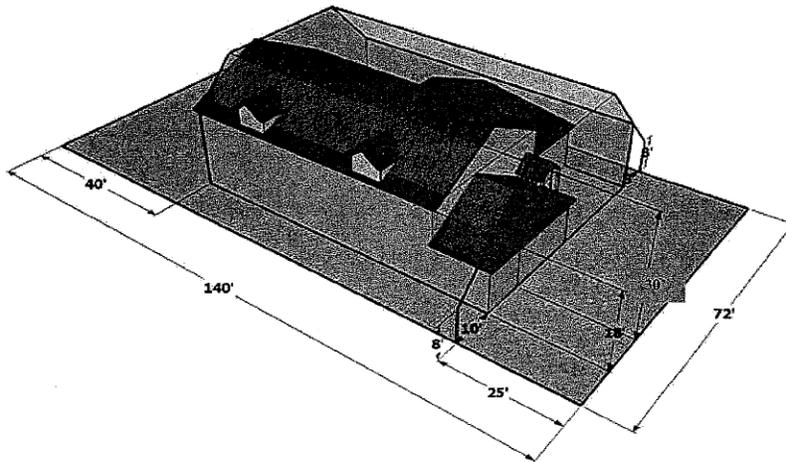
Commented [NSB11]: Is this workable?

Commented [NSB12]: Are more requirements needed for accessory buildings? They are often some of the most controversial zoning issues.

I also note that this section is very similar to the County's ordinance, which does include more specific language on accessory buildings; namely:

"The highest ridge point of any accessory building shall be no more than twenty feet above the original grade vertically below it. All other requirements for auxiliary structures shall be a specified in the applicable Salt Lake County code."

- b. A gable may exceed the graduated height envelope, provided:
 - i. The height of the gable is no more than 1.75 times higher than the point where the graduated height envelope intersects the gable; and
 - ii. The height of the gable is less than the maximum building height.
- 8. Composition of Principal Facades:
 - a. Openings: The front façade of the home shall contain a front door and at least 2 windows facing the street;
 - b. Entrance Porch and Other Projections: The front entrance shall be covered with a front porch, which may extend into the front yard setback up to 3 feet. Other projections, such as awnings over windows, may also project into the front yard up to 3 feet;
 - c. Materials: The relationship of the color and texture of materials of the facade shall be visually compatible with the predominant housing type by containing at least 2 different texture of materials and 2 different colors. Door and window trim may account for the second color and/or texture.
 - d. Streetscape: Except for the driveway and walkway(s), the front yard shall be landscaped, and shall contain a minimum of 2 street trees located near enough to the sidewalk so that at maturity, they provide at least partial shade to pedestrians.
- 9. The following figure depicts selected building limitations as described above and is for illustrative purposes only:



19.71.040 - Option B. Deviations from general standards based on neighborhood compatibility.

- A. Application. To obtain division approval of deviations from one or more of the requirements of 19.71.030.B.1, B.2, or B.5, an applicant must file a separate application in compliance with the corresponding conditions of 19.71.040.D.1, D.2, or D.3. An applicant may seek a pre-determination of the allowable deviations for proposed construction under Option B from the division prior to submitting building plans.

Commented [NSB13]: These deviations only apply to: (1) building height; (2) lot coverage; and (3) side setbacks. Is this what the Council wants?

- B. Evidence. Compliance with the corresponding conditions of Option B must be established by reliable photographic, engineering, architectural or other evidence from the proximate neighborhood.
- C. Deviations from Other Option A Requirements. No deviations from the Option A requirements of 19.71.030.B.3 or B.6 through B.8 may be approved by the division.
- D. Permissible deviations from maximum building height, maximum lot coverage and minimum side setbacks under Option B are:
1. Maximum Building Height. The maximum building height that may be approved by the division under Option B is the lesser of:
 - a. Three feet plus the average maximum ridge height of residential structures that are on six lots of applicant's choice that:
 - i. Are within the proximate neighborhood of the subject property, as defined in section 19.71.060.B; and
 - ii. For which the applicant provides adequate evidence of the maximum building height, as defined in this chapter; or
 - b. The heights specified in column (c) of Table I for the applicable zone.
 2. Maximum Lot Coverage. The maximum lot coverage is 1.15 times the average of the lot coverage percentages of residential structures that are on six lots of applicant's choice that are within the proximate neighborhood of the subject property, such coverage not to exceed the percentages specified in Table I, column (e) for the applicable zone.
 3. Minimum Side Setbacks. Subject to the twenty-five percent requirement of 19.71.030.B.4, the minimum side setback is the average of the shorter side setback of residential structures that are on six lots of applicant's choice that are within the proximate neighborhood of the subject property, but in no event may it be less than six feet.
 4. Approval of more than one deviation from subsections 19.71.040.D.1 through .3 must use the same six lots from the proximate neighborhood to support the requested deviations, whether or not requests for multiple deviations are in one or separate applications.
- E. Table I below summarizes and further defines lot coverage and distance in the various zones under Options A and B:

Commented [NSB14]: Is the intent that these deviations will be granted automatically if the applicant provides this information? This needs to be more clear.

Commented [NSB15]: Does Copperton want to allow the division to approve deviations for these aspects: (1) proportion of principal facades; (2) front and rear yard; (3) building envelope; and (4) composition of principal facades. Deviations for these aspects would require special permission from the planning commission.

Table I

Zone (a)	Option A Maximum Building Height ⁽¹⁾ (b)	Option B Maximum Building Height ⁽¹⁾ (c)	Option A Maximum Lot Coverage ⁽²⁾ (d)	Option B Maximum Lot Coverage ⁽²⁾ (e)	Option B Proximate Neighborhood ⁽³⁾ (f)
R-1-5	28 ft.	33 ft.	35%	40%	100 ft.
R-1-6	28 ft.	33 ft.	35%	40%	100 ft.
R-1-7, R-1-8	28 ft.	33 ft.	33%	38%	150 ft.
R-1-10, R-1-15	30 ft.	35 ft.	31%	36%	175 ft.

R-1-21	32 ft.	37 ft.	25%	30%	200 ft.
R-1-43	35 ft.	40 ft.	23%	28%	300 ft.
R-2-6.5	28 ft.	33 ft.	40%	45%	100 ft.
R-2-8	28 ft.	33 ft.	38%	43%	150 ft.
R-2-10	30 ft.	35 ft.	35%	40%	175 ft.
A-1	30 ft.	35 ft.	31%	36%	175 ft.

- (1) Main dwelling
- (2) All structures
- (3) Radial distance from property boundaries

19.71.050 - Option C. Special Exception—Planning commission review.

- A. An applicant whose proposed residential structure meets neither the requirements of Option A nor of Option B may seek extraordinary relief and exceptions to the limitations of section 19.71.030.B.6 or B.7, or sections 19.71.040.D.1, D.2, or D.3 by submitting an original and seven copies of an application to the applicable Copperton Metro Township planning commission setting forth in detail:
 1. The specific provisions from which the applicant seeks exceptions and the requested relief;
 2. Detailed information and explanation establishing that:
 - a. The proposed residence will be in harmony with the purpose of this chapter, the general plan and any other land use document applicable to the area.
 - b. The proposed residence will be compatible with existing residential development within a reasonable distance in terms of height, mass and lot coverage, with particular focus on the proximate neighborhood.
 - c. The proposed residence will not be detrimental to the health, safety and general welfare of persons residing within a reasonable distance, with particular focus on the proximate neighborhood.
 - d. Each point on the highest ridge of the structure will be no more than forty feet above the point on the original grade vertically below it (with allowances for chimneys and vent stacks).
 3. Additional factors that the planning commission may consider in deciding whether to grant an exception under this Part include:
 - a. Unusual lot shape;
 - b. Unusual or difficult terrain;
 - c. Drainage problems;
 - d. Situations that appear not to be clearly addressed by the provisions of Options A or B.

Commented [NSB16]: These should be a specific standard of evidence, such as preponderance of the evidence (more likely than not or 51% of the evidence shows something) or clear and convincing (high probability), which is harder to meet.

4. An application for an exception under this Option C will be subject to a public evidentiary hearing before the planning commission, for which notice of no less than ten days prior to the hearing will be given to:
 - a. All property owners appearing on the latest plat in the Salt Lake County recorder's office who own property within three hundred feet of the boundary of the subject lot; and
 - b. The chair of the community council for the area in which the subject lot is located.

B. A decision on the application shall be based on the evidence presented at the hearing. The burden of proof shall rest with the applicant. The planning commission may impose such conditions and limitations upon the approval of an exception to the requirements of this chapter necessary to prevent or mitigate adverse effects on other properties in the neighborhood of the subject properties, consistent with the standards of this chapter.

Commented [NSB17]: The Council and the planning commission will need to discuss how appeals of decisions made under this chapter will be handled.

For instance, if this section does not specify a specific appeals process, I assume appeals would be handled by Salt Lake County's hearing officer under Section 19-92-050 of the County Code.

If Copperton does not want to use the County's hearing officer, it will need to specify an appellate review authority in Copperton. This may be taken care of as the MSD takes over more of the planning and zoning responsibilities.

However, if Copperton wants to have a more local appeal authority it could ask the planning and zoning commission to hear appeals of decisions made by the division. The Council could also serve as the appeal authority for decisions made by the commission under 19-71-050 or could serve as the appeal authority for all decisions made under this chapter.