

# COTTONWOOD HEIGHTS

## ORDINANCE NO. 344

### AN ORDINANCE AMENDING SECTION 19.77.030 OF THE COTTONWOOD HEIGHTS CODE OF ORDINANCES REGARDING OUTDOOR LIGHTING

**WHEREAS**, the “Municipal Land Use, Development, and Management Act,” UTAH CODE ANN. §10-9a-101 *et seq.*, as amended (the “*Act*”), provides that each municipality may enact a land use ordinance and a zoning map establishing regulations for land use and development; and

**WHEREAS**, pursuant to the Act, the municipality’s planning commission shall prepare and recommend to the municipality’s legislative body, following a public hearing, a proposed land use ordinance and a zoning map, or amendments thereto, that represents the planning commission’s recommendations for zoning the area within the municipality; and

**WHEREAS**, the Act also provides certain procedures for the municipality’s legislative body to adopt or amend the land use ordinance and zoning map for the City; and

**WHEREAS**, on 14 July 2005, the legislative body (the “*Council*”) of the city of Cottonwood Heights (the “*City*”) enacted its Ordinance No. 25 adopting a land use ordinance for the City and codifying such ordinance as Title 19 of the City’s code of ordinances (the “*Code*”); and

**WHEREAS**, thereafter, the City’s planning commission (the “*Planning Commission*”) formulated proposed amendments (the “*Amendments*”) to Section 19.77.030 of the Code concerning outdoor lighting requirements 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 6 October 2020, 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. Adoption of Amendments. The Council hereby adopts and enacts the Amendments in the form of the attached exhibit, wherein deletions to the current ordinance are ~~struck through~~ and additions to the current ordinance are underlined.

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. 344, 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.

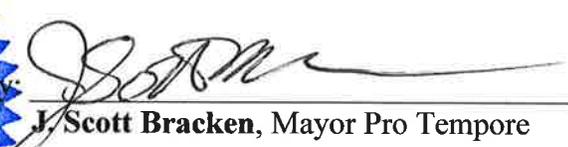
PASSED AND APPROVED this 6<sup>th</sup> day of October 2020.

ATTEST:

COTTONWOOD HEIGHTS CITY COUNCIL

By:

  
Paula Melgar, Recorder

  
J. Scott Bracken, Mayor Pro Tempore



VOTING:

Michael J. Peterson

Yea  Nay  Absent

Douglas Peterson

Yea  Nay

J. Scott Bracken

Yea  Nay

Tali C. Bruce

Yea  Nay

Christine Watson Mikell

Yea  Nay

DEPOSITED in the Recorder's office this 6<sup>th</sup> day of October 2020.

POSTED this 7<sup>th</sup> day of October 2020.

## EXHIBIT TO ORDINANCE NO. 344

### 19.77.030 – Applicability

A. *Conformance required.* Any new outdoor lighting ~~in a single-family zone~~ shall be installed in conformance with the provisions of this chapter. In any situation where there is a conflict with federal or state regulations, and/or applicable sections of adopted building code, the more restrictive provisions shall apply.

B. *Modifications to existing structures or land uses.* New additions to buildings, or areas of expanded land use, ~~in a single-family zone~~ shall comply with the requirements of this chapter.

C. *Routine maintenance.* ~~In a single-family zone:~~

1. Repairing any component of a light fixture, except the lamp, is permitted for all existing outdoor lighting fixtures; and

2. Lamps shall be replaced in accordance with the provisions of this chapter; provided however, if no lamp exists which complies with this chapter, then the fixture shall be replaced.