

COTTONWOOD HEIGHTS

ORDINANCE NO. 411

AN ORDINANCE AMENDING CHAPTER 19.76, COTTONWOOD HEIGHTS CODE OF ORDINANCES, CONCERNING PAVED ACTIVITY SURFACES

WHEREAS, effective 14 January 2005, the city council (the "*Council*") of the city of Cottonwood Heights (the "*City*") adopted a code of ordinances (the "*Code*") for the City; and

WHEREAS, Code Chapter 19.76 ("*Chapter 19.76*") details the city's supplemental and qualifying rules and regulations for land use in the City; and

WHEREAS, the City's planning commission (the "*Planning Commission*") has formulated proposed amendments (the "*Amendments*") to Chapter 19.76 concerning paved activity surfaces in the City; and

WHEREAS, a public hearing was held before the Planning Commission where citizens were given the opportunity to provide written or oral comment concerning the proposed Amendments; and

WHEREAS, such public hearing before the Planning Commission was preceded by all required legal notices; and

WHEREAS, following the public hearing, the Planning Commission recommended the Amendments to the Council for adoption; and

WHEREAS, the Council subsequently took additional public comment concerning the Amendments; and

WHEREAS, the Council has reviewed and is familiar with the Amendments, a copy of which is annexed as an exhibit to this ordinance, including any amendments proposed by the Council to the form of the Amendments recommended for adoption by the Planning Commission, as authorized by UTAH CODE ANN. 10-9a-502(2); and

WHEREAS, on 5 March 2024 the Council met in regular meeting to consider, among other things, amending the Code to enact the Amendments, including any such revisions; and

WHEREAS, after careful consideration of the recommendations of the Planning Commission, comments at the public hearing and other public meetings, and other relevant input, the Council has determined that it is in the best interest of the health, safety and welfare of the citizens of the City to adopt and enact the Amendments as proposed;

NOW, THEREFORE, BE IT ORDAINED by the city council of the city of Cottonwood Heights as follows:

Section 1. *Amendment of Chapter 19.76*. The Council hereby amends Chapter 19.76 of the Code as shown on the attached exhibit, which shows any deletions to Chapter 19.76 struck

through and any additions to Chapter 19.76 underlined. Minor changes to formatting, punctuation and the like may not be marked on the attached exhibit.

Section 2. **Action of Officers**. All actions of the officers, agents and employees of the City that are in conformity with the purpose and intent of this ordinance (this “Ordinance”), whether taken before or after the adoption hereof, are hereby ratified, confirmed and approved.

Section 3. **Severability**. It is hereby declared that all parts of this Ordinance are severable, and if any section, paragraph, clause or provision of this Ordinance shall, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of any such section, paragraph, clause or provision shall not affect the remaining sections, paragraphs, clauses or provisions of this Ordinance.

Section 4. **Repealer**. All ordinances or parts thereof in conflict with this Ordinance are, to the extent of such conflict, hereby repealed.

Section 5. **Effective Date**. This Ordinance, assigned no. 411, shall take immediate effect as soon as it shall be published or posted as required by law and deposited and recorded in the office of the City’s recorder, or such later date as may be required by Utah statute.

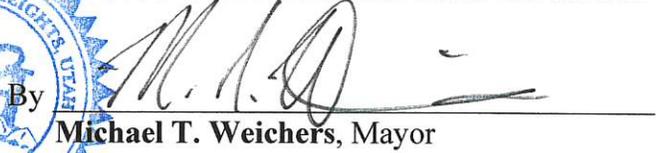
PASSED AND APPROVED this 5th day of March 2024.

ATTEST:

By: 
Paula Melgar, Recorder



COTTONWOOD HEIGHTS CITY COUNCIL

By: 
Michael T. Weichers, Mayor

VOTING:

Michael T. Weichers	Yea	<input type="checkbox"/>	Nay	<input checked="" type="checkbox"/>
Matt Holton	Yea	<input checked="" type="checkbox"/>	Nay	<input type="checkbox"/>
Suzanne Hyland	Yea	<input checked="" type="checkbox"/>	Nay	<input type="checkbox"/>
Shawn E. Newell	Yea	<input checked="" type="checkbox"/>	Nay	<input type="checkbox"/>
Ellen Birrell	Yea	<input checked="" type="checkbox"/>	Nay	<input type="checkbox"/>

DEPOSITED in the office of the City Recorder this 5th day of March 2024.

POSTED this 6 day of March 2024.

EXHIBIT

19.76.010 Definitions

“Paved activity surface” means any area or surface over 500 square feet that is paved or otherwise covered with a non-vegetative material utilized for activities such as sports/recreation (of pets or humans), or other similar uses and not including areas such as driveways, walkways, and parking lots with the sole purpose of providing access to or within a property.

19.76.060 Paved Activity Surfaces

- A. Purpose. This section regulates paved activity surfaces in order to mitigate the potential unique impacts the use of such areas presents in terms of noise, outdoor lighting, and fencing.
- B. Applicability. The regulations of this section apply to all paved activity surfaces approved or constructed after March 5, 2024. The regulations in this section do not apply to paved activity surfaces legally constructed and already in existence as of that date, including the routine maintenance and repair of said surfaces. Improper use of all existing and/or new surfaces, however, constituting a nuisance or other violation of the requirements of this code are subject to enforcement.
- C. Standards for Approval.
 - 1. Building Permit Required. Paved activity surfaces require a building permit issued by the city, including review by all relevant city departments. The specifications for building permit plans may vary by project scope, but at a minimum shall include a site plan with setbacks from the proposed surface to all property lines; fencing details including material, height, and setback to property lines; outdoor lighting details including fixture height, bulb lumen, bulb kelvin, and lamp cut sheets; and materials information for surfacing.
 - 2. Setback Requirements. All paved activity surfaces shall comply with all accessory building regulations in the underlying zoning district, except that such surfaces without vertical structures are not required to be at least six feet away from the primary structure on the property.
 - 3. Fencing Regulations. Any fencing associated with paved activity surfaces shall conform to the standards outlined in Section 19.76.050 and other applicable fencing provisions of this title.
 - 4. Outdoor Lighting Regulations. All outdoor lighting of a paved activity surface shall conform to the standards outlined in Chapter 19.77 of this title, “Outdoor Lighting.”

5. Affidavit Required. All applications for paved activity surfaces shall include a recordable affidavit or other instrument on a city-approved form that is signed by the record owner(s) of the property and that includes a statement that use of the approved paved activity surface is subject to ongoing compliance with all applicable land use regulations, including ongoing compliance with the requirements of all applicable noise control ordinances. The affidavit shall be recorded against title to the property in connection with any city approval of the paved activity surface to give perpetual constructive notice of the necessity of continued compliance of the paved activity surface with all legal requirements.