



# HIGHLAND PLANNING COMMISSION AGENDA

## TUESDAY, JUNE 25, 2024

Highland City Council Chambers, 5400 West Civic Center Drive, Highland Utah 84003

### VIRTUAL PARTICIPATION

YouTube Live: <http://bit.ly/HC-youtube>

Email comments prior to meeting: [planningcommission@highlandcity.org](mailto:planningcommission@highlandcity.org)

### 7:00 PM REGULAR SESSION

Call to Order: Chair Audrey Moore

Invocation: Commissioner Claude Jones

Pledge of Allegiance: Commissioner Tracy Hill

### 1. UNSCHEDULED PUBLIC APPEARANCES

Please limit comments to three minutes per person. Please state your name.

### 2. CONSENT ITEMS

Items on the consent agenda are of a routine nature. They are intended to be acted upon in one motion.

Items on the consent agenda may be pulled for separate consideration.

#### a. Approval of Meeting Minutes *General City Management*

*Heather White, Deputy City Recorder*

May 28, 2024, Planning Commission meeting minutes

### 3. ACTION ITEMS

#### a. PUBLIC HEARING/ORDINANCE: Swimming Pool Regulation Amendments *Land Use (Legislative)*

*Rob Patterson, City Attorney/Planning & Zoning Administrator*

The Planning Commission will consider amendments to swimming pool regulations related to setbacks and fencing requirements

#### b. PUBLIC HEARING/ORDINANCE: Residential Conditional Use Amendments *Land Use (Legislative)*

*Rob Patterson, City Attorney/Planning & Zoning Administrator*

The Planning Commission will consider amendments to conditional uses within residential zones and general conditional use requirements.

### ADJOURNMENT

In accordance with Americans with Disabilities Act, Highland City will make reasonable accommodations to participate in the meeting. Requests for assistance can be made by contacting the City Recorder at (801) 772-4505 at least three days in advance of the meeting.

**ELECTRONIC PARTICIPATION**

Members of the Planning Commission may participate electronically during this meeting.

**CERTIFICATE OF POSTING**

I, Stephannie Cottle, the duly appointed City Recorder, certify that the foregoing agenda was posted at the principal office of the public body, on the Utah State website (<http://pmn.utah.gov>), and on Highland City's website ([www.highlandcity.org](http://www.highlandcity.org)).

Please note the order of agenda items are subject to change in order to accommodate the needs of the Planning Commission, staff and the public.

Posted and dated this agenda on the 20th day of June, 2024

Stephannie Cottle, City Recorder

<b>THE PUBLIC IS INVITED TO PARTICIPATE IN ALL PLANNING COMMISSION MEETINGS.</b>
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# HIGHLAND PLANNING COMMISSION MINUTES

## TUESDAY, MAY 28, 2024

Highland City Council Chambers, 5400 West Civic Center Drive, Highland Utah 84003

### Awaiting Formal Approval

#### VIRTUAL PARTICIPATION

YouTube Live: <http://bit.ly/HC-youtube>

Email comments prior to meeting: [planningcommission@highlandcity.org](mailto:planningcommission@highlandcity.org)

#### 7:00 PM REGULAR SESSION

Call to Order: Chair Audrey Moore

Invocation: Commissioner Trent Thayn

Pledge of Allegiance: Commissioner Christopher Howden

The meeting was called to order by Commissioner Audrey Moore as a regular session at 7:00 pm. The meeting agenda was posted on the *Utah State Public Meeting Website* at least 24 hours prior to the meeting. The prayer was offered by Commissioner Thayn and those in attendance were led in the Pledge of Allegiance by Commissioner Howden.

**PRESIDING:** Commissioner Audrey Moore

#### COMMISSIONERS

**PRESENT:** Jerry Abbott, Christopher Howden, Claude Jones, Sherry Kramer, Trent Thayn, Debra Maughan

**CITY STAFF PRESENT:** City Attorney Rob Patterson, Planning Commission Secretary Heather White

**OTHERS PRESENT:** Jon Hart, Robby and Jennie Robbins, Andrew Patterson

#### 1. UNSCHEDULED PUBLIC APPEARANCES

Please limit comments to three minutes per person. Please state your name.

None was offered.

#### 2. CONSENT ITEMS

Items on the consent agenda are of a routine nature. They are intended to be acted upon in one motion. Items on the consent agenda may be pulled for separate consideration.

##### a. Approval of Meeting Minutes *General City*

*Commissioner Howden MOVED that the Planning Commission approved the minutes from the April 23, 2024 meeting.*

*Commissioner Maughan mentioned that her name was spelled wrong in the document and asked that it be corrected.*

*Commissioner Maughan SECONDED the motion with the requested correction. All present were in favor. The motion carried unanimously.*

### **3. ACTION ITEMS**

#### **a. Amendments to Fence and Retaining Wall Regulations - HDC 3-612 Development Code Update (Legislative)**

*Rob Patterson, City Attorney/Planning & Zoning Administrator*

The Planning Commission will conduct a public hearing and consider potential amendments to the City's fencing and retaining wall regulations.

Mr. Patterson reviewed the clarifications in the proposed amendments. He discussed situations that city staff addressed in the past and said that Highland needed a clear definition of a retaining wall. He talked about fences, retaining walls, and trail/open space corridor fencing. He said the long-standing goal of the city was to maintain an open feel and to make sure there was visibility in narrow alleys. Mr. Patterson mentioned that the city council wanted to consider two new exceptions to the current code: 1) Allow six-foot privacy fencing along trail and open space corridors if the corridor was short, meaning no longer than 200 feet long or one residential lot deep (whichever was shorter), or 2) if the corridor was adjacent to public property that was either not fenced or had open fencing. Mr. Patterson showed the trail near Winter Meadows near Murdock Canal Trail. He said there was a short corridor that connected the cul-de-sac to the Murdock Canal Trail. He said the exception would allow residents to install a six-foot privacy fence along the corridor. Mr. Patterson also discussed Freedom Elementary School. He said the proposed change would allow residents to install privacy fencing because the school property was fenced with chain link. He said some residents asked that the six-foot fence be allowed for everyone along the corridor. Commissioner Thayn wondered what the concern was with keeping the corridor open. Mr. Patterson explained that the city wanted to maintain an open feel. He said graffiti was sometimes an issue, but safety was generally not a problem. Commissioner Maughan mentioned that she felt very safe in Highland, however, there were trails that she would not walk on after dark. Commissioner Kramer pointed out that kids would be using the trail to walk to school and that it would be nice to keep it open for them. The commissioners discussed other areas in the city with narrow trail corridors. They talked about landscaping that encroached or blocked corridors. Mr. Patterson pointed out that landscaping was part of the proposed fencing definition. The commissioners talked about the need to educate residents about maintaining vegetation along trail corridors through monthly utility mailings. They concluded that it was beneficial to have something in the code requiring the maintenance of vegetation along corridors. Commissioner Kramer mentioned that she did not like the proposed six-foot fence along the corridor adjacent to the elementary school.

Mr. Patterson discussed other proposed changes. He said changes for building permits for retaining walls would reflect correct international building code requirements. Changes to public and utility fencing would allow chain link and allow greater flexibility in fencing requirements, but also required public entities and utilities to use open style fencing adjacent to trail corridors. Commissioner Kramer talked about fencing styles at the different elementary schools and thought silver chain link looked very industrial. Other commissioners agreed. Mr. Patterson suggested adding a stipulation that required vinyl coated chain link fencing to be used by public

entities.

Mr. Patterson asked the planning commission to consider height of retaining walls. He discussed the current code requirements and talked about combined retaining wall/fence requirements. He showed a diagram depicting code requirements. The planning commission thought it was good to include the diagram in code regulations.

Mr. Patterson discussed height and setback requirements of fencing along busy roads. Based on requests from residents, he asked the commissioners to consider eight-foot fencing on property lines for lots adjacent to collector and arterial roads. The planning commission discussed whether or not two additional feet would make a difference in reducing noise and agreed that eight-foot fencing was too tall. They considered allowing fencing on property lines. They discussed fencing using vegetation. It was concluded that vegetative fencing was okay as long as trail corridors, sight lines, etc. were open and maintained.

The commissioners discussed theme wall requirements along major corridors and architectural uniformity for perimeter walls of developments. They discussed current code requirements and the possibility of creating a spec for theme walls on collector roads. They discussed costs that might be required for homeowners. Concerns were voiced regarding residents who might not be able to afford replacement costs of a theme wall.

Commissioner Moore opened the public hearing at 8:20 PM and asked for public comment.

Resident Robby Robbins said he lived on his street for 18 years. Traffic increased exponentially since the road now connected to Cedar Hills. He said it rivaled Alpine Highway. They never had a fence on the lot but were asking for an exception. Their dog was killed by a car. He did not think that a six-foot privacy fence would obscure anyone's vision. He requested that the fence be allowed on the property line because current setbacks would make them exclude half of their yard. He said their fencing would match the neighbor's fence which was six-foot tan solid vinyl fencing.

Resident Jennie Robbins mentioned that the road was used for drag racing. She said drivers used the shoulder sometimes as another lane and almost hit kids on the sidewalk. She talked about how loud the traffic was and how a car drove up into their yard. She said they loved the open trails but needed some kind of safety for their kids.

American Fork Resident Andrew Patterson said he developed property in Highland. He explained that he recently asked for a variance for an eight-foot fence in his development because of property effected by a collector road. He talked about a house with roads on three sides, similar to the Robbins house, and proposed that Highland consider an eight-foot fence. He liked the option of using two different materials: two feet as a retaining wall with a six-foot fence on top. He liked a little more openness with the fence set away from the sidewalk. Mr. Rob Patterson mentioned that a two-foot retaining wall with a six-foot fence was currently permitted in Highland.

Commissioner Moore asked for additional comments. Hearing none, she closed the public hearing at 8:47 PM.

Mr. Patterson reviewed the changes to the proposed amendment. The planning commission recommended that the council discuss adopting a theme wall standard or specifications for home builders or developers to comply with as they build or replace retaining walls along major collectors. Commissioner Howden voiced concern with changing a city ordinance in order to help one lot. Commissioner Kramer thought a privacy fence against the sidewalk looked terrible, no matter of how wide the road was. There was additional discussion regarding the pros and cons of allowing fences against sidewalks.

*Commissioner Abbott MOVED that the Planning Commission recommend the approval of the proposed amendments to Section 3-612 of the Development Code with the following three (3) additions:*

1. *Allow public and utility entities to use vinyl-dipped chain link fencing along with other fencing types as defined in current city code.*
2. *Revise the legal definition of a fence to not include vegetation but also reinforce trail, sidewalk, and view corridor clearing to not let vegetation grow.*
3. *Allow fencing along major collectors to be on side lot property lines.*

Commissioner Moore SECONDED the motion.

The vote was recorded as follows:

Commissioner Jerry Abbott	Yes
Commissioner Tracy Hill	Absent
Commissioner Christopher Howden	Yes
Commissioner Claude Jones	Yes
Commissioner Debra Maughan	Yes
Commissioner Audrey Moore	Yes
Commissioner Trent Thayn	Yes
Commissioner Alternate Sherry Kramer	No
Commissioner Alternate Wesley Warren	Absent

The motion carried 6:1

#### **4. ADJOURNMENT**

Commissioner Howden MOVED to adjourn the meeting. Commissioner Thayn SECONDED the motion. All were in favor.  
The motion carried.

The meeting ended at 9:19 pm.

I, Heather White, Planning Commission Secretary, hereby certify that the foregoing minutes represent a true, accurate and complete record of the meeting held on May 28, 2024. The document constitutes the official minutes for the Highland City Planning Commission Meeting.



# PLANNING COMMISSION AGENDA REPORT ITEM #3a

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**DATE:** June 25, 2024  
**TO:** Planning Commission  
**FROM:** Rob Patterson, City Attorney/Planning & Zoning Administrator  
**SUBJECT:** Swimming Pool Regulation Amendments  
**TYPE:** Land Use (Legislative)

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## **PURPOSE:**

The Planning Commission will consider amendments to swimming pool regulations related to setbacks and fencing requirements

## **STAFF RECOMMENDATION:**

Staff recommends that the Planning Commission hold a public hearing, consider the amendments, and recommend APPROVAL of the proposed amendments to the pool regulations with any desired changes to the City Council.

## **PRIOR REVIEW:**

The last time swimming pool regulations were discussed was in 2022, when a resident requested the allowance to not have enclosed swimming pools count against accessory structure lot coverage limitations. The Planning Commission unanimously voted against that amendment, and then the City Council voted to deny the amendment.

## **BACKGROUND & SUMMARY OF REQUEST:**

The proposed amendments are being recommended by City staff based on staff's experience in dealing with "corner cases" on permitting pools. The goal of these amendments is to (1) consolidate the residential zones' swimming pool regulations into a single code section, (2) clarify setback requirements for pools and pool accessories, and (3) modify pool fencing requirements to align with current construction code.

### **Consolidation**

Each residential zone (R-1-40, R-1-30, and R-1-20) has a virtually identical code section that regulates swimming pools within the zone. Because these requirements are essentially the same, staff believes it makes more sense to have a single code section that encompasses all swimming pool regulations to avoid contradictory regulations. Accordingly, staff recommends repealing the individual zoning regulations (HDC 3-4111, 3-4211, 3-4261), and adopting a single pool regulation code. Staff also proposes some clean-up of the regulations to remove redundant or unnecessary language.

### **Setback Clarifications**

Current regulations have four different provisions related to pool setbacks:

- A provision that states pools are subject to the same setback requirements as accessory structures

- A provision that states that enclosed or covered pools are considered accessory structures.
- A provision that provides minimum setback requirements for pools, which are similar, but not exactly the same as setbacks for accessory structures (street-side lot setbacks are 10' for pools, 20' for accessory structures, and there is no discussion of setbacks from other buildings).
- A provision that provides that pools are not allowed within easements, which includes public utility easements

This makes it unclear as to what setbacks should apply. Also, it is unclear whether pool setbacks include pool accessories (diving board, water slide), and whether the setback is measured to the inside pool wall or to the outside of the structure. For these reasons, staff recommends removing the reference to accessory structure setbacks (except for covered/enclosed pools), stating that pool accessories do not need to meet setbacks unless they are over 120 sq.ft. in size or over 14 ft in height, and that setbacks are measured to the outside edge of the pool structure. This would leave the current requirement that enclosed pools must satisfy accessory building setbacks, but it would allow non-enclosed pools to meet the pool-specific setbacks.

These changes would also mean that a pool does not need to be at least 6 feet away from a home (a requirement for accessory structures). Staff have received requests for "swim-out" pools that are partially within a home and partially outside, which staff have rejected because of the 6-foot home separation requirement. By removing the accessory structure setback reference, it would allow for this type of pool construction.

Staff have also received a request from a resident to consider amending pool setback requirements to allow pools to be up to 5 feet from a side property line and to be installed within public utility easements if the resident installs conduit to facilitate future utilities, in order to locate a pool within unique lot configurations. Generally, side lot setbacks for accessory structures in Highland are 10 feet, though other cities have 5-foot minimums.

### **Fencing**

Current city regulations require all pools to have automated safety covers and to be fenced with self-closing and self-locking gates. The requirement to have both was based on previous construction code requirements. Current construction code requirements only require a fence and gates if the pool does not have an automated cover. Staff therefore recommends that the City only require gates that comply with construction code if a pool is not installed with an automatic safety cover. A fence would still be required, but this change would allow residents more flexibility in gate design and location if they install an automated pool cover.

### **STAFF REVIEW & PROPOSED FINDINGS:**

Staff, including the City planner and building official, have discussed these changes and recommend the proposed language regarding fencing and setbacks, as they allow for greater flexibility in pool design while still preserving safety.

### **Proposed Findings:**

1. The proposed amendments clarify existing regulations for the benefit of staff and residents.
2. The proposed amendments modify pool regulations to allow for increased flexibility in pool construction.
3. The proposed amendments are in line with the current requirements of the International Pool and Spa Code.

**MOTION:**

I move that the Planning Commission recommend APPROVAL of the proposed amendments to the pool regulations. [Planning Commission may specify additional changes to be recommended]

**ATTACHMENTS:**

1. Proposed Pool Regulation Amendments

Repeal 3-4111 [R-1-40 swimming pool regulations]

Repeal 3-4211 [R-1-20 swimming pool regulations]

Repeal 3-4261 [R-1-30 swimming pool regulations]

Enact 3-627 Swimming Pools

### **3-627 Swimming Pools**

A swimming pool is a semi-permanent or permanent structure that is constructed to hold water that can be entered and used for recreational purposes, including pools and spas as defined by the currently adopted International Pool and Spa Code. A pool that could be installed by the typical homeowner and may be packaged as a kit, or a pool that is erected for temporary use of less than one year, is not considered a permanent swimming pool. As Swimming pools that is constructed near or below grade with the intention of lasting more than one year shall be considered a permanent pool and shall be in all zones are subject to the following requirements:

1. All permanent pools shall be subject to all setback requirements for accessory structures as defined in Section 3-4109 of this Code; and
1. Swimming pools may be installed only in zones that expressly authorize the installation of swimming pools.
2. Any structural portion of a swimming pool shall not be permitted within an easement of any kind; and.
3. Pools that are enclosed or covered within a permanent structure other than the main or primary building on the property shall be considered an accessory structures and shall be subject to all regulations related to accessory structures of the applicable zoneSections 3-4104 and 3-4109 of this Code.
  - a. For the purposes of this section only, a “permanent structure” shall be considered any structure or landscaping object exceeding one-hundred twenty (120) square feet in size or exceeding fourteen (14) feet in height constructed for the purpose of enhancing the swimming pool or pool equipment facilities.
  - a.4. Pool facilities, equipment, and enhancements, such as slides, water features, and diving boards, are not subject to accessory structure regulations or pool setback requirements unless the facility is considered a “permanent structure” as defined herein or the facility is contained within a building that constitutes an accessory structure.

4.5. A swimming pool may cover the area within a rear yard not located within an easement unless the construction of that pool would require the need to vary from existing ordinances. Minimum Swimming pool setback requirements from property lines are measured to the outside of the swimming pool structure, excluding walkways, and are as follows:

- a. Front Yard: Thirty feet (30'), or consistent with the primary building, whichever is greater. ~~Min.~~
- b. Rear Yard: Ten feet (10') ~~Min.~~
- c. Side Yard: Ten feet (10') ~~Min.~~
- d. Side Yard Adjacent to a Street: Ten feet (10') ~~Min.~~ (fence is permitted 5' from property line.)
- e. Trail or Landscape Easement: Ten feet (10') ~~Min.~~ (measured from nearest easement line.)

6. All outdoor swimming pools shall be fully enclosed within a fence. A fence may enclose either the swimming pool area or the property containing the swimming pool.

5.a. If the swimming pool area is enclosed within a fence, the minimum height of the fence is ~~with a minimum height of~~ four feet and include a self-closing locking gate; or,

a.b. If the property containing a swimming pool is enclosed within a fence, the minimum height of the fence is ~~That all swimming pool properties shall be enclosed with a fence that is a minimum height of a~~ 6 feet, unless in an open space subdivision which will then be a minimum height of 5 feet; ;

b.c. All fences enclosing swimming pools shall be equipped with gates that comply with the currently adopted International Pool and Spa Code unless the swimming pool is equipped with an automated safety cover that complies with the currently adopted International Pool and Spa Code. In either case, it will include a self-closing locking gate and an automated swimming pool cover.

6.7. All permanent swimming pools shall require a building permit.



# PLANNING COMMISSION AGENDA REPORT ITEM #3b

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**DATE:** June 25, 2024  
**TO:** Planning Commission  
**FROM:** Rob Patterson, City Attorney/Planning & Zoning Administrator  
**SUBJECT:** Residential Conditional Use Amendments  
**TYPE:** Land Use (Legislative)

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## **PURPOSE:**

The Planning Commission will consider amendments to conditional uses within residential zones and general conditional use requirements.

## **STAFF RECOMMENDATION:**

Staff recommends that the Planning Commission hold a public hearing, consider the amendments, and recommend APPROVAL of the proposed amendments to the conditional use code provisions with any desired changes to the City Council.

## **PRIOR REVIEW:**

When the Planning Commission and City Council reviewed and approved the conditional use permit for the pavilion on the church site, there was discussion by the Council regarding the need for a conditional use permit for a simple accessory structure and whether the conditional use process should be reviewed. These proposed amendments follow that discussion.

## **BACKGROUND & SUMMARY OF REQUEST:**

Conditional uses are types of activities that the City considers generally appropriate for a zone, but that require special review and the imposition of unique conditions to mitigate impacts on adjacent property owners and on the City. Each zone generally has its own set of allowed conditional uses. The proposed amendments focus on conditional uses within the City's residential zones, with some proposed amendments to general conditional use requirements.

The City's residential zones (R-1-40, R-1-30, and R-1-20) generally have similar permitted conditional uses:

- Public schools and grounds
- Churches, church grounds, and non-temporary accessory buildings associated with maintenance
- Libraries, museums, art galleries
- Funeral homes (R-1-40 only)
- Non-profit country clubs (except R-1-30)
- Communication towers (except R-1-30)
- Drilling wells for water

The zoning regulations also require that these uses have at least 35% landscaped sites.

With the recent church pavilion CUP, there was a discussion about whether accessory buildings of that nature--which do not have significant impacts on the primary use or on neighbors and which comply with general accessory structure regulations--should be subject to the conditional use process. To simplify the process for such accessory uses, staff recommends modifying the residential zones' conditional use regulations and the general conditional use procedures to exempt minor changes and accessory structures.

### **Proposed Amendments**

The proposed amendments do the following:

1. Clean-up and reorganization of language
2. Remove "school grounds," "church grounds," and church accessory maintenance buildings as conditional uses, in order to allow them to be permitted without a CUP
3. Add communication towers as conditional uses within the R-1-30 zone to be consistent with the other zones and to specify that communication towers in all residential zones remain subject to other applicable city, state, and federal law.
4. Add a new section to the general conditional use section that authorizes accessory and minor changes to a conditional use site or building without a CUP (so no Planning Commission or City Council review) if the change does not have a material impact on the site or neighbors and otherwise complies with City regulations. This would allow the following changes without a CUP or CUP amendment:
  - A. Accessory structures
  - B. Tenant improvements
  - C. Signs
  - D. Landscaping changes, especially to incorporate xeriscaping
  - E. Reconstruction of damaged structures
5. Add a new section to the general conditional use section that allows CUPs to be amended to address changed circumstances on a property. The proposal is for the amendment to be heard directly by the City Council without prior Planning Commission review.
6. Clarify that changes in ownership do not require a new CUP.
7. Clarify that notice of public hearings requires a minimum 7-day notice (currently no specific notice standard for the public hearings).

### **Additional Consideration**

The Council also discussed whether to change the overall process by which a CUP is approved, including whether the Council or the Commission should be the final approval body and whether public hearings should be required. The current conditional use process is as follows:

- Submission of an application
- Review by staff for completeness and potential submission of additional information by the applicant in order to address City standards
- Public hearing, review, and recommendation by Planning Commission as to approval/denial and conditions on the use
- Public hearing, review, and final decision by City Council as to approval/denial and conditions on the use

Utah State Law restricts the types of conditions that may be imposed on a conditional use, but it does not require any particular process or notice for conditional use permits, nor does it specify which uses should be conditional vs. permitted uses. This means that the process by which a conditional use permit is reviewed and approved is determined entirely by City Code--which uses are conditional uses, which

person or body approves conditional uses, and whether there are any special hearings or notices issued for conditional uses.

Therefore, in addition to the proposed amendments described above, the Planning Commission can also consider recommending changes to the conditional use approval process, such as:

- Eliminating or reducing the number of public hearings (Commission only, Council only, no public hearings, or public hearings at both as currently required)
- Changing the land use authority, such as by making the Planning Commission the land use authority for all or some CUPs and amendments (such as CUPs and amendments within residential zones, but leaving the City Council as the land use authority for CUPs and amendments in non-residential zones).

These amendments have not been proposed by staff but can be recommended by the Planning Commission. The Planning Commission can also recommend any other changes to the City's conditional use regulations and the proposed amendments as the Commission determines is appropriate.

### **STAFF REVIEW & PROPOSED FINDINGS:**

Staff believes the proposed changes will allow for faster processing of minor changes to conditional use sites, while still preserving Planning Commission and Council review for both the original CUP and any major changes thereto.

#### **Proposed Findings:**

- The proposed amendments clarify existing regulations for the benefit of staff and residents.
- The proposed amendments allow for increased flexibility and responsiveness for minor changes to conditional uses and associated sites and buildings.
- The proposed amendments conform to Utah State law requirements for conditional uses.

#### **MOTION:**

I move that the Planning Commission recommend APPROVAL of the proposed amendments to conditional use regulations. [Planning Commission may specify additional changes to be recommended]

#### **ATTACHMENTS:**

1. Proposed CUP Amendments

## R-1-40 Conditional Uses

### 3-4108 Conditional Uses

1. The ~~following~~ buildings, structures, and uses of land described herein shall be allowed in the R-1-40 Zone upon compliance with the provisions of this Section as well as other requirements of this Code and upon obtaining a conditional use permit as specified in Chapter 4 of this Code.  
  
2. All conditional uses shall landscape a minimum of 35% of their site and comply with parking requirements as determined by the City Council.  
  
3. Authorized conditional uses:
  - 1.a. Public schools ~~and school grounds~~.
  - 2.b. Churches, ~~not including temporary facilities~~.
  - 3.c. Libraries, museums, art galleries.
  - 4.d. Nonprofit country clubs used for recreational purposes as defined in this Section by members of the club. A non-profit country club shall be limited to golf. Preparation and serving of food and/or beverages associated with golf, on property specifically associated for these uses may be approved with Conditional Use. Sale of equipment and/or supplies may be approved with the conditional Use. Preparation and serving of food and/or beverages and the sale of equipment and/or supplies shall be a secondary and ancillary use to golf. Non-profit country clubs shall have memberships and regular periodic dues associated with the country club. A minimum of 50% of the proposed property associated with a non-profit country club shall be landscaped. The proposed landscaping area shall be limited to 15% non-living material. The applicant shall submit annually to Highland City a copy of the certified annual report required by the Utah Department of Commerce.  
  
a.i. Applicants desiring to obtain a nonprofit country club conditional use shall provide the following information when applying for a Conditional Use:
    - i.1. Legal evidence and documentation of their non-profit corporation status with the Utah State Department of Commerce; and

ii.2. Two (2) copies of detailed Architectural elevations (1/8" scale) for any structures and associated site plan (1" = 20' scale); and

iii.3. Two (2) copies of a detailed Landscaping Plan (1" = 20' scale).

~~5. Churches, church grounds, and accessory buildings associated with the maintenance of those grounds, not including temporary facilities.~~

~~6.e. Wireless and other ~~C~~ommunications and other towers, masts or towers, subject to other city, state, and federal regulations.~~

~~7. All Conditional Uses shall landscape 35% of their site and comply with parking requirements as determined by the Planning Commission.~~

8.f. Drilling wells.

9.g. Funeral Homes subject to the following requirements:

a.i. The property fronts onto an arterial street and the primary access is from an arterial street.

b.ii. Crematories are not permitted.

e.iii. A caretaker's residence may be permitted as an accessory use, provided that the caretaker's residence shall be contained within the mortuary building.

d.iv. The architecture shall be compatible with residential uses.

## R-1-20 Conditional Uses

### 3-4208 Conditional Uses

1. The ~~following~~ buildings, structures and uses of land described herein shall be allowed in the R-1-20 Zone upon compliance with the provisions of this Section as well as other requirements of this Code and upon obtaining a conditional use permit as specified in Chapter 4 of this Code.<sup>12</sup>
  2. All conditional uses shall landscape a minimum of 35% of their site and comply with parking requirements as determined by the City Council.
  3. Authorized conditional uses:
    - 1.a. Public schools ~~and school grounds~~.
    - 2.b. Churches, ~~church grounds, and accessory buildings associated with the maintenance of those grounds, not including temporary facilities.~~
    - 3.c. Libraries, museums, art galleries.
    - 4.d. Nonprofit country clubs used for recreational purposes as defined in this Section by members of the club. A non-profit country club shall be limited to golf. Preparation and serving of food and/or beverages associated with golf, on property specifically associated for these uses may be approved with Conditional Use. Sale of equipment and/or supplies may be approved with the conditional Use. Preparation and serving of food and/or beverages and the sale of equipment and/or supplies shall be a secondary and ancillary use to golf. Non-profit country clubs shall have memberships and regular periodic dues associated with the country club. A minimum of 50% of the proposed property associated with a non-profit country club shall be landscaped. The proposed landscaping area shall be limited to 15% non-living material. The applicant shall submit annually to Highland City a copy of the certified annual report required by the Utah Department of Commerce.
      - a.i. Applicants desiring to obtain a nonprofit country club conditional use shall provide the following information when applying for a Conditional Use:
        - i.1. Legal evidence and documentation of their non-profit corporation status with the Utah State Department of Commerce; and

ii.2. Two (2) copies of detailed Architectural elevations (1/8" scale) for any structures and associated site plan (1" = 20' scale); and

iii.3. Two (2) copies of a detailed Landscaping Plan (1" = 20' scale).

5.e. Wireless and other Communications ~~and other towers~~, masts or towers, subject to other city, state, and federal regulations.

6. ~~All Conditional Uses shall landscape 35% of their site and comply with parking requirements as determined by the Planning Commission.~~

7.f. Drilling wells.

## R-1-30 Conditional Uses

### 3-4258 Conditional Uses

1. The ~~following~~ buildings, structures and uses of land described herein shall be allowed in the R-1-30 Zone upon compliance with the provisions of this Section as well as other requirements of this Code and upon obtaining a conditional use permit as specified in Chapter 4 of this Code.~~‡~~
2. All conditional uses shall landscape 35% of their site and comply with parking requirements as determined by the City Council.
3. Authorized conditional uses:
  - 1.a. Public schools and school grounds.
  - 2.b. Churches, church grounds, and accessory buildings associated with the maintenance of those grounds, not including temporary facilities.
  - c. Libraries, museums, art galleries.
  - 3.d. Wireless and other communications masts or towers, subject to other city, state, and federal regulations.
4. ~~All Conditional Uses shall landscape 35% of their site and comply with parking requirements as determined by the Planning Commission.~~
- 5.e. Drilling wells for water.

## Chapter 4 Conditional Use Procedures

### 4-102 Application

1. An application for a conditional use permit shall be made to the Zoning Administrator as provided herein. The Zoning Administrator shall review and evaluate the application. Following said review and evaluation, the Zoning Administrator shall transmit the application to the Planning Commission for ~~action~~recommendation to the City Council, together with the recommendation of the Zoning Administrator as to approval or disapproval of the conditional use permit and any conditions which the Zoning Administrator may recommend to be imposed.
2. Applications for a conditional use permit shall be accompanied by such fees, maps, drawings, statements, or other documents as the ~~Planning Commission, and~~ Zoning Administrator shall deem necessary to fully evaluate the application ~~and have the application reviewed by the Planning Commission and City Council~~.
3. Notices of hearings to review an application under this Chapter shall be published at least seven (7) days prior to the hearing.

### 4-103 ~~Fee~~Accessory Uses, Modifications, and Amendments

~~The application for any conditional use permit shall be accompanied by the fee that may be specified in the current schedule of fees and charges which has been adopted by the City Council.~~

1. ~~Except as otherwise required by a conditional use permit, the issuance of a conditional use permit authorizes the following activities and improvements so long as such activities and improvements comply with all requirements of the Development Code and the conditional use permit, do not materially modify, impact, or relocate the approved structures and site, and do not materially increase off-site impacts or create increased parking or utility demands:~~
  - a. Accessory structures;
  - b. Tenant improvements within approved buildings that do not modify the exterior shell;
  - c. Erection of signs;
  - d. Modification to landscaping that incorporate xeriscaping or other modifications that do not remove minimum required site landscaping;

- e. Reconstruction or restoration of damaged or destroyed buildings and structures in conformance with the conditional use permit.
- 2. For an expansion or modification of an existing conditional use that may materially modify, impact, or relocate approved structures or the site, increase off-site impacts, or increase parking or utility demands, as determined by the Zoning Administrator, an amendment to the conditional use permit is required.
  - a. An amendment shall not be used to appeal or challenge a condition of approval, though an amendment seeking to change a condition of approval may be considered if the circumstances or bases for the condition of approval have changed.
  - b. An amendment shall be reviewed and decided by the City Council, without prior review of the Planning Commission, after a public hearing according to the process set forth herein.
- 3. Except as otherwise required by a conditional use permit, changes in ownership of a property or portion thereof subject to a conditional use do not require an amended or new conditional use permit if the new owner continues the conditional use in conformance with the Development Code and conditional use permit.