ORDINANCE 2025-O-02

Ordinance No. 2025-O-02 Date: May 21, 2025

AN ORDINANCE OF THE COPPERTON COUNCIL UPDATING SUBSECTION 19.46.140 REGARDING THE INSTALLATION OF INFRASTRUCTURE AND PUBLIC IMPROVEMENTS, SUBJECT TO THE LIMITATIONS ON EXACTIONS IN THE UTAH CODE

RECITALS

WHEREAS, the Town of Copperton is a municipality and has authority to adopt land use regulations, pursuant to Utah Code § 10-9a-501 in accordance with the Municipal Land Use, Development, and Management Act, Title 10, Section 9a, Utah Code; and

WHEREAS, the Council deems it necessary to update Subsection 19.46.140 regarding the Town's requirements for building or land use permit applicants to provide curb, gutter, sidewalk, street, and urban hydrology improvements along the entire property line which abuts any public road or street in cases where it does not exist at municipal standards; and

WHEREAS, these improvement installation requirements are subject to the limitations on exactions in Utah Code; and

WHEREAS, the Copperton Planning Commission held a public hearing on May 12th, 2025 to consider amending Title 19 as set forth in Exhibit A (the "**Proposed Action**") in accordance with Utah Code §§ 10-9a-205and 10-9a-502; and

WHEREAS, the Planning Commission has recommended that the Council amend its land use ordinances set forth in Exhibit A for the protection and preservation of the public health, safety and general welfare.

BE IT ORDAINED BY THE COPPERTON TOWN COUNCIL as follows:

1. Adoption of Revisions. Section 19.46.140 Infrastructure and Public Improvements, is repealed in its entirety and amended to read as set forth in Exhibit A.

2. Severability. If a court of competent jurisdiction determines that any part of this Ordinance is unconstitutional or invalid, then such portion of this Ordinance, or specific application of this Ordinance, shall be severed from the remainder, which shall continue in full force and effect.

3. Direction to Staff. Staff are authorized and directed to take such steps as may be needed: (a) for this ordinance to become effective under Utah law, including but not limited to compliance with the requirements of Utah Code § 10-3-711; and (b) to

finalize and post the ordinance to Municode, including but not limited to making non-substantive edits to correct any scrivener's, formatting, and numbering errors.

4. Effective Date. This Ordinance will take effect immediately upon posting pursuant to Utah Code § 10-3-712.

PASSED AND ADOPTED this 21st day of May 2025.

COPPERTON TOWN COUNCIL

_____
By: Sean Clayton, Mayor

ATTEST:

_____
Diana Baun, Clerk

Approved as to Form:

_____
City Attorney

Voting:

Council Member Bailey voting _____
Council Member Clayton voting _____
Council Member McCalmon voting _____
Council Member Severson voting _____
Council Member Stitzer voting _____

(Complete as Applicable)

Date ordinance summary was posted to the Town of Copperton' website, the Utah Public Notice website, and in a public place within the Town of Copperton per Utah Code §10-3-711:_____

Effective date of ordinance: _____

EXHIBIT A

19.46.140 Infrastructure and Public Improvements

The minimum requirements for public improvements shall be a combination of standards set forth in Title 14 Highways, Sidewalks, and Public Places and applicable standards set forth in this Title or adopted in Copperton's Master Transportation Plan.

A. Off-Site Improvements Required.

1. Off-Site Improvements. Subject to the essential link and rough proportionality tests for exactions in Utah Code Section 10-9a-508, an applicant for a building or land use permit for a dwelling, or a commercial or industrial use shall provide curb, gutter, sidewalk, street, and urban hydrology improvements along the entire property line which abuts any public road or street in cases where it does not exist at municipal standards.

2. Access to public right-of-ways. New and reconstructed vehicular entrances to the property shall be provided as required in Section 14.12.110. Height, location, structural specifications, maximum and minimum cut radii and minimum roadway approach angles to the centerline of the street are subject to the approval of the Municipal Engineering Division.

3. Exceptions.

   a. The planning commission may grant exception to the installation of the sidewalk in industrial areas where the planning commission determines that the sidewalk is not necessary to serve the public need, and the elimination of the sidewalk does not jeopardize the public health, safety or welfare.

   b. The planning commission may grant exception to the installation of curb, gutter and sidewalk in rural or estate areas where topographic or other exceptional conditions exist, provided that the public health, safety and welfare is preserved.

   c. The planning commission may require the applicant to sign a delay agreement binding the current and future property owner to pay for their share of any required improvements that are installed by Copperton within 10 years of the waiver.

B. Acceptance of Public Streets.

1. Street lighting shall either be chosen from the municipality's approved streetlight list or installed to match a theme set by developments within the zone or neighborhood.

2. Street lighting shall be installed in conformance with Title 18.

3. Street Signs and Markers. Standard street name signs shall be installed at one corner of all street intersections. The size, design, materials, location, fabrication, installation, and maintenance of the signs and poles within the public right of way and elsewhere shall be in accordance with the Utah Department of Transportation, the Manual of Uniform Traffic Control Devices for Streets and Highways (MUTCD), or the municipality's adopted policies, as applicable.

C. Private Streets.

1. Private streets or roads shall be designed and constructed to meet or exceed the public street standards set forth in Title 14 Highways, Sidewalks, and Public Places, as applicable.

   a. Private streets or roads are allowed in the following circumstances:

      (1) If shown on an approved development plan as private streets;

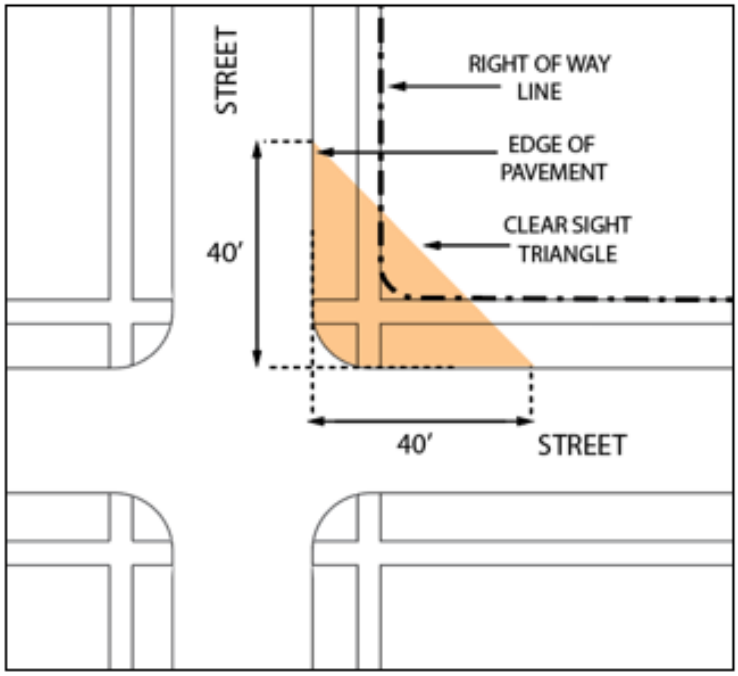
      (2) For multi-family developments; or

      (3) For residential subdivisions where the street is equally shared between properties. Such streets shall have a maintenance and operations plan included in the declaration of covenants, conditions, and restrictions for the subdivision.

D. Ingress and Egress Requirements. No building with human occupiable space may be erected or enlarged on a parcel in any zone unless such parcel abuts upon or has access to a publicly accepted and maintained street, a private driveway leading to an approved public street, a private road, or a public or private alley.

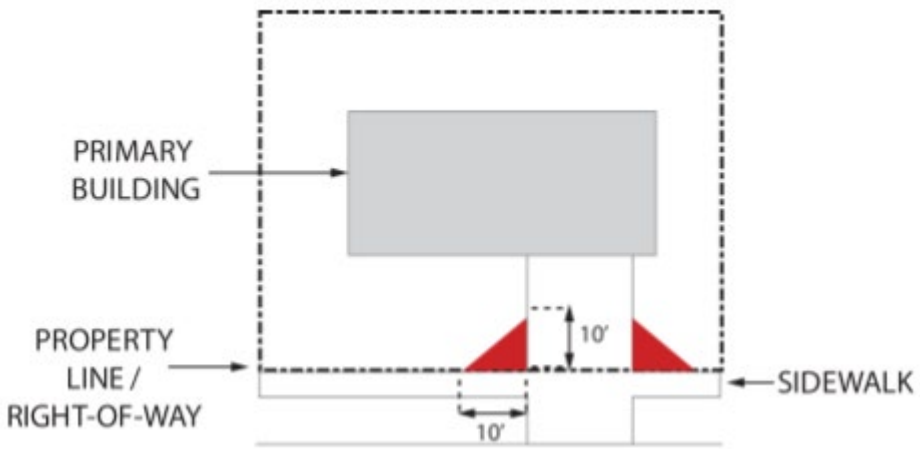
E. Intersecting Streets and Clear Visibility. In all zones which require a front yard, no obstruction to view in excess of three feet (3’) in height may be placed on any corner lot within a triangular area formed by the street property lines or right-of-way lines and a line connecting them at points forty feet (40’) from the intersection of the street lines, except mature trees which are located in the clear sight triangle shall be pruned to a height of at least seven feet (7') above the established sidewalk or street elevation.

Figure 19.46.140 A: Intersecting Streets and Clear Visibility.



F. Intersecting Streets and Driveways. In all zones, no view obstruction, including a sight-obscuring fence, wall, sign, other similar structures, and landscaping which exceeds three feet (3') in height shall be placed within a triangular area formed by a diagonal line connecting lines located at the curb line or sidewalk line and driveway line ten feet (10') from the projected intersection of such lines.

Figure 19.46.140 B: Intersecting Streets and Driveways.



G. Acceptance of Private Streets. Prior to acceptance by the municipality, any private street, or any driveway allowed for access with a development that is not constructed and maintained to the municipality's adopted street standards shall be improved to the municipality's adopted street standards.

H. Driveways. A driveway shall be allowed for vehicular access according to the standards set forth in Title 14 Highways, Sidewalks, and Public Places, and Chapter 19.48, Parking and Mobility.

I. Pedestrian and Bicycle Mobility.

1. Each lot shall have pedestrian walkways and sidewalks that provide connections between the building entrances, neighboring building entrances, parking areas, open space, and public trail. Such systems shall be designed to connect with all elements within the development, adjacent areas, and transit stops and can include sidewalks along public or private streets, wide outside travel lanes, bike lanes on roadways, and walkways and trails in alternative locations as appropriate. Design, location, dimensions, dedications, easements, and reservations shall conform to applicable municipal policies and standards for sidewalks, bicycle routes, and trails.

2. Walkways and trails shall be designed to maximize the safety of users and the security of adjoining properties with respect to location, visibility, and landscaping.

3. Bicycle Facilities. Bicycle facilities shall be provided in accordance with the standards set forth in Chapter 19.48, Parking and Mobility.

SUMMARY OF COPPERTON TOWN ORDINANCE NO. 2025-O-02

On May 21, 2025, the Copperton Council enacted Ordinance No. 2024-O-02, updating Subsection 19.46.140 regarding the installation of infrastructure and public improvements, subject to the limitations on exactions in the Utah Code.

_____
By: Sean Clayton, Mayor

ATTEST

_____
Diana Baun, Clerk

Voting:

Council Member Bailey voting _____
Council Member Clayton voting _____
Council Member McCalmon voting _____
Council Member Severson voting _____
Council Member Stitzer voting _____

A complete copy of Ordinance No. 2025-O-02 is available in the office of the Copperton Recorder, 860 Levoy Dr., Suite 300, Taylorsville, Utah.