

**MARRIOTT-SLATERVILLE CITY
ORDINANCE 2024-04**

VARIOUS LAND USE AND CODE AMENDMENTS

AN ORDINANCE OF MARRIOTT-SLATERVILLE CITY, UTAH, AMENDING MARRIOTT-SLATERVILLE MUNICIPAL CODE SECTIONS: 13.26.170 RELATING TO CERTAIN IMPROVEMENTS IN NEW SUBDIVISIONS; 13.26.160 FAMILY POOL REGULATIONS; 13.26.360 TO ALLOW ACCESSORY DWELLING UNITS IN AGRICULTURE ZONES; 13.35.090 FREE STANDING SIGN HEIGHT; 13.35.090 ADD INSTITUTION AND TECHNOLOGY ZONE (ITZ) TO SIGN REGULATIONS; RENAME AND RENUMBER DARK SKY OUTDOOR LIGHTING TO CHAPTER 15.23 AND MAKE VARIOUS TECHNICAL CHANGES THAT REMOVE RESIDENTIAL EXCEPTION, REQUIRE APPLICABILITY TO ILLUMINATED SIGNS, AND REQUIRE BACKLIT OR HALO TYPE SIGNS; SEVERABILITY; AND EFFECTIVE DATE.

WHEREAS, Marriott-Slaterville City (hereafter the “City”) is a municipal corporation, duly organized and existing under the laws of the State of Utah;

WHEREAS, *Utah Code Annotated* §10-8-84 and §10-8-60 allow municipalities in the State of Utah to exercise certain police powers and nuisance abatement powers, including but not limited to providing for safety and preservation of health, promotion of prosperity, improve community well-being, peace and good order for the inhabitants of the City;

WHEREAS, Title 10, Chapter 9a, of the *Utah Code Annotated*, as amended, enables municipalities to regulate land use and development;

WHEREAS, the City finds it necessary to update the municipal code in order to meet the challenges presented by state law, and to protect public health, safety, and welfare;

WHEREAS, after publication of the required notice the Planning Commission held its public hearing on March 19, 2024, to take public comment on this proposed Ordinance, after which the Planning Commission gave its recommendation to approve this Ordinance;

WHEREAS, the City Council received the recommendation from the Planning Commission and held its public meeting on March 21, 2024;

NOW, THEREFORE, be it ordained by the City Council as follows:

Section 1: Repealer. Any ordinance or portion of the municipal code inconsistent with this Ordinance is hereby repealed and any reference thereto is hereby vacated.

Section 2: Amendment. The *Marriott-Slaterville Municipal Code* is re-enacted to read as follows:

13.26.160 Family Swimming Pool.

A family swimming pool shall be permitted in the rear yard of a dwelling as an accessory use, provided the following requirements are met:

1. Location. The location of such family swimming pool ~~or accessory machinery~~ shall be not less than ~~thirty-five (350)~~ feet from any dwelling on an adjoining lot and not less than ~~ten (10)~~ six (6) feet from any interior property line. On corner lots, the distance from said pool to the property line facing on a street shall not be less than the required side yard for an accessory building in that zone.
2. Fence. An outside family swimming pool shall be completely enclosed by a fence structurally adequate to prevent normal passage of any person except through a locking gate, resist wind load, conform to the building code, and be not less than six (6) feet in height.
3. Lights. Any lights used to illuminate said pool or its accessories shall be so arranged as to reflect the light away from the adjoining premises.

13.26.170 Building In Newly Approved Subdivisions.

In ~~newly approved~~ subdivisions where developers ~~may have up to two (2) years to complete utility, road, secondary water and other~~ are still completing improvements, no land use permit or building permit shall be issued until all development improvements are installed, except for street asphalt, sidewalk, ~~curb, gutter~~ and chip seal.

13.26.360. Internal Accessory Dwelling Units.

1. Eligibility. In accordance with Utah Code 10-9a-530.1a, an internal Accessory Dwelling Unit (ADU) is eligible for a permit if such ADC is:
 - a. Located in the primary dwelling;
 - b. Placed within the footprint of the primary dwelling as described in state law at the time the ADU created;
 - c. Not used for vacation rental or short-term rental; and,
 - d. Used only for residential long-term rental of thirty (30) consecutive days or longer.
2. Local Requirements. In accordance with Utah Code 10-9a-530-4, the City:
 - a. Does not require the installation of a separate utility meter for an ADU.
 - b. Each ADU shall be designed in a manner that does not change the appearance of the primary dwelling as a single-family dwelling.
 - c. The owner of the primary dwelling creating an ADU shall:
 - i. Include one additional parking on-site parking space, regardless of whether the primary dwelling is existing or new construction; and
 - ii. Replace all parking spaces contained within a garage or carport converted to an ADU.
3. Limitations. The following limitations apply to the creation or occupancy of any ADU:

- a. Only one (1) ADU per primary dwelling is permitted consistent with this section.
 - b. No ADU shall be created or occupied within a mobile home as defined under Utah Code 57-16-3. No ADU shall be created or occupied without the owner of the primary dwelling obtaining all permits and licenses for the ADU from the City and any other affected entity.
 - c. No ADU will be approved in any hazard area or flood plain agriculture zone.
 - d. No ADU will be approved where the primary dwelling is served by a failing septic tank, as determined by an inspection by a duly licensed professional.
 - e. No ADU shall be created or occupied where the primary dwelling lot is six-thousand (6,000) square feet or less in size.
 - f. No external accessory dwelling unit are allowed.
 - g. No ADU shall be created or occupied unless the primary dwelling is also used as the owner's primary dwelling.
4. Licensing. The owner of any ADU shall obtain a business license in accordance with Title 3 and Chapter 3.15 of the municipal code.

13.35.080 Lighting Requirements.

1. Illumination. Requirements are as follows:
 - a. Any illumination is subject to Dark Sky compliance as set forth in Chapter 15.26.
 - b. Permanent signs may be non-illuminated, illuminated by Dark Sky compliant internal light fixtures, halo illuminated, reverse lit, or illuminated by external indirect illumination, ~~unless otherwise specified.~~
 - c. ~~and~~ comply with the Lighting Zone Map specified in Chapter 15.16.
 - d. Where required the light source shall be dimmed, shaded, shielded, or directed so that the light intensity or brightness does not adversely affect surrounding, nor adversely affect safe vision of pedestrians or operators of vehicles in the area of the sign.
 - e. No sign shall have any reflective surface, except for safety related signs and traffic control devices.
2. LED Standards. LED signs shall be limited to text only and are considered internally illuminated signs. Such signs shall not exceed the lumen output requirements of Chapter 15.16. Any lighting extending beyond the area considered to be the sign area, as defined in this Chapter, shall be treated as Class 3 lighting and shall comply with the lumen limits.
3. ~~Neon Signs. Neon signs are only permitted in C-3P Zones and shall be treated as Class 3 lighting. Approved neon signs are not included within the total outdoor light output limit. Neon lighting extending beyond the sign area shall comply with all provisions of the Chapter 15.16. A~~ Only small window neon signs are is allowed at a business, or located in any commercial or manufacturing zone, and shall be turned off when the business is closed.
4. Hours of Operation. Lighted signs shall have functioning automatic timers. The Lighting Zone Map determines the hours of operation for sign illumination. Illuminated signs shall turn off as follows:

- a. 9:00 PM until sunrise if located in Lighting Zone 1.
- b. 10:00 PM until sunrise if located in Lighting Zones 2.
- c. 11:00 PM until sunrise in Lighting Zone 3, or the time the business closes, whichever is later.

13.35.090 Sign Table.

SIGN TABLE – GENERAL SIGN REGULATIONS				
Type of Sign	Zone	Maximum Size – Total Area	Standards, Location, and Spacing	Maximum Height
Business Sign (Residential): Free Standing, Low profile, Mural, Wall	A-2, A-1, RE-15, RE-20, R-4, R-2	1 sign not exceeding 2 square feet for each 1 lineal foot of street frontage, but not exceeding 50 square feet of sign area Temporary signs not to exceed 100 sq. feet in total area permitted for up to 10 days	See also 13.35.060 Specific Standards Signs shall not be located in any required front or side yard, except signs attached to a building Same as Identification and Information	No freestanding sign shall be permitted over 6 feet Low profile signs shall not exceed six 6 feet Any other sign shall not be erected higher than the height of the building to which it is attached
Business Sign: (On-premise) Freestanding, Low profile, Mural, Projecting, Temporary, Wall	C-2P, C-3P, M ₂ and ITZ	1 or more signs not to exceed 3 sq. feet for each 1 lineal ft. of business frontage with a maximum of 150 sq. feet per business sign, and combined total area of business signs not to exceed 500 square feet Where use has no street frontage, signs permitted not to exceed 50 sq. feet in combined area. Temporary business signs not exceeding 100 sq. feet in total area are permitted for no more than 30 days Freeway Orientation signs within 250 feet from the interstate right-of-way boundary may have a total sign area of 330 sq feet	See also 13.35.060 Specific Standards No freestanding sign shall be located closer than ±5 10 feet to any property line Same as Identification and Information	No freestanding sign shall be permitted over 35 feet Low profile signs shall not exceed 10 feet Freeway oriented freestanding sign permitted within 250 feet from the interstate right-of-way boundary may be erected to 65 feet in height above the immediate adjoining street level
Business Sign (On-premise C-1): Freestanding, Low profile, Mural, Projecting, Temporary, Wall	C-1P	1 or more signs not exceeding 2.5 square feet for each 1 lineal ft. of street frontage, but not exceeding 200 sq. feet of sign area For uses not occupying frontage not to exceed 40 sq. feet combined Temporary business signs not	See also 13.35.060 Specific Standards No freestanding sign shall be located closer than ±5 10 feet to any property line Same as Identification and Information	No freestanding sign shall be permitted over 10 feet above the immediately adjoining street level Any other sign shall not be erected higher than the height of the building to which it is attached

		exceeding 100 sq. feet in total area are permitted for no more than 30 days.		
Identification and Information: Construction Sign, Directional, Freestanding, Low profile, Temporary, Wall	All Zones	1 sign, not exceeding 8 sq. feet in area for conforming buildings or conforming uses other than dwellings, boarding, or lodging, and multiple dwellings 1 or more signs not exceeding 3 square feet for each 1 lineal ft. of street frontage, but not exceeding 200 sq. feet of sign area are allowed for governmental signs Temporary signs not exceeding 10 sq. feet in total area, permitted until site plan or permit approval expires	See also 13.35.060 Specific Standards No part of any sign shall be allowed to extend across any property line or into any required front or side yard, except as follows: In Commercial and Manufacturing zones signs may be permitted in a required yard but not closer than 15 10 feet to any property line Signs attached to building may project no more than 6 feet into a required yard, not less than 10 feet above ground. Signs shall be located no closer than 15 10 feet to any property line in any zone.	No signs shall be permitted with a maximum height of 8 feet above street level immediately adjoining said sign, and 10 feet in commercial zones
Property Sign: Directional, Low profile, Freestanding, Temporary, Wall	All Zones	1 or more signs not to exceed 8 sq. feet in combined total area for street of the lot. Temporary signs not exceeding 10 sq. feet in total area, permitted until site plan or permit approval expires	See also 13.35.060 Specific Standards Same as Identification and Information	Same as Identification and Information
Service Sign: Directional, Freestanding, Wall	All Zones	1 or more service signs not exceeding 24 sq. feet in combined area for each conforming residential or commercial use occupying the premise No sign shall exceed 8 sq. feet in area	See also 13.35.060 Specific Standards May be located anywhere on the property, subject to intersection corner visibility requirements	Not to exceed 8 feet
Government (Any type)	All zones	A sign not to exceed 120 sq. feet each	On public property or with private owner permission	Not to exceed 20 feet, or the height of the building
Specialty Sign: Banners, Portable Signs, Roof,	C-2P, C-3P, M	As specified and limited for temporary use, some signs prohibited	See also 13.35.060 Specific Standards As specified and limited for	As specified and limited for temporary use, some signs prohibited

Wind signs, Other temporary or specialty type sign			temporary use, some signs prohibited	
Billboard	None	Reconstruction to match existing, subject to 13.35.070	Reconstruction to match existing, see 13.35.060 Specific Standards	Reconstruction to match existing, see 13.35.060 Specific Standards

~~Chapter 15.16~~ (Renumber all section in Chapter 15.16 as Chapter 15.23)

Chapter 15.23

Dark Sky Compliant Outdoor Lighting

~~15.1623.030~~ 15.23.030 Applicability.

1. Existing Development. This chapter does not apply to existing development except as provided herein, and specifically including the installation of any new outdoor lighting.
2. Dark Sky Regulations. Outdoor lighting installed on a building or parcel shall meet the dark sky regulations of this Chapter, specifically those regulations with regards to fixtures, shielding, and lamp type.
3. New Development. This Chapter applies to all new land uses, developments, buildings, structures, and major additions or modifications to existing uses.
4. Addition and Remodel. If a major addition or remodel occurs on a property, the entire property shall comply with the requirements of this Chapter. For purposes of this Section, the following are considered to be major additions or remodel:
 - a. Additions of 25 percent or more in terms of additional gross floor area, seating capacity, or parking spaces, either with a single addition or with cumulative additions subsequent to the effective date of this Chapter; or
 - b. Single or cumulative modification or replacement of outdoor legally installed lighting fixtures constituting 25 percent or more of the outdoor lighting.
5. Streetlights. Municipal streetlights should be downward directed, and may be located at intersections and other locations as determined and approved by the City for safety.
6. Public Facilities. Outdoor lights fixtures on property or buildings that are publicly owned or operated shall be shielded.
7. Residential. Plans for residential new construction shall meet dark sky standards and this Chapter. ~~Failure to comply shall result in a one-time penalty fee of \$1,000.00 which shall be added to each non-compliant building permit.~~
8. Signs. Illuminated signs are subject to this Chapter.
9. Conflict. Should this chapter be found to be in conflict with other sections of this code, the more restrictive shall apply.

~~15.1623.050~~ 15.23.050 General Requirements.

1. Light shielding and direction. Unless specifically exempted in this Chapter, all outdoor lighting shall be fully shielded and downward directed in compliance with the following, examples of which are graphically depicted in Section 100 (2) of this ~~e~~Chapter:
 - a. No artificial light source shall project direct artificial light into the night-time sky.

- b. No artificial light source shall be placed at a location, angle, or height greater than 25 feet, or at a height that creates light trespass, as defined in this Chapter and graphically depicted in Section 100 (3) of this Chapter.
 - c. The shielding shall be made of completely opaque material such that light escapes only through the bottom. Shielding that is translucent, transparent, has perforations or slits of any kind, or allows light to escape through it in any other manner is not permitted.
 - d. Shielding may be attained by light fixture design, building design, or other site design features such as fencing, walls, landscaping, or other screening.
2. Light color. Unless otherwise specified in this chapter, the color of any outdoor lighting artificial light source shall be equal to or less than 3000K, in accordance with the standard Kelvin temperature chart, as graphically depicted in Section 100 (4) of this Chapter.
3. Signs. Halo or backlit signs as graphically depicted in Section 100 (5) of this Chapter are required in all zones, except the C-3P Zone and commercial uses subject to freeway orientation signs.

15.16.100 Graphics.


5. Halo or Backlit Sign.



Section 3: 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.

Section 4: Effective date. This Ordinance takes effect immediately upon mayoral approval and posting.

PASSED AND ADOPTED by the City Council on this 21 day of March, 2024.



DENNIS ILLUM, President,
Marriott-Slaterville City Council

PRESENTED to the Mayor this 25 day of March, 2024.

APPROVAL of the Mayor granted this 25 day of March, 2024.

SCOTT VAN LEEUWEN

SCOTT VAN LEEUWEN, Mayor

ATTEST:

Dana Spencer
City Recorder

RECORDED this 25 day of March, 2024.

PUBLISHED OR POSTED this 25 day of March, 2024.

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

In accordance with Utah Code Annotated §10-3-713, 1953 as amended, I, the City Recorder of Marriott-Slaterville City, hereby certify that the foregoing Ordinance was duly passed and published or posted at: 1) City Hall, 2) Marriott Park, and 3) Slaterville Park.

Dana Spencer DATE: 3/25/24
City Recorder