



# HIGHLAND PLANNING COMMISSION AGENDA

## TUESDAY, SEPTEMBER 24, 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: Audrey Moore

Invocation: Tracy Hill

Pledge of Allegiance: Debra Maughan

### 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*

August 27, 2024, Planning Commission meeting minutes

### 3. ACTION ITEMS

#### a. ACTION: PH - Development Agreement - Howden 6000 West Sidewalk and Fence Land Use *(Legislative)*

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

The Planning Commission will hold a public hearing to consider the City's entering into a development agreement with the Howdens regarding the construction of a sidewalk and theme wall along 6000 West adjacent to their property.

#### b. PUBLIC HEARING/ORDINANCE: Text Amendment - Land Use Authority Table *Development Code Update (Legislative)*

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

The Planning Commission will hold a public hearing to consider amendments to the Highland City Development Code creating a land use authority table and establishing the reviewing, recommending, and approving bodies for land use matters.

### 4. COMMUNICATION ITEMS

Communication items are informational only. No final action will be taken.

## **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, Rob Patterson, the duly appointed Planning and Zoning Administrator, 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 19 day of September, 2024

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

**TUESDAY, August 27, 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 Christopher Howden

Pledge of Allegiance: Commissioner Trent Thayn

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 Howden and those in attendance were led in the Pledge of Allegiance by Commissioner Thayn.

**PRESIDING:** Commissioner Audrey Moore

### **COMMISSIONERS**

**PRESENT:** Tracy Hill, Christopher Howden, Claude Jones, Debra Maughan, Trent Thayn, Wesley Warren

**CITY STAFF PRESENT:** Assistant City Administrator/Community Development Director Jay Baughman, City Attorney/Planning and Zoning Administrator Rob Patterson, Deputy Recorder Heather White

**OTHERS PRESENT:** Wendy Hart, Elizabeth Rice

## **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 Management*

*Heather White, City Deputy Recorder*

June 25, 2024, Planning Commission meeting minutes

*Commissioner Howden moved to approve the June 25, 2024 meeting minutes. Commissioner Jones seconded the motion. All present were in favor. The motion carried unanimously.*

## 3. ACTION ITEMS

**a. PUBLIC HEARING/ORDINANCE: Text Amendment - HB 476 (Water-Wise Notice, Subdivision Process, Sidewalk Assurances) Development Code Update (Legislative)**

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

The Planning Commission will hold a public hearing to consider amendments to the Highland City Development Code due to state law amendments found in HB 476.

Mr. Patterson explained that HB 476 was recently passed in the 2024 general legislative session. The amendments proposed by staff related to HB 476 addressed three items: water wise landscaping notice requirements, subdivision review procedures, and bonding for sidewalks. He explained that Highland had a park strip xeriscaping requirement for new developments. Staff proposed that developers be required to notify home buyers about the xeriscaping requirements for park strips. Mr. Patterson reviewed changes to subdivision review procedures. He explained that the new law permitted sidewalks to be bonded separately. State Law permitted cities to withhold certificates of occupancy. He asked the commissioners to consider including it in the city code. He said cities could not prohibit or withhold building permits, plat recordation, or acceptance of other public improvements due to lack of public sidewalks.

The commissioners discussed possible ramifications from the new state law. They wondered if it might keep people from moving into new homes or if it would impact the housing market. Commissioner Howden talked about the likelihood of sidewalks breaking throughout the construction process. He thought it was a good change. Mr. Patterson did not think bonding requirement amendments would have a significant impact on the housing market.

Commissioner Moore opened the public hearing at 7:19 PM and called for public comment.

Resident Elizabeth Rice wondered why Highland had park strips. She talked about monitoring water usage on her  $\frac{1}{2}$  acre corner lot and the amount of water that went into the park strip by her house. She said she contacted five groups over the last two months regarding grants for replacing plants in park strips. She thought there needed to be more incentives for established residents of Highland. She hoped that the city would change all watering in park strips. Ms. Rice was not fond of rock but having the ability to cap off 15 sprinkler heads in the park strip would be a huge water savings for her. She asked the planning commission to start having conversations with the city council about participating in incentive programs. She mentioned that a lot of her neighbors ripped out their trees because roots were buckling the sidewalks.

Commissioner Moore thought it was a great idea and pointed out that the commissioners had previously discussed the topic. Commissioner Howden said they needed to consider who would pay for the grants. Ms. Rice mentioned that Highland opted out of some of the incentive programs but thought there should be some kind of program the city could participate in. She did not expect Highland to pay for it and thought there was state or federal money

that could be used.

Commissioner Moore closed the public hearing at 7:30 PM and called for additional comments. Hearing none, she called for a motion.

*Commissioner Howden MOVED that the Planning Commission accept the findings and recommend approval of the proposed amendments to the Highland City Development Code.*

*Commissioner Hill SECONDED the motion.*

*The vote was recorded as follows:*

Commissioner Jerry Abbott	Absent
Commissioner Tracy Hill	Yes
Commissioner Christopher Howden	Yes
Commissioner Claude Jones	Yes
Commissioner Debra Maughan	Yes
Commissioner Audrey Moore	Yes
Commissioner Trent Thayn	Yes
Commissioner Alternate Sherry Kramer	Absent
Commissioner Alternate Wesley Warren	Yes

*The motion carried 7:0*

**b. PUBLIC HEARING/ORDINANCE: Text Amendment - Building Permit Public Improvements Development Code Update (Legislative)**

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

The Planning Commission will consider amendments to the Highland City Development Code clarifying public improvement requirements for undeveloped lots.

Mr. Patterson explained that the proposed amendments to the development code were to clarify public improvements for undeveloped lots. He reviewed the amendment to definitions for “zoning lot” and “nonconforming lot of record”. He discussed why the definitions mattered and said it would help staff know when building permits could be issued and when to require new public improvements. He explained that if a lot had no new impacts, the city could not require additional public improvements.

Commissioner Moore opened the public hearing at 7:38 PM and called for public comment. Hearing none, she closed the public hearing at 7:39 PM and called for a motion.

*Commissioner Maughan MOVED that the Planning Commission accept the findings and recommend approval of the proposed amendments to Chapters 10 and 11 of the Highland Development Code.*

*Commissioner Jones SECONDED the motion.*

*The vote was recorded as follows:*

Commissioner Jerry Abbott	Absent
Commissioner Tracy Hill	Yes
Commissioner Christopher Howden	Yes

<i>Commissioner Claude Jones</i>	<i>Yes</i>
<i>Commissioner Debra Maughan</i>	<i>Yes</i>
<i>Commissioner Audrey Moore</i>	<i>Yes</i>
<i>Commissioner Trent Thayn</i>	<i>Yes</i>
<i>Commissioner Alternate Sherry Kramer</i>	<i>Absent</i>
<i>Commissioner Alternate Wesley Warren</i>	<i>Yes</i>

*The motion carried 7:0*

#### **4. COMMUNICATION ITEMS**

Communication items are informational only. No final action will be taken.

**a. General Plan Update** *Jay Baughman, Assistant City Administrator/Community Development Director*

Mr. Baughman encouraged the Planning Commissioners to attend the Utah Chapter of the American Planners Association Conference in Provo on October 10 – 11. He encouraged them to attend the community open house for the General Plan update on September 18 at 5:00 PM.

#### **ADJOURNMENT**

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

The meeting ended at 7:46 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 August 27, 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:** September 24, 2024  
**TO:** Planning Commission  
**FROM:** Rob Patterson, City Attorney/Planning & Zoning Administrator  
**SUBJECT:** PH - Development Agreement - Howden 6000 West Sidewalk and Fence  
**TYPE:** Land Use (Legislative)

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## **PURPOSE:**

The Planning Commission will hold a public hearing to consider the City's entering into a development agreement with the Howdens regarding the construction of a sidewalk and theme wall along 6000 West adjacent to their property.

## **STAFF RECOMMENDATION:**

Staff recommends that the Planning Commission hold a public hearing, consider the proposed development agreement, and recommend APPROVAL of the proposed development agreement with the Howdens.

## **PRIOR REVIEW:**

No prior review.

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

Chris and Jacqui Howden live on 11366 North 6000 West, immediately adjacent to the new Williams View subdivision. Chris is the developer of that subdivision, and he approached City staff with a proposal to extend a sidewalk and theme wall along their property line in connection with the Williams View subdivision.

Currently, there is no sidewalk on the east side of 6000 West along the Howden property between the Williams View and Quail Creek subdivisions. This means that anyone walking on the east side of 6000 West must enter the street or walk along an uneven grassy area. Quail Creek is an older subdivision, and it was developed with a 4-foot wide sidewalk that is immediately adjacent to the curb (no park strip). Williams View has been developed according to the City's current standards, with a 5-foot sidewalk and 4-foot park strip.

Because of the topography of 6000 West and the Howden property, there is only about 4 to 4.5 feet of level ground adjacent to 6000 West on the east side. This makes installing a standard park strip and sidewalk impossible without extensive regrading and filling the property. The Howdens are willing to install a public sidewalk at their own expense on the existing level ground, if the City is willing to allow the sidewalk to match what was done on the Quail Creek side -- 4-foot sidewalk with no park strip. The Howdens are not developing their property, so the City cannot require the Howdens to install a sidewalk at all, let alone regrade their property to allow for the typical park strip and sidewalk.

In addition to the sidewalk, the Howdens ask that the City allow them to extend the 6-foot theme wall being installed with the Williams View subdivision along their property line. Because of the topography, this wall would need to be installed adjacent to the sidewalk, instead of being set back 14 feet from the curb, as would otherwise be required.

In summary, the Howdens are offering to install a public sidewalk at their expense, if the City is willing to be flexible on its normal sidewalk/park strip requirements and its fence setback requirements. City staff are amenable to this request, provided that, if and when the property is subdivided or redeveloped in the future, the sidewalk and wall are removed and reinstalled according to City standards by the developer at that time.

Because the Howdens' request requires an exception to City standards, it must be approved through a development agreement that is reviewed by the Planning Commission at a public hearing and then approved by the City Council. A proposed development agreement is included.

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

This is a legislative matter that is subject to the discretion of the Planning Commission and City Council. In a brief discussion on September 17, 2024, the City Council indicated they would support this agreement. Staff believes that having a complete sidewalk along the east side of 6000 West, even if substandard, will be a benefit to Highland residents. Further, if and when the Howden property is subdivided, the developer will be required to install a City standard park strip and sidewalk.

#### **Proposed Findings:**

- The proposed development agreement will provide a benefit to Highland City residents that justifies the limited scope of the exceptions requested.

#### **MOTION:**

I move that the Planning Commission recommend APPROVAL of the proposed development agreement with the Howdens for a sidewalk and fence along 6000 West.

[Planning Commission may specify different or additional changes to be recommended]

#### **ATTACHMENTS:**

1. Development Agreement - Howden 6000 W - 09.19.2024.1

When recorded, return to:  
Highland City  
5400 W Civic Center Dr Ste.1  
Highland, UT 84003

## **DEVELOPMENT AGREEMENT HOWDEN 6000 WEST SIDEWALK AND FENCE**

This DEVELOPMENT AGREEMENT (“**Agreement**”) is entered into by HIGHLAND CITY, a Utah municipality and a political subdivision of the State of Utah (the “**City**”), and JACQUELINE R. HOWDEN, individual, (“**Owner**”), and their respective principals, agents, officers, employees, heirs, assigns, and successors-in-interest.

A. Owner owns the property (“**Property**”) located generally at 11366 N 6000 W, Highland, UT 84003, Utah County parcel 11:026:0054, more particularly described as:

COMMENCING NORTH 0 DEG 28' WEST 962.73 FEET AND EAST 29.06 FEET FROM THE SOUTH QUARTER CORNER OF SECTION 26, TOWNSHIP 4 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN; THENCE NORTH 0 DEG 21' WEST 403.35 FEET; THENCE NORTH 89 DEG 51' EAST 625.89 FEET; THENCE SOUTH 1 DEG 30' WEST 322.82 FEET; THENCE SOUTH 88 DEG 48' WEST 332.25 FEET; THENCE SOUTH 56 DEG 04' WEST 59.68 FEET; THENCE SOUTH 89 DEG 57' WEST 128.40 FEET; THENCE SOUTH 68 DEG 24' WEST 112.80 FEET TO THE POINT OF BEGINNING

AREA 5.055 AC.

B. Owner desires to install a public sidewalk along the Property’s frontage on 6000 West within the City’s right of way (“**Sidewalk**”), in addition to a private theme wall on Owner’s Property adjacent to the sidewalk (“**Theme Wall**”), which improvements are collectively referred to herein as the “**Owner Improvements**.”

C. Due to the topography of the 6000 West right of way adjacent to the Property, there is currently insufficient level ground to facilitate the installation of the Owner Improvements according to the City’s standards.

D. City recognizes the benefit of having the Sidewalk installed and the generosity of Owner in constructing the Sidewalk for the benefit of the City and therefore desire to facilitate the installation of the Sidewalk and Theme Wall for the benefit of the City and its residents, provided that, in the event the Property

is subdivided and developed in the future, the Owner Improvements will be replaced and reinstalled in accordance with then-applicable City standards.

E. In order to accomplish the goals and objective set forth in these recitals, the parties desire to enter into this Agreement to establish the terms and conditions by which the Owner Improvements will be installed.

## AGREEMENT

1. **Owner Improvements.** The City agrees to allow Owner to install the Owner Improvements, at Owner's sole cost and expense, as follows:
  - a. **Sidewalk.** The Sidewalk shall consist of a concrete, 4-foot wide sidewalk adjacent to the existing curb of the City's 6000 West right of way along the frontage of the Property, connecting the existing sidewalks of the Quail Creek subdivision on the north and the Williams View subdivision on the south. The Sidewalk shall be installed without a park strip. Except for the size of the sidewalk (4 feet instead of 5 feet) and the lack of park strip, the Sidewalk shall conform to City development, design, and construction standards and ordinances.
  - b. **Theme Wall.**
    - i. The Theme Wall shall be a pre-cast concrete fence, of a similar type, style, and material to be installed with the Williams View subdivision immediately south of the Property. The City agrees to allow Owner to install the Theme Wall adjacent to the Sidewalk on the Property, without the standard fence setback. Except for the setback, the Theme Wall shall conform to City development, design, and construction standards and ordinances.
    - ii. City shall not be responsible to maintain or repair the Theme Wall. Owner acknowledges that City shall not be liable for any damage or degradation to or of the Theme Wall due to its proximity to the Sidewalk and 6000 West and the impact from snow plowing, snow melt, and public use of the Sidewalk.
  - c. **Design.** Attached as Exhibit A is a concept diagram showing the approved design of the Owner Improvements. Owner shall provide and submit all required applications, designs and construction documents, and other materials required by City development, design, and construction standards in connection with the construction of the Owner Improvements, which shall generally conform to Exhibit A.

## 2. Future Development.

- a. In the event the Property is subdivided or otherwise redeveloped from its current, one-unit, single-family residential use, Owner or Owner's successors-in-interest, shall be required, in connection with such subdivision or redevelopment, to remove and demolish the Owner Improvements and design, construct, improve, and install all right of way improvements along the Property's 6000 West frontage according to the City's development, design, and construction standards in effect at the time of subdivision or redevelopment. Such right of way improvements include, but are not limited to, road improvements, park strip, sidewalk, curb, and gutter, including all grading, fill, and/or retention necessary to support such improvements.
- b. The removal and demolition of the Owner Improvements, and design, construction, improvement, and installation of right of way improvements along the Property's 6000 West frontage, shall be imposed as a condition of approval of the future subdivision or redevelopment of the Property.

3. **Successors Bound.** This Agreement shall be recorded against title to the Property as covenants, obligations, and equitable servitudes running with the land to Owner's successors-in-interest, each of whom shall be obligated as though named herein to perform each and every of Owner's obligations set forth herein.
4. **No Development Approval.** Nothing in this Agreement constitutes approval of any building permit, subdivision plat, or other land use application nor waives any requirements related thereto. Except as expressly provided herein, Owner shall comply with all City land use regulations related to the construction, occupancy, and use of the Property and Owner Improvements.
5. **Representations.** The parties represent and warrant that the person signing this Agreement on behalf of each party is authorized to so sign and to bind the party to the obligations set forth herein, and that all steps and procedures required by a party to execute and enter into this Agreement have been completed.
6. **Complete Agreement.** This written Agreement is the entire contract entered into between the parties, and no party is relying or may rely on any other representations, promises, or understandings of any kind not expressly set forth herein. This Agreement may not be altered, amended, modified, or otherwise changed in any respect except in a writing executed by all parties.

~~SIGNATURES TO FOLLOW~~

For OWNER Jacqueline R. Howden

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[Signature]

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[Date]

STATE OF \_\_\_\_\_)

§

COUNTY OF \_\_\_\_\_)

On the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, personally appeared before me,  
\_\_\_\_\_, proved on the basis of satisfactory evidence  
to be the person whose name is/are subscribed to the foregoing instrument, and who acknowledged  
they executed the same.

WITNESS my hand and official seal.

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Notary Public

## For HIGHLAND CITY, UTAH

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[Signature]

Attested:

[Date]

## City Recorder

STATE OF \_\_\_\_\_ )  
§

COUNTY OF )

On the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, personally appeared before me, \_\_\_\_\_, proved on the basis of satisfactory evidence to be the person whose name is/are subscribed to the foregoing instrument, and who acknowledged they executed the same.

WITNESS my hand and official seal.

## Notary Public

STATE OF \_\_\_\_\_ )  
8

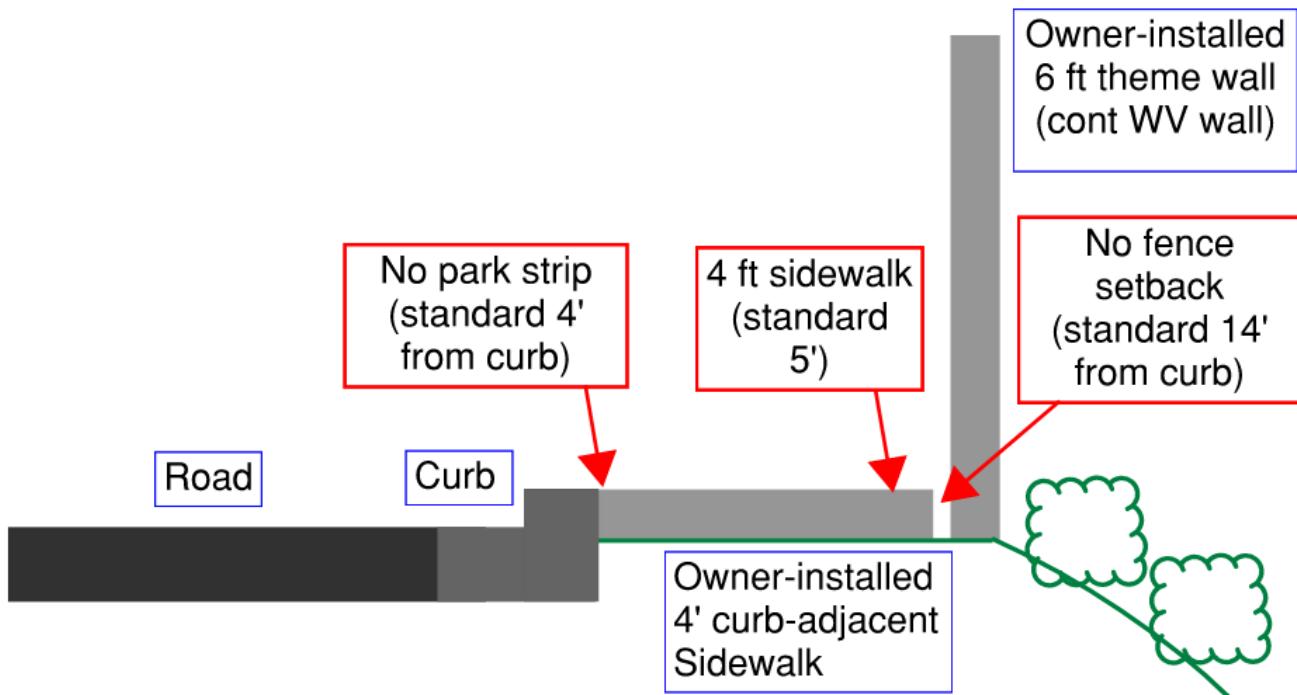
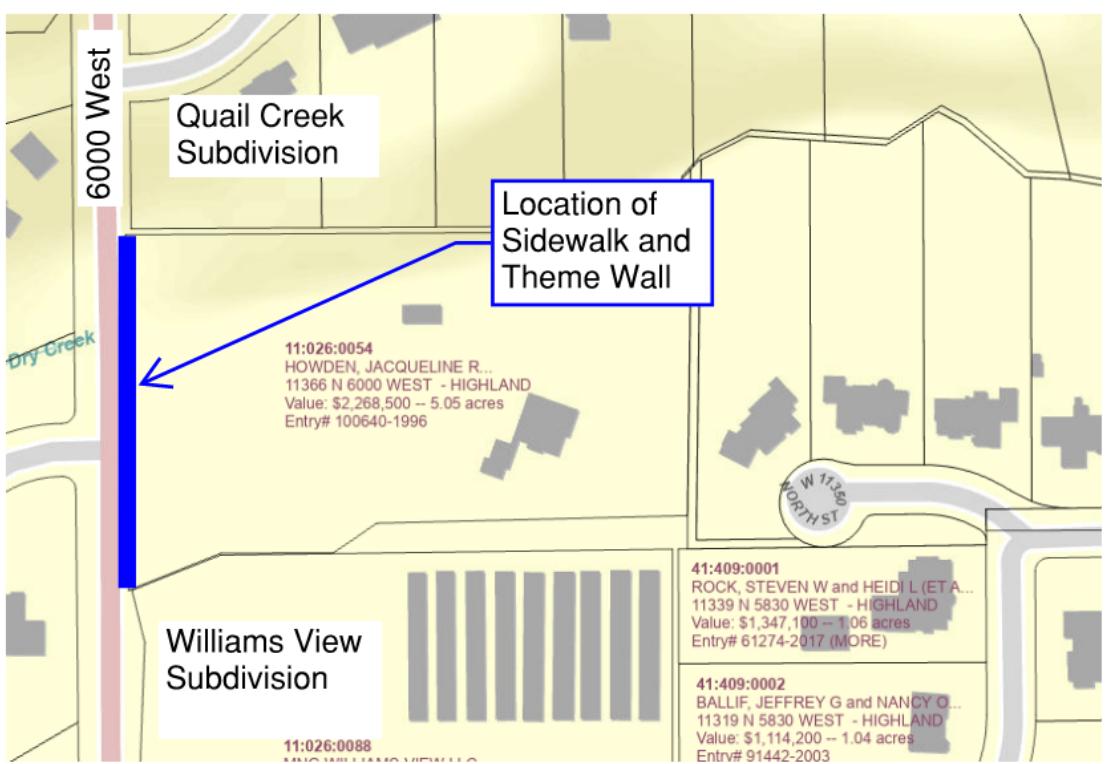
COUNTY OF )

On the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, personally appeared before me, \_\_\_\_\_, proved on the basis of satisfactory evidence to be the person whose name is/are subscribed to the foregoing instrument, and who acknowledged they executed the same.

WITNESS my hand and official seal.

## Notary Public

**EXHIBIT A**  
Concept Design for Sidewalk and Theme Wall





# PLANNING COMMISSION AGENDA REPORT ITEM #3b

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**DATE:** September 24, 2024  
**TO:** Planning Commission  
**FROM:** Rob Patterson, City Attorney/Planning & Zoning Administrator  
**SUBJECT:** Text Amendment - Land Use Authority Table  
**TYPE:** Development Code Update (Legislative)

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## **PURPOSE:**

The Planning Commission will hold a public hearing to consider amendments to the Highland City Development Code creating a land use authority table and establishing the reviewing, recommending, and approving bodies for land use matters.

## **STAFF RECOMMENDATION:**

Staff recommends that the Planning Commission hold a public hearing, consider the amendments, and recommend APPROVAL of the proposed amendments to the Highland City Development Code creating a land use authority table and establishing the reviewing, recommending, and approving bodies for land use matters.

## **PRIOR REVIEW:**

No prior review.

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

A "land use application" is any application for approval of a development or use of land. Land use applications include building permits, fence permits, conditional use permits, site plans, and subdivision plats. The entity that makes the final decision on whether to approve or deny an application is called the "Land Use Authority."

Highland City's Development Code contains numerous types of land use applications, and the code is specific for each type of application who at the City is the land use authority. In order to determine which person or body is supposed to review an application, give a recommendation on an application, or approve/deny an application, a person must identify the correct zoning code, the correct application, and then read and interpret the code. This is necessary because the land use authority is not always consistent between similar land use applications or similar zones. For example, in the CR zone (Highland Mains/Little India/Little Caesars), architectural review of buildings requires approval from both the Planning Commission and the City Council. But in the C-1 zone (Maceys), architectural review of building requires only Planning Commission approval. Site plans are approved by the City Council for the C-1, CR, RP, and PO zones, but are approved by the Planning Commission for the PI and PU zones.

In addition, the appeal body has not always been consistent. Sometimes it is the Council, sometimes it is the City's appointed appeal hearings officer.

In order to provide clarity and consistency in the City's Development Code, staff has proposed creating a land use authority table. This table would identify, for each land use application type, the reviewing body, the recommending body, the land use authority, and the appeal authority. As proposed, each type of land use application (subdivision plat, site plan, conditional use permit, et.) would be reviewed, recommended, decided, and appealed by the same person/body, regardless of the zone. Staff has also proposed amendments throughout the City's development code to remove references to specific persons or bodies and to instead point to this table.

Most of the proposed changes are non-substantive. The few substantive changes are as follows:

1. CR zone architectural review land use authority will become just the Planning Commission (previously City Council)
2. In non-residential zones, the Planning Commission previously decided what was "rear" vs "side" setback. This will now be the City Council as part of site plan approval.
3. In non-residential zones, the appeal authority for site plans will become the City's appeals hearing officer (previously was unclear, district court, or the hearing officer).
4. All extensions of approvals for site plans, architectural review, conditional use permits, and subdivision plats will be the City's Development Administration Board. Previously there was no land use authority (site plans/arch review), Planning Commission (CUPs), or the DAB (subdivision).
5. Clarification as to the makeup and role of the Development Review Committee as facilitating staff review of land use applications.
6. Clarification that the zoning administrator is responsible to determine the completeness of all land use applications. Applications that are not complete cannot be processed.

There are three sections of the City's code that are not being updated: temporary uses, home occupations, and utility facility supplemental regulations. For temporary uses and home occupations, staff intends to update these as part of an upcoming, broader code update that will mesh and correlate the City's municipal code regulations with the City's development code regulations on those items. As to utility supplemental regulations, staff needs additional time to determine the impact of adjusting those regulations to understand current practices.

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

Staff has proposed the amendments in order to clarify land use application submittal, review, approval, and appeal procedures.

### **Proposed Findings:**

- The proposed amendments clarify and provide consistency in land use application review, approval, and appeal procedures.

### **MOTION:**

I move that the Planning Commission recommend APPROVAL of the proposed amendments to the Highland Development Code related to the creation of a land use authority table.

[Planning Commission may specify different or additional changes to be recommended]

### **ATTACHMENTS:**

1. Proposed LUA Table
2. Proposed LUA Text Amendment



LAND USE APPLICATION OR MATTER	REVIEWING BODY	RECOMMENDING BODY	LAND USE AUTHORITY	APPEAL AUTHORITY <sup>‡</sup>
Accessory Dwelling Unit*	DRC	-	ZA	AA
Accommodation Requests	DRC	DRC	CC	AA
Annexation	DRC	PC <sup>†</sup>	CC	DC
Application Complete Status	DRC	-	ZA	DAB
Architectural Review	DRC	DRC	PC	CC
Building Permit	DRC	ZA	BO	AA
Conditional Use Permit	DRC	PC	CC	AA
Conditional Use Permit, Accessory Uses	DRC	-	ZA	AA
Conditional Use Permit, Amendment	DRC	-	CC	AA
Development Code Amendment	DRC	PC	CC	DC
Extension of Approval**	DRC	-	DAB	AA
Fence and Wall Permits*	DRC	-	ZA	AA
General Plan Amendment	DRC	PC	CC	DC
Nonconforming Use or Structure	DRC	-	ZA	AA
Planned Development	DRC	PC	CC	DC
Planned Development, Minor Amendment	DRC	-	ZA	CC
Planned Development, Major Amendment	DRC	PC	CC	DC
Property Adjustments				
Lot or Parcel Combination	DRC	-	ZA	CC
Parcel Boundary Adjustment	DRC	-	ZA	CC
Plat Amendment, Lot Line Adjustment, or ROW Vacation	DRC	-	CC	DC
PUE or MUE Vacation	DRC	-	ZA	CC
Residential Facility - Disabled	DRC	DRC	CC	AA
Residential Facility - Elderly	DRC	DRC	CC	AA
Sensitive Lands Analysis	DRC	ZA, CE	See 8-104(4)	See 8-108
Sign Permit, Permanent*	DRC	-	ZA	AA

Sign Permit, Temporary*	DRC	-	ZA	AA
Site Plan	DRC	PC	CC	AA
Subdivision, Major - Preliminary Plat	DRC	DRC	PC	AA
Subdivision, Major - Final Plat and Improvement Plans	DRC	DRC	DAB	AA
Subdivision, Minor - Final Plat and Improvement Plans	DRC	DRC	DAB	AA
Variance	-	-	AA	DC
Zoning Map Amendment (Rezone)	DRC	PC	CC	DC

\* Application may require separate building permit approval.

† Formal recommendation is discretionary by the land use authority.

‡ Appeals subject to procedures in Chapter 2, Article 3 and Title 10, Chapter 9a, Parts 7 and 8, Utah Code Ann.

\*\*Conditional use permits, subdivision approvals, site plan approvals, architectural approvals

## 2-204 Duties And Powers

The minimum number of affirmative votes required to make a recommendation to the City Council, or any other approval as outlined in this Code, shall be a majority of the members present but shall never be less than four (4) affirmative votes.

The Planning Commission shall have the following powers and duties:

1. The Planning Commission, as provided by Sections 2-101 to 2-103, shall prepare and recommend to the City Council, a General Plan and amendments to the General Plan.
2. The Planning Commission may make reports and recommendations relating to the planning and development of the City to public officials and agencies, and other organizations and citizens.
3. The Planning Commission shall prepare or recommend regulations governing the subdivision of land within the City or amendments to such regulations and to submit said regulations or amendments to the City Council for adoption.
4. ~~The Planning Commission shall review and decide applications for the subdivision of land as provided in Chapter 5.~~

5.4. The Planning Commission may, or by order of the City Council shall, make and recommend to the City Council a zoning plan, including both the full text of the zoning regulations and maps and amendments thereto. ~~The zoning regulations, including the maps, may be amended from time to time by the City Council. However, all proposed amendments shall be first submitted to the Planning Commission for its recommendation which shall be returned to the City Council for its consideration within thirty days.~~

6.5. The Planning Commission shall review, hear, and decide such applications for conditional use permits and other land use applications and matters for which the Planning Commission is authorized by this Code to act as the land use authority upon.

7.6. The Planning Commission, by order of the City Council, shall make and recommend to the City Council a multi year improvement program which shall set forth an orderly program for the acquisition of land, buildings and other facilities that are needed for City purposes.

8.7. The Planning Commission may conduct hearings and meetings with interested property owners, land use applicants, officials, and citizens in the process of carrying out its functions.

## 2-303 Powers And Duties

1. Except where another person or body is designated to hear an appeal, The appeals hearing officer appointed pursuant to this Article shall be the Appeal Authority, shall be is the city's appeal authority pursuant to section 10-9a-701 of the Act, and shall have the following powers and duties:
  - a. Hear and decide appeals where it is alleged that there is an error in any order, requirement, decision or determination made by a land use authority in the enforcement or interpretation of this title or of any ordinance adopted pursuant thereto. Appeals may not be used to waive or modify the terms or requirements of this title.
  - b. Authorize variances from the terms of this title pursuant to the procedures and standards set forth in Utah State Code Section 10-9a-702 as amended.
2. Where another person or body is designated to hear an appeal, such person or body shall act as Appeal Authority pursuant to this Article and in accordance with the Act.

## 2-306 Appeals

1. 1.—An applicant or any person adversely affected by the land use authority's decision administering or interpreting a land use ordinance for which the appeal authority is the designated appeals hearing officer may, within the applicable time period, appeal that administrative decision to the appeal authority by alleging that there is error in any order, requirement, decision, or determination made by the land use authority in the administration or interpretation of the land use ordinance.
- 1.2. Informal reviews are not subject to appeal. Formal recommendations Planning Commission recommendations to the City Council are not subject to appeal and therefore may not be appealed to the Appeal Authority.  
Legislative actions are not subject to appeal.
2. An appeal shall be made in writing within ten (10) days of the administrative decision by the city land use authority and shall be filed with the Community Development Department on an application form with required documentation and accompanied with the appropriate fees as required.
3. The appeal shall specify the decision appealed, the alleged error made in connection with the decision being appealed, and the reasons the appellant claims the decision to be in error, including every theory of relief that can be presented in district court. The appellant has the burden of proving the decision appealed is incorrect. Only information and claims that were previously presented as part of the land use application, hearings, or process may be submitted.
4. An appeal filed with to the Appeal Authority shall stay all further proceedings concerning the matter about which the appealed order, requirement, decision, determination, or interpretation was made until such time a decision is rendered by the Appeal Authority.
5. Upon receipt of an appeal of an administrative decision, the Appeal Authority shall schedule and hold a public meeting in accordance with the standards and procedures set forth in this Section. Notification of the date, time and place of the hearing shall be given to the appellant, the respondent (i.e., the land use applicant) and the city at least 7 seven calendar days before the public meeting.
6. All appeals shall be heard within 180 days after the filing of the appeal. Appeals not heard within this time frame due to the appellant's failure to

expeditiously pursue its appeal will be considered void and withdrawn by the appellant.

7. The Appeal Authority shall determine the correctness of the land use authority's interpretation and application of the plain meaning of the land use regulations and interpret and apply a land use regulation to favor a land use application unless the land use regulation plainly restricts the land use application. The Appeal Authority shall uphold the decision unless it is not supported by substantial evidence in the record or it violates a law, statute, or ordinance in effect when the decision was made. Only information and claims that were previously presented as part of the land use application, hearings, or process is to be considered by the Appeal Authority. The appeals hearing officer shall render a written decision on the appeal. Such decision may reverse or affirm, wholly or in part, or may modify the administrative decision.

## **2-402 Powers And Duties Of Zoning Administrator**

The Zoning Administrator shall have the following powers and duties:

1. To review, hear, and decide all such land use applications and matters for which the Zoning Administrator is authorized by this Code to act upon for building permits and certificates of zoning compliance and to issue such permits or certificates when all requirements of the zoning regulations have been met.
2. To enforce the zoning regulations within the City, and to refuse to issue any permit unless the plans of and for the proposed erection, construction, or use fully conform to all zoning regulations in effect within the City.
- 2.3. To determine the completeness of any land use application, and upon determination that the application is incomplete or deficient with respect to a specific and objective application requirement imposed by this Chapter or another governing law, land use regulation, applicable land use decision, ordinance, or standard, to notify the applicant of the deficiency, with a description of the information, documents, and materials required to correct the deficiency, which decision by the Zoning Administrator is subject to appeal to the Development Administration Board.
- 3.4. Upon appeal to the Board of Adjustment, Planning Commission or City Council of any matters on which the Board, Commission or Council is required to pass under the terms of zoning regulations, the Zoning Administrator shall forthwith To transmit all papers, records, exhibits, recommendations, decisions, and other pertinent data pertaining to land use matters to the appropriate recommending body, land use authority, or appeal authorityappeal thereto.
- 4.5. To keep the Official Zone Map current.

## **6-604 Duties And Powers**

The Development Administration Board shall have the following powers and duties:

1. Make reports and recommendations related to the planning and development of the City to the Planning Commission and City Council.
2. Conduct meetings and adopt rules, policies, and procedures consistent with this Code to govern its operations and meetings and the submission and review of land use applications.
3. Review, hear, and decide ~~all applications for final subdivision plat approval and such other~~ land use applications and matters for which the Board is authorized by this Code to act ~~upon as the land use authority or to otherwise review or decide.~~

## **2-703 Development Review Committee**

1. The Development Review Committee consists of the Public Works Director, Community Development Director, Zoning Administrator, Fire Chief, Building Official, City Engineer, or their respective designees, together with such other city staff members, consultants, and utility and government entity representatives as the Committee requests.
2. The Development Review Committee is an informal body that reviews such land use applications and matters for which the Committee or City Staff is authorized or required by this Code to review.
3. Review by the Development Review Committee shall be advisory only, and a land use authority may issue a land use decision without prior review by the Development Review Committee.

## **2-704 Designation of Reviewing Bodies**

**1. Table 2-704A designates the Reviewing Body, Recommending Body, Land Use Authority, and Appeal Authority for land use applications and matters.**

**Table 2-704A**

<b><u>LAND USE APPLICATION OR MATTER</u></b>	<b><u>REVIEWING BODY</u></b>	<b><u>RECOMMENDING BODY</u></b>	<b><u>LAND USE AUTHORITY</u></b>	<b><u>APPEAL AUTHORITY‡</u></b>
<u>Accessory Dwelling Unit*</u>	<u>DRC</u>	<u>-</u>	<u>ZA</u>	<u>AA</u>
<u>Accommodation Requests</u>	<u>DRC</u>	<u>DRC</u>	<u>CC</u>	<u>AA</u>
<u>Annexation</u>	<u>DRC</u>	<u>PC†</u>	<u>CC</u>	<u>DC</u>
<u>Application Complete Status</u>	<u>DRC</u>	<u>-</u>	<u>ZA</u>	<u>DAB</u>
<u>Architectural Review</u>	<u>DRC</u>	<u>DRC</u>	<u>PC</u>	<u>CC</u>
<u>Building Permit</u>	<u>DRC</u>	<u>ZA</u>	<u>BO</u>	<u>AA</u>
<u>Conditional Use Permit</u>	<u>DRC</u>	<u>PC</u>	<u>CC</u>	<u>AA</u>
<u>Conditional Use Permit,</u> <u>Accessory Uses</u>	<u>DRC</u>	<u>-</u>	<u>ZA</u>	<u>AA</u>
<u>Conditional Use Permit,</u> <u>Amendment</u>	<u>DRC</u>	<u>-</u>	<u>CC</u>	<u>AA</u>
<u>Development Code</u>	<u>DRC</u>	<u>-</u>	<u>CC</u>	<u>DC</u>
<u>Amendment</u>	<u>DRC</u>	<u>PC</u>	<u>CC</u>	<u>DC</u>
<u>Extension of Approval**</u>	<u>DRC</u>	<u>-</u>	<u>DAB</u>	<u>AA</u>
<u>Fence and Wall Permits*</u>	<u>DRC</u>	<u>-</u>	<u>ZA</u>	<u>AA</u>
<u>General Plan Amendment</u>	<u>DRC</u>	<u>PC</u>	<u>CC</u>	<u>DC</u>
<u>Nonconforming Use or Structure</u>	<u>DRC</u>	<u>-</u>	<u>ZA</u>	<u>AA</u>
<u>Planned Development</u>	<u>DRC</u>	<u>PC</u>	<u>CC</u>	<u>DC</u>
<u>Planned Development, Minor Amendment</u>	<u>DRC</u>	<u>-</u>	<u>ZA</u>	<u>CC</u>
<u>Planned Development, Major Amendment</u>	<u>DRC</u>	<u>PC</u>	<u>CC</u>	<u>DC</u>
<u>Property Adjustments</u>				
<u>Lot or Parcel Combination</u>	<u>DRC</u>	<u>-</u>	<u>ZA</u>	<u>CC</u>
<u>Parcel Boundary Adjustment</u>	<u>DRC</u>	<u>-</u>	<u>ZA</u>	<u>CC</u>
<u>Plat Amendment, Lot Line Adjustment, or ROW Vacation</u>	<u>DRC</u>	<u>-</u>	<u>CC</u>	<u>DC</u>
<u>PUE or MUE Vacation</u>	<u>DRC</u>	<u>-</u>	<u>ZA</u>	<u>CC</u>
<u>Residential Facility - Disabled</u>	<u>DRC</u>	<u>DRC</u>	<u>CC</u>	<u>AA</u>
<u>Residential Facility - Elderly</u>	<u>DRC</u>	<u>DRC</u>	<u>CC</u>	<u>AA</u>
<u>Sensitive Lands Analysis</u>	<u>DRC</u>	<u>ZA, CE</u>	<u>See 8-104(4)</u>	<u>See 8-108</u>
<u>Sign Permit, Permanent*</u>	<u>DRC</u>	<u>-</u>	<u>ZA</u>	<u>AA</u>
<u>Sign Permit, Temporary*</u>	<u>DRC</u>	<u>-</u>	<u>ZA</u>	<u>AA</u>
<u>Site Plan</u>	<u>DRC</u>	<u>PC</u>	<u>CC</u>	<u>AA</u>
<u>Subdivision, Major - Preliminary Plat</u>	<u>DRC</u>	<u>DRC</u>	<u>PC</u>	<u>AA</u>

<u>Subdivision, Major - Final Plat and Improvement Plans</u>	<u>DRC</u>	<u>DRC</u>	<u>DAB</u>	<u>AA</u>
<u>Subdivision, Minor - Final Plat and Improvement Plans</u>	<u>DRC</u>	<u>DRC</u>	<u>DAB</u>	<u>AA</u>
<u>Variance</u>	<u>-</u>	<u>-</u>	<u>AA</u>	<u>DC</u>
<u>Zoning Map Amendment (Rezone)</u>	<u>DRC</u>	<u>PC</u>	<u>CC</u>	<u>DC</u>

\* Application may require separate building permit approval.

† Formal recommendation is discretionary by the land use authority.

‡ Appeals subject to procedures in Chapter 2, Article 3 and Title 10, Chapter 9a, Parts 7 and 8 Utah Code Ann.

\*\*Conditional use permits, subdivision approvals, site plan approvals, architectural approvals

2. The initialisms used above are defined as follows:

- a. AA. Appeals hearing officer appointed pursuant to Chapter 2, Article 3 of this Code
- b. BO. Building Official
- c. CC. City Council
- d. CE. City Engineer
- e. CT. City Treasurer
- f. DC. District court
- g. DAB. Development Administration Board
- h. DRC. Development Review Committee
- i. MUE. Municipal utility easement
- j. PC. Planning Commission
- k. PUE. Public utility easement
- l. ROW. Right of way.
- m. ZA. Zoning Administrator

### **3-203 Burden Of Proof Of Nonconforming Use Or Nonconforming Structure**

1. There is no presumption of the legal existence of nonconforming structures or uses.
2. Any person or entity asserting the existence of a nonconforming structure or use shall have the burden to prove the legal existence of the nonconforming structure or use.
3. A person or entity desiring to establish the existence of a nonconforming structure or use shall submit an application to the Zoning Administrator that includes an application form, a fee (if required), and the following information:
  1. The nature, extent, and location of the nonconforming structure or use;
  2. The date of the establishment of the nonconforming structure or use;
  3. Any and all evidence, including witness testimony, affidavits, correspondence, declarations, historical documents and records, maps, and official permits or licenses, that establishes:
    1. The nonconforming structure or use was originally established in conformance with the governing law in place at the time of establishment or was otherwise approved, in writing, by the city;
    2. The nonconforming structure or use has continuously and legally existed from its establishment to the present and there have been no circumstances that would result in a presumption of abandonment;
    3. The nonconforming structure or use has not been expanded or extended except as permitted under the governing law in place at the time of expansion or extension.
4. Within a reasonable time after receiving an application for a nonconforming structure or use, the Zoning Administrator Land Use Authority shall issue either a certificate of nonconformity approving the application or a written decision rejecting the application.
5. No evidence or witnesses not included or listed in the application filed with the Zoning Administrator Land Use Authority may be presented by an applicant upon appeal.

## **[R-1-40] 3-4102 Permitted Uses**

The following buildings, structures, and uses of land shall be permitted in the R-1-40 Zone upon compliance with the requirements set forth in this Code:

...

8. Residential Facilities for Persons with a Disability. Residential Facilities for Persons with a Disability shall be a permitted use in all residential zones and requires final zoning approval by the City CouncilLand Use Authority. The building and use must comply with all of the requirements defined by this Section.
  - a. “Disabled” or “Disability” under this section shall include, with respect to a person, a person who has a physical or mental impairment which substantially limits one or more of that person’s major life activities or has a history of having such impairment.
    - i. For the purpose of Section 3-4102(8) “Disability” does not include any disability arising from, related to, or caused by substance abuse and/or addiction to alcohol and/or a controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C. 802.
      - (1) For Residential Facilities for the Rehabilitation and Treatment of the Disabled, which treat disabled persons for the illegal use of, or addiction to, alcohol and/or any federally controlled substance, please refer to 3-4102(9).
    - ii. Disabled or Disability also does not mean an impairment or limitation resulting from or related to kleptomania, pyromania, or any sexually related addiction or disorder, including but not limited to: sex and pornography addictions, transvestism, transexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders (those not resulting from physical impairments), or any other sexual behavior disorder.
  - b. “Residential Facilities for Persons with a Disability” means a residence:
    - i. in which one or more persons with a disability resides; and

- (1) is licensed or certified by the State of Utah Department of Human Services under Title 62A, Chapter 2, Licensure of Programs and Facilities; and
- (2) is licensed or certified by the State of Utah Department of Health under Title 26, Chapter 21, Health Care Facility Licensing and Inspection Act; and
- (3) is consistent with Utah Code 10-9a-520 and complies with Title 57, Chapter 21, Utah Fair Housing Act, and the Federal Fair Housing Amendments Act of 1988, 42 U.S.C. Sec. 3601 et seq.

- c. Discrimination against Residential Facilities for Persons with a Disability shall be prohibited.
- d. Residential Facilities for Persons with a Disability shall not be considered multi-family dwellings if the following requirements are met:
  - i. Any Residence for Persons with a Disability shall be occupied only by individuals who are considered disabled per 3-4102(8)(a) (excluding staff members).
  - ii. Occupancy by any staff member shall only be allowed if such occupancy is primarily for the purpose of serving the residents and not primarily a benefit of employment to the staff member (room and board shall not be offered as a benefit).
- e. A Residential Facility for Persons with a Disability shall meet all of the requirements of a person with a disability according to the definition of "disability" as contained in 3-4102(8)(a); and
  - i. The home shall not be occupied by more than four (4) unrelated individuals living in a family type environment consistent with 10-102(12) Common Household; and
    - (1) Any group or individual considered disabled may apply for a Reasonable Accommodation per Highland City's Reasonable Accommodation Policy and procedure; and
  - ii. The owner/operator of such facilities shall provide adequate personal space for each resident.

- iii. Any Residential Facility for Persons with a Disability shall be occupied only by individuals who are considered disabled per 3-4102(8)(a) (excluding staff members).
- f. Residency within a Residential Facility for Persons with a Disability shall be strictly voluntary and not part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional facility, or a condition of probation/parole. A Residential Facility for Persons with a Disability shall not include any persons referred by the Utah State Department of Corrections or any District or Juvenile Court.
- g. Residency within a Residential Facility for Persons with a Disability shall not be available to or occupied by any individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy could result in substantial physical damage to the property of others.
- h. Owners or operators of Residential Facility for Persons with a Disability may provide training or treatment programs for residents with disabilities provided that such training or treatment programs are in compliance with the State of Utah Department of Human Services standards as set forth in the Utah Administrative Code.
  - i. Appeals. Appeals arising from any decision of the City Council Land Use Authority with respect to a Residential Facility for Persons with a Disability may be directed to the Appeal Authority per Chapter 2, Article 3 in this Code.

9. Residential Facilities for the Rehabilitation and Treatment of the Disabled. Residential Facilities for the Rehabilitation and Treatment of the Disabled shall be a permitted use in all residential zones and requires zoning approval by the City Council Land use Authority; provided that the building and use is consistent with Utah Code 10-9a-520 and complies with Title 57, Chapter 21, Utah Fair Housing Act, and the Federal Fair Housing Amendments Act of 1988, 42 U.S.C. Sec. 3601 et seq.

- a. Residential Facilities for the Rehabilitation and Treatment of the Disabled under this section shall mean, with respect to a person, a person who has a physical or mental impairment which substantially limits one or more of that person's major life activities arising from, related to, or caused by use of, and/or addiction to, alcohol and/or any

federally controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C. 802.

- i. Disabled or Disability under this section does not mean an impairment or limitation resulting from or related to kleptomania, pyromania, or any sexually related addiction or disorder, including but not limited to; sex and pornography addictions, transvestism, transexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders (those not resulting from physical impairments), or any other sexual behavior disorder.
- b. “Residential Facilities for the Rehabilitation and Treatment of the Disabled” means a residence:
  - i. in which one or more persons with a disability resides; and
    - (1) is licensed or certified by the State of Utah Department of Human Services under Title 62A, Chapter 2, Licensure of Programs and Facilities; and
    - (2) is licensed or certified by the State of Utah Department of Health under Title 26, Chapter 21, Health Care Facility Licensing and Inspection Act; and
    - (3) is consistent with Utah Code 10-9a-520 and complies with Title 57, Chapter 21, Utah Fair Housing Act, and the Federal Fair Housing Amendments Act of 1988, 42 U.S.C. Sec. 3601 et seq.
- c. Discrimination against disabled persons or against Residential Facilities for the Rehabilitation and Treatment of the Disabled shall be prohibited.
- d. Residential Facilities for the Rehabilitation and Treatment of the Disabled shall not be considered multi-family dwellings if the following requirements are met;
  - i. Any Residential Facility for the Rehabilitation and Treatment of the Disabled shall be occupied only by individuals who are considered disabled per 3-4102(9)(a) (excluding staff members) and meet the following conditions:

- (1) Individuals have been diagnosed with an addiction to alcohol or a controlled substance (as defined in Section 102 of the Controlled Substance Act, 21 U.S.C. 802);
- (2) Individuals are unable to abstain from the use of alcohol or controlled substances without the structured supportive setting offered by a residence for the disabled; and
- (3) Individuals have completely abstained from the use of alcohol and all controlled substances for a continuous period of at least thirty (30) days immediately prior to becoming a resident of the home.
- (4) All residents in the home must completely abstain from using alcohol and controlled substances during the period that they are residents in the home. Any resident of a Residential Facility for the Rehabilitation and Treatment of the Disabled who uses alcohol or a controlled substance, whether on or off the premises, shall be immediately expelled from the home and shall not be readmitted for a period of at least 30 days following the violation. However, nothing contained herein shall be construed to prohibit a resident from taking a prescribed medication for which a resident has a valid and current prescription.

- ii. Occupancy by any staff member shall only be allowed if such occupancy is primarily for the purpose of serving the residents and not primarily a benefit of employment to the staff member (room and board shall not be offered as a benefit).

- e. A Residential Facility for the Rehabilitation and Treatment of the Disabled exceeding four (4) unrelated persons shall meet all of the requirements of a person with a disability according to the definition of "disability" as contained in 3-4102(9)(a); and
  - i. The home shall not be occupied by more than four (4) unrelated individuals living in a family type environment consistent with 10-102(12) Common Household; and

- (1) Any group or individual considered disabled may apply for a Reasonable Accommodation per Highland City's Reasonable Accommodation Policy and procedure; and
  - ii. The owner/operator of such facilities shall provide adequate personal space for each resident.
- f. Residency within a Residential Facility for the Rehabilitation and Treatment of the Disabled shall be strictly voluntary and not part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional facility, or a condition of probation/parole. A Residential Facility for the Rehabilitation and Treatment of the Disabled shall not include any persons referred by the Utah State Department of Corrections or any District or juvenile court.
- g. Residency within a Residential Facility for the Rehabilitation and Treatment of the Disabled shall not be available to or occupied by any individual whose tenancy could constitute a direct threat to the health or safety of other individuals or whose tenancy could result in substantial physical damage to the property of others.
  - i. The owner/operator of a Residential Facility for the Rehabilitation and Treatment of the Disabled shall have conducted an individualized assessment of each person desiring to become a resident of the facility to determine if such person would constitute a threat prior to allowing occupancy of the facility by such a person.
    - ii. The assessment shall be conducted by a properly licensed psychologist, social worker or other licensed individual qualified to perform such assessments properly licensed in the State of Utah.
      - (1) Assessments shall include, but not be limited to, consideration of such things as past criminal histories and/or violent acts of the individual, the amounts of time that have lapsed since such acts, and treatments the individual has received.
      - (2) Evaluations of individuals who have committed acts of sexual aggression or criminal sex acts shall also include

psycho-sexual evaluations by a licensed psychiatrist or an individual holding a PhD in psychology.

(3) No individual determined to pose a risk for commission of sexual offenses, or being classified as having predatory tendencies may be accepted as a resident.

- h. Owners or operators of Residential Facilities for the Rehabilitation and Treatment of the Disabled may provide training or treatment programs for Residential Facilities for the Rehabilitation and Treatment of the Disabled provided that such training or treatment programs are in compliance with the State of Utah Department of Human Services standards as set forth in the Utah Administrative Code.
  - i. No alcohol or controlled substance shall be allowed on the premises of the Residential Facilities for the Rehabilitation and Treatment of the Disabled; however, nothing contained herein shall be construed to prohibit a resident from taking prescribed medication for which a resident has a valid and current prescription. A first violation of this requirement shall result in a warning to the occupancy permit holder. A second violation occurring within a twelve month period shall result in a fine of five hundred dollars (\$500) to the occupancy permit holder. A third violation occurring within a twelve month period shall result in the revocation of a occupancy permit to operate a Residential Facility for the Rehabilitation and Treatment of the Disabled and no occupancy permit shall be reissued to the occupancy permit holder (or principals of the occupancy permit holder if the occupancy permit is an entity) for a period of at least one year following such revocation. The City shall have the right to deny an annual occupancy permit to any individual or entity that has had more than one revocation of an annual occupancy permit to operate a residence for the disabled.
    - i. The annual occupancy permit holder shall be required to perform a hair follicle test on each potential resident before allowing such person to become an occupant in a Residential Facility for the Rehabilitation and Treatment of the Disabled.
      - (1) The annual occupancy permit holder shall not allow any person whose test results indicate the use of alcohol or

drugs in the previous thirty (30) days to become an occupant of the home.

ii. The annual occupancy permit holder shall conduct random urinalysis testing (or other equally effective testing methods) on each of the residents at least once per week to verify ongoing abstinence from alcohol and drugs.

(1) Any resident who test positive for alcohol or drugs or who refuses to submit to a test shall be immediately expelled from the home.

iii. The annual occupancy permit holder shall maintain records of the initial testing results and the ongoing test results and shall submit to the City a monthly report representing an accurate accounting of these tests.

(1) The method and frequency of testing procedures must be included in a Policy and Procedures manual presented along with the application for an annual occupancy permit.

iv. The owner/operator shall provide to the City a monthly running report for each occupant identifying the time, date, and result of each assessment completed.

j. Appeals. Appeals arising from any decision of the City Council Land Use Authority with respect to a Residential Facility for the Rehabilitation and Treatment of the Disabled Facility may be directed to the ~~aAppeal aAuthority per Chapter 2, Article 3 in this Code~~.

10. Procedure for Initial Approval and Annual Review of a Residence for the Disabled and Residential Rehabilitation and Treatment Facility for the Disabled referred to in this section as group homes. All group homes under 3-4102(8) and 3-4102(9) shall first obtain final zoning approval from the City Council Land Use Authority prior to receiving an annual occupancy permit and prior to occupancy. In addition, the facility shall comply with the following requirements:

a. The home and use shall be consistent with Utah Code 10-9a-520 and complies with Title 57, Chapter 21, Utah Fair Housing Act, and the Federal Fair Housing Amendments Act of 1988, 42 U.S.C. Sec. 3601 et seq.

- b. At least ten (10) days before the ~~City Council Land Use Authority~~ hears the application for a group home, the City shall provide written notification by mail to all citizens living within or owning property within 500 feet of the proposed site as measured in a straight line between the closest property lines of the proposed facility.
- c. Zoning Approval.
  - i. To obtain zoning approval the owner of a group home shall comply with the following requirements:
    - (1) The group home shall comply with all applicable state and federal laws; and
    - (2) The owner of the group home shall obtain building permits that verify compliance with the same building, safety, and health regulations as are applicable in the same zone to similar uses that are not residential facilities for persons with a disability; and
    - (3) The owner shall obtain final site plan approval from the ~~City Council Land Use Authority~~ prior to obtaining an annual occupancy permit; and
    - (4) Prior to the initial occupancy of a Residential Facility for the Rehabilitation and Treatment of the Disabled and at least quarterly, the owner/operator of the facility shall certify that the individualized psychological and psychosexual assessments have been performed on each resident and that each resident meets the requirements of this section.
- d. Safety Plan. To ensure the safety of the residents and surrounding community, all group home operators shall develop a safety plan demonstrating adequate supervision and control of the residents.
  - i. The safety plan shall be reviewed by ~~the Reviewing Body and be satisfactory to law enforcement officials~~ and shall be approved by the ~~City Council Land Use Authority~~.
  - ii. The safety plan shall address the following:
    - (1) Parking and traffic circulation plan.

(2) Security and surveillance operation.

(3) Visitation hours.

iii. In addition, Residential Facilities for the Rehabilitation and Treatment of the Disabled shall include:

(1) Testing procedures and operations (see 3-4102(9)(p); and

(2) A copy of the Policy and Procedures Manual for the specific location required through the State Licensing process.

e. Residential Character. Any group home that would likely create a fundamental change in the character of a residential neighborhood shall be excluded from this zone except as allowed by State or Federal law.

i. Group homes may be located within an existing residential dwelling or located within a residential zone only if that structure is capable of use as such a facility without structural or landscaping alterations that would change the structure's residential character.

(1) The site plan must show any alteration of the structure and landscaping and must be approved by the City Council Land Use Authority before an annual occupancy permit is issued.

(2) Any new structure constructed for use as a group home shall be of a size, scale and design that is in harmony with other residential homes and residential uses in the neighborhood and subdivision.

(3) The inclusion of features which make a residential dwelling handicap accessible, such as hand rails, ramps, or oversize doors, shall not be deemed to change or alter the residential nature of a structure.

ii. At least six (6) off-street parking stalls shall be provided in each group home to serve the needs of residents, visitors and staff members.

(1) If considered necessary for traffic safety, additional parking in a reasonable number may be required by the Land Use Authority City Council and may be based upon one parking stall per individual occupying the home over the age of sixteen (16) including staff and at least 0.5 parking stalls per individual occupying the home for visitors.

(2) Visiting and group schedules will detail visiting hours and visiting times for invited visitors. The proposed schedule will demonstrate that parking will be managed to minimize traffic impacts.

(A) Group homes shall provide the City with an updated copy of its visiting and group schedules anytime those schedules change.

f. Separation. Group homes shall be dispersed throughout Highland as follows:

i. No group home shall be located within three-quarters (3/4) of a mile from any other group home established under sections 3-4102(8), 3-4102(9) or 3-4102(11), or other similar use, as measured in a straight line between the closest property lines of any group home listed above.

g. Upon receipt of approval from the Land Use Authority City Council, the owner/operator of a group home shall be eligible to secure an annual occupancy permit from the City. Said occupancy permit shall be valid for one calendar year and shall be reviewed annually and be subject to:

i. The receipt to a renewal application that shall include the information and certifications required under 3-4102(8) and/or 3-4102(9) above and a certification that none of the residents pose a threat as of the date of the renewal; and

ii. At least ten (10) days prior to the Land Use Authority City Council hearing the renewal application, the City shall provide written notification by mail to all residents and/or property owners within 500 feet of the existing facility.

iii. A finding by the Land Use Authority City Council that during the preceding year that the group home operated under

compliance with the terms of 3-4102(8) and/or 3-4102(9) and any other conditions of approval.

- h. Requirements for an Annual Occupancy Permit. Owners of group homes shall provide to the City a copy of the following documentation prior to occupying a residence:
  - i. Verification of a State License to operate; and
  - ii. Copies of any required reports and/or inspections provided by the Department of Human Services and/or the Department of Health or required to be provided by the owner/ operator to these departments, whichever may apply; and
  - iii. Proof and verification to the City that each of the residents admitted falls within the definition of disability as set forth in 3-4102(8)(a) and/or 3-4102(9)(a); and
  - iv. Proof of adequate insurance for the program's vehicles, hazard insurance on the home and liability insurance to cover residents and third party individuals; and
  - v. Any additional required information, documentation, testing, or other data as required by this ordinance.
  - vi. An annual occupancy permit to operate a group home shall be:
    - (1) Non-transferable and shall terminate if the person or entity that applied for the occupancy permit ceases to operate or own the facility, structure is devoted to a use other than that specifically approved by the Land Use AuthorityCity Council, or the structure fails to comply with all building, safety, health and zoning requirements of Highland City.
    - (2) Terminated if at any time it is demonstrated to the Land Use AuthorityCity Council that:
      - (A) The structure or operation fails to comply with the requirements of 3-4102(8) and/or 3-4102(9).

- i. Requirements for a Highland City Business License.
  - i. In the event that an owner of a Residential Facility for Persons with a Disability or a Residential Facility for the Rehabilitation

and Treatment of the Disabled shall charge for services or care provided to the residents of the facility, a business license must be obtained from the City.

- (1) A business license obtained from the City shall not be deemed in anyway as replacing or satisfying the requirement that the owner of a Residential Facility for Persons with a Disability or a Residential Facility for the Rehabilitation and Treatment of the Disabled secure appropriate State licenses and/or approvals as are required herein.
- ii. In the event that the applicant needs a business license in order to obtain the proper State license, a temporary license will be issued for that purpose however, the owner/operator shall provide to Highland City proof of State licensure prior to occupancy and issuance of a permanent license.
  - (1) If the owner/operator of a Residential Facility for Persons with a Disability or a Residential Facility for the Rehabilitation and Treatment of the Disabled fails to renew a business license, the City shall notify the State Department of Health and Human Services within thirty (30) days of the expiration of that license.
  - (2) Each Residential Facility for Persons with a Disability or a Residential Facility for the Rehabilitation and Treatment of the Disabled which is subject to state licensing procedures, must provide the city proof of a valid license issued by the Utah State Division of Licensing and compliance with the Department of Human Services.
- iii. Upon review of an application for a new group home and upon determination of compliance with all of the above requirements, the business license application may be approved; however, ~~where in the opinion of the City Council if~~ the information provided by the applicant is insufficient for a new group home in compliance with 3-4102(8) and/or 3-4102(9) the business license may be denied.
  - (1) If approved, the City shall provide written notice of approval for the proposed group home to all citizens living

within 500 feet of the proposed group home as measured in a straight line between the closest property lines of the proposed facility.

- (2) If denied, the City shall provide the applicant written notice of the decision to deny the application.
- (3) The notice of approval or denial shall be in addition to the notice required in 3-4102(10)(b) and shall be provided by mail within one week (seven days) of the decision.

- j. Enforcement. The responsibility to license programs or entities that operate Residential Facilities for the Disabled and Residential Facilities for the Rehabilitation and Treatment for the Disabled as well as to require and monitor the provision of adequate services to persons residing in those facilities, shall rest with the State of Utah Department of Health and Human Services as follows:
  - i. For programs or entities licensed or certified by the Department of Human Services, the Department of Human Services as provided in Title 62A, Chapter 5, Services to People with Disabilities; and
  - ii. For programs or entities licensed or certified by the Department of Health, the Department of Health under Title 26, Chapter 21, Health Care Facility Licensing and Inspection Act.
- k. Violations. Failure of the annual occupancy permit holder, any staff member, or any tenant to comply with the ordinances in accordance with this Code, shall result in a fine to the annual occupancy permit holder in the amount of two-hundred fifty dollars (\$250) for the first violation, five hundred dollars (\$500) for the second violation, one thousand dollars (\$1,000) for a third violation, and revocation of the annual occupancy permit and the business license for the fourth violation during a twelve month period.
  - i. No alcohol or controlled substance shall be allowed on the premises of the Residential Facilities for the Rehabilitation and Treatment of the Disabled. However, nothing contained herein shall be construed to prohibit a resident from taking a prescribed medication for which a resident has a valid and current prescription.

- (1) A first violation of this requirement shall result in a warning to the occupancy permit holder.
- (2) A second violation occurring within a twelve month period shall result in a fine of five hundred dollars (\$500) to the occupancy permit holder.
- (3) A third violation occurring within a twelve month period shall result in the revocation of a occupancy permit to operate a Residential Facility for the Rehabilitation and Treatment of the Disabled and no occupancy permit shall be reissued to the occupancy permit holder (or principals of the occupancy permit holder if the occupancy permit is an entity) for a period of at least one year following such revocation.
- (4) The City shall have the right to deny an annual occupancy permit to any individual or entity that has had more than one revocation of an annual occupancy permit to operate a residence for the disabled.

- l. Inspections. Representatives of the City shall have the right to enter onto the premises of a group home for the disabled with reasonable prior notice to verify compliance with the provisions of this section.
  - i. As part of the annual occupancy permit application for a group home, the applicant shall provide the City with written authorization to enter upon the premises of the residence.
  - ii. Failure of the annual occupancy permit holder, any staff member, or any tenant to allow the City to enter upon the premises in accordance with this section, shall result in a fine to the annual occupancy permit holder in the amount of two-hundred fifty dollars (\$250) for the first violation, five hundred dollars (\$500) for the second violation, one thousand dollars (\$1,000) for a third violation, and revocation of the annual occupancy permit and the business license for the fourth violation during a twelve month period.
- m. Termination. Annual occupancy permits granted under this subsection are nontransferable and shall terminate if the person or entity applying for the annual occupancy permit ceases to own or operate the

facility, the structure is devoted to another use, or if it at any time fails to comply with any applicable requirement as defined in this Code.

n. Appeals. Appeals arising from any decision of the Land Use Authority~~City Council~~ with respect to a group home may be directed to the ~~Appeal a~~Authority~~per Chapter 2, Article 3 in this Code~~.

11. Residential Facilities for Elderly Persons. Residential Facilities for Elderly Persons shall be considered a permitted use in any residential zone except for areas zoned exclusively for single family dwellings in which case it shall be considered a Conditional Use. All Residential Facilities for Elderly shall require final zoning approval by the Land Use Authority~~City Council~~. Upon application to establish a Residential Facility for Elderly Persons in any area where residential dwellings are allowed, the City may grant the requested annual occupancy permit for the Residential Facility for Elderly Persons if the facility proposed complies with the following requirements:

- a. For the purpose of this ordinance, an “elderly person” shall be considered anyone who is 60 years of age or older.
- b. Discrimination against elderly persons and against Residential Facilities for Elderly Persons shall be prohibited.
- c. A Residential Facility for Elderly Persons shall meet all of the requirements a Residential Facility for Elderly Persons; and
  - i. No more than four (4) unrelated persons may occupy a Residential Facility for Elderly Persons that include paid full time, 24 hours a day, professional staff; or
  - ii. The home shall not be occupied by more than eight (8) unrelated individuals living in a family type environment consistent with 10-102(12) Common Household; and
  - iii. The owner/operator of such facilities shall provide adequate personal space for each resident; and
  - iv. Occupancy by any staff member shall be allowed if such occupancy is primarily for the purpose of serving the residents and not primarily a benefit of employment to the staff member.
  - v. For purposes of this section:

(1) No person who is being treated for alcoholism or drug abuse may be placed in a Residential Facility for Elderly Persons; and

(2) Placement in a Residential Facility for Elderly Persons shall be on a strictly voluntary basis and may not be a part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional institution.

d. A Residential Facility for Elderly Persons may not operate as a business.

i. A Residential Facility for Elderly Persons may not be considered a business even though a fee is charged for food or for actual and necessary costs of operation and maintenance of the facility.

e. A Residential Facility for Elderly Persons shall be owned by one of the residents or by an immediate family member of one of the residents or be a facility for which the title has been placed in trust for a resident.

f. Appeals. Appeals arising from any decision of the Land Use Authority City Council with respect to a Residential Facility for Elderly Persons may be directed to the ~~aAppeal aAuthority per Chapter 2, Article 3 in this Code.~~

12. Procedure for Initial Approval and Annual Review of Residential Facilities for the Elderly. All Residential Facilities for the Elderly shall first obtain final zoning approval prior to receiving an annual occupancy permit and prior to occupancy if the facility is proposing to provide service to more than four (4) unrelated residents; if a permit is required then the facility shall comply with the following requirements:

a. The home and use shall be consistent with Utah Code 10-9a-516-519 and complies with Title 57, Chapter 21, Utah Fair Housing Act, and the Federal Fair Housing Amendments Act of 1988, 42 U.S.C. Sec. 3601 et seq.

b. At least ten (10) days before the Land Use Authority City Council hears the application for a Residential Facilities for the Elderly, the City shall provide written notification by mail to all citizens living within or owning property within 500 feet of the proposed site as measured in a straight line between the closest property lines of the proposed facility.

- c. Zoning Approval.
  - i. To obtain zoning approval the owner of a Residential Facilities for the Elderly shall comply with the following requirements:
    - (1) The Residential Facilities for the Elderly shall comply with all applicable state and federal laws; and
    - (2) The owner of the Residential Facilities for the Elderly shall obtain building permits that verify compliance with the same building, safety, and health regulations as are applicable in the same zone to similar uses that are not residential facilities for persons with a disability; and
    - (3) The owner shall obtain final site plan approval from the Land Use Authority ~~City Council~~ prior to obtaining an annual occupancy permit; and
- d. Safety Plan. To ensure the safety of the residents and surrounding community, all operators of Residential Facilities for the Elderly shall develop a safety plan demonstrating adequate supervision and control of the residents.
  - i. The safety plan shall be reviewed by the Reviewing Body and ~~satisfactory to law enforcement officials~~ and shall be approved by the Land Use Authority~~City Council~~.
  - ii. The safety plan shall address the following:
    - (1) Parking and traffic circulation plan.
    - (2) Security and surveillance operation.
    - (3) Visitation hours.
- e. Residential Character. Any Residential Facilities for the Elderly that would likely create a fundamental change in the character of a residential neighborhood shall be excluded from this zone except as allowed by State or Federal law.
  - i. Residential Facilities for the Elderly may be located within an existing residential dwelling or located within a residential zone only if that structure is capable of use as such a facility without structural or landscaping alterations that would change the structure's residential character.

(1) The site plan must show any alteration of the structure and landscaping and must be approved by the ~~City Council~~ Land Use Authority before an annual occupancy permit is issued.

(2) Any new structure constructed for use as a Residential Facilities for the Elderly shall be of a size, scale and design in harmony with other residential homes and residential uses in the neighborhood and subdivision.

(3) The inclusion of features which make a residential dwelling handicap accessible, such as hand rails, ramps, or oversize doors, shall not be deemed to change or alter the residential nature of a structure.

ii. At least six (6) off-street parking stalls shall be provided in each Residential Facilities for the Elderly to serve the needs of residents, visitors and staff members.

(1) If considered necessary for traffic safety, additional parking in a reasonable number may be required by the Land Use Authority ~~City Council~~ and may be based upon one parking stall per individual occupying the home over the age of sixteen (16) including staff and at least 0.5 parking stalls per individual occupying the home for visitors.

(2) Visiting and group schedules will detail visiting hours and visiting times for invited visitors. The proposed schedule will demonstrate that parking will be managed to minimize traffic impacts.

f. Separation. Residential Facilities for the Elderly shall be dispersed throughout Highland as follows:

i. No Residential Facilities for the Elderly shall be located within three quarters (3/4) of a mile from any other Residential Facility for the Elderly home, group home per 3-4102(8) and 3-4102(9) or other similar use, as measured in a straight line between the closest property lines of any Residential Facilities for the Elderly listed above.

g. Upon receipt of approval from the Land Use Authority~~City Council~~, the owner/operator of a Residential Facilities for the Elderly shall be eligible to secure an annual occupancy permit from the City. Said occupancy permit shall be valid for one calendar year and shall be reviewed annually and be subject to:

- i. The receipt to a renewal application that shall include the information and certifications required under this section and and/or 3-4102(11) above and a certification that none of the residents pose a threat as of the date of the renewal; and
- ii. At least ten (10) days prior to the Land Use Authority~~City Council~~ hearing the renewal application, the City shall provide written notification by mail to all residents and/or property owners within 500 feet of the existing facility.
- iii. A finding by the Land Use Authority~~City Council~~ that during the preceding year that the Residential Facilities for the Elderly operated under compliance with the terms of 3-4102(11) and any other conditions of approval.

h. Requirements for an Annual Occupancy Permit. Owners of Residential Facilities for the Elderly shall provide to the City a copy of the following documentation prior to occupying a residence:

- i. Verification of a State License to operate if applicable; and
- ii. If applicable, copies of any required reports and/or inspections provided by the Department of Human Services and/or the Department of Health or required to be provided by the owner/operator to these departments, whichever may apply; and
- iii. Proof and verification to the City that each of the residents admitted falls within the definition of disability as set forth in 3-4102(8)(a) and/or 3-4102(9)(a); and
- iv. Proof of adequate insurance for the program's vehicles, hazard insurance on the home and liability insurance to cover residents and third party individuals; and
- v. Any additional required information, documentation, testing, or other data as required by this ordinance.

vi. An annual occupancy permit to operate a Residential Facilities for the Elderly shall be:

(1) Non-transferable and shall terminate if the person or entity that applied for the occupancy permit ceases to operate or own the facility, structure is devoted to a use other than that specifically approved by the Land Use Authority City Council, or the structure fails to comply with all building, safety, health and zoning requirements of Highland City.

(2) Terminated if at any time it is demonstrated to the Land Use Authority City Council that:

(A) The structure or operation fails to comply with the requirements of 3-4102(8) and/or 3-4102(9).

- i. Enforcement. If applicable, the responsibility to license programs or entities that operate Residential Facilities for the Elderly as well as to require and monitor the provision of adequate services to persons residing in those facilities, shall rest with the State of Utah Department of Health and Human Services as follows:
  - i. For programs or entities licensed or certified by the Department of Human Services, the Department of Human Services as provided in Title 62A, Chapter 3, Aging and Adult Services; and
  - ii. For programs or entities licensed or certified by the Department of Health, the Department of Health under Title 26, Chapter 21, Health Care Facility Licensing and Inspection Act.
- j. Violations. Failure of the annual occupancy permit holder, any staff member, or any tenant to comply with the ordinances in accordance with this Code, shall result in a fine to the annual occupancy permit holder in the amount of two-hundred fifty dollars (\$250) for the first violation, five hundred dollars (\$500) for the second violation, one thousand dollars (\$1,000) for a third violation, and revocation of the annual occupancy permit and the business license for the fourth violation during a twelve month period.
- k. Inspections. Representatives of the City shall have the right to enter onto the premises of a Residential Facilities for the Elderly with

reasonable prior notice to verify compliance with the provisions of this section.

- i. As part of the annual occupancy permit application for a Residential Facilities for the Elderly, the applicant shall provide the City with written authorization to enter upon the premises of the residence.
- ii. Failure of the annual occupancy permit holder, any staff member, or any tenant to allow the City to enter upon the premises in accordance with this section, shall result in a fine to the annual occupancy permit holder in the amount of two-hundred fifty dollars (\$250) for the first violation, five hundred dollars (\$500) for the second violation, one thousand dollars (\$1,000) for a third violation, and revocation of the annual occupancy permit and the business license for the fourth violation during a twelve month period.

1. Termination. Annual occupancy permits granted under this subsection are nontransferable and shall terminate if the person or entity applying for the annual occupancy permit ceases to own or operate the facility, the structure is devoted to another use, or if it at any time fails to comply with any applicable requirement as defined in this Code.

m. Appeals. Appeals arising from any decision of the Land Use Authority ~~City Council~~ with respect to a group home may be directed to the ~~aAppeal aAuthority per Chapter 2, Article 3 in this Code.~~

1. The 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 Land Use Authority.

....

**[R-1-20] 3-4208 Conditional Uses**

1. The 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.
2. All conditional uses shall landscape a minimum of 35% of their site and comply with parking requirements as determined by the City Council Land Use Authority.

....

### **[R-1-30] 3-4258 Conditional Uses**

1. The 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 CouncilLand Use Authority.

....

## **[C-1] 3-4304 Development Standards**

1. An area to be zoned C-1 shall be recommended by the Planning Commission and approved by the City Council and shall have the following characteristics:
  - a. Development site, excluding dedicated roads, shall be approximately ten (10) acres and approximately three (3) acres in pre-existing legal non-conforming commercial. In order to encourage uses consistent with the objectives of the commercial district and to ensure adequate site planning, the entire site must be master planned at the time of site plan approval, even though it may be developed in stages or phases. Each phase must adhere to the original plan except as subsequently approved by the Planning Commission and City Council. Site must have a minimum of four-hundred (400) feet of frontage on a dedicated public street. Pre-existing legal non-conforming commercial sites must have a minimum of three-hundred (300) feet of frontage on a dedicated public street. Control of the property by a single person, association, partnership, or corporation must be demonstrated.
  - b. Although the commercial district may provide goods and/or services to citizens from surrounding communities, i.e., Alpine, Cedar Hills, American Fork, etc., it shall cater primarily to the citizens of Highland City.
  - c. The cumulative total of commercially zoned property in Highland City including pre-existing commercial properties shall not exceed fourteen (14) acres.
  - d. Development site shall be located in the vicinity of the "four corners" area of Highland City — more specifically defined as: the intersection of State Road 92 and State Road 74. Under no circumstances will the closest point of the commercial development be located further than 1200 feet from the intersection, measured from the center of the intersection.

### **2. Development of property zoned C-1 requires the following approvals:**

- a. Site plan approval, which includes review and approval of site coverage, building setbacks, screening and fences, parking, loading, and driveway areas, traffic circulation, landscaping and hardscaping,

transition and buffering between adjacent uses, lighting, grading, drainage, utility design, and other engineering design elements;

- b. Architectural review approval, which includes review of building height, design, materials, and aesthetics;
- c. Conditional use permit approval, for conditional uses; and
- d. Construction approvals, including building permits, sign permits, and right of way permits.

### **3-4305 Site Coverage**

Coverage regulates the area of the site that may be covered by the building. Covered walkways, roof structure overhangs, and other solar protection or aesthetic structural elements should not be included in building coverage calculations. These guidelines also help protect area dedicated to landscape and parking.

1. Coverage of a site by a building structure shall not exceed twenty-five (25) percent of the total site. This coverage may be increased, subject to the approval of the site plan Land Use Authority~~City Planning Commission~~, if the project demonstrates superior response to the commercial zoning guidelines. In no case, however, shall site coverage exceed 35 percent.
2. When covered parking structures are provided, such structures shall not cover more than an additional 30 percent of the ground plane.
3. In all site plan configurations, landscaping shall occupy no less than fifteen percent (15%) of the total land area under development.

### **3-4306 Building Setbacks**

It shall be within the authority of the site plan Land Use Authority Planning Commission to determine, for any lot in this district, which property line or lines shall be considered as side or as rear lines for the purpose of administering this ordinance.

1. No building shall be closer to a public street right-of-way than eighty (80) feet unless all parking is provided in the rear of the building, in which case it may be no closer than forty (40) feet. No building, with the exception of any portion that contains a drive-up window or counter, shall be closer than thirty (30) feet from any private road or driveway. Structures which are adjacent to a plaza, mall, or other permanent pedestrian open space under the same ownership as the structure may abut the space and have openings into it.
2. The public street right-of-way line shall be considered the front property line of a lot. Where a lot is bordered on two or more sides by a public street right-of-way, all such sides shall be considered as front property lines, and the area between the front property line and the building lines shall be known as the front setback area in all cases. Canopies, overhangs, and similar coverings may project into the front setback area, as much as 10', if approved by the Planning Commissionarchitectural review Land Use Authority.
3. Side setback areas shall be a minimum of ten (10) feet including canopies and overhangs except where a side property line abuts a residential district, in which case the setback area shall be a minimum of twenty-five (25) feet.
4. Rear setback areas shall be a minimum of ten (10) feet except where a rear property line abuts a residential district, in which case the rear setback area shall be a minimum of twenty-five (25) feet.

### 3-4307 Building Height

1. The maximum height for all buildings shall not exceed thirty (30) feet, measured from natural grade, and no building shall be erected to a height less than ten (10) feet or one story above grade. Where the ground or the top of the building is uneven in height, the average elevation thereof shall apply. Maximum height shall include signs and parapets or any other projection from the building.
2. The height requirements of this section shall apply to all commercial developments, except that ~~the architectural review Land Use Authority after review by the planning commission, the commission~~ may approve, disapprove, or approve with modifications a request for an increase in the allowable height up to thirty-six (36) feet.
3. The ~~architectural review Land Use Authority City Planning Commission~~ must take into account the following criteria when a proposal for height adjustment is requested:
  - a. The geographical position of the building and possible visual effects on existing structures on or off site.
  - b. Potential problems on neighboring sites caused by shadows, loss of solar access, loss or air circulation, closing of views, or ridge line intrusion.
  - c. The influence on the general vicinity including contact with existing buildings and structures, streets, traffic congestion and circulation, and adjacent open space;
  - d. In no case will any increase in height be permitted when the effect of the height increase is to increase the allowable square footage over that which is, or would be, possible under normal zone standards.

### **3-4308 Screening Walls/Fences/Hedges**

An opaque screen shall be installed and maintained along all district boundaries, other than streets. Following are acceptable means of providing such screening:

1. Walls: A wall shall consist of concrete, stone, brick, tile, or similar type of solid masonry material a minimum of eight (8) inches thick.
2. Berms: A berm shall be no less than thirty (30) feet in width at the base facing an arterial road and no less than twenty (20) feet in width at the base facing any other street or property. It shall be constructed of earthen material and it shall be landscaped. Grading of berms is further detailed in Section 3-4318 of this Code.
3. No signs or sign supports shall be permitted on any required screening.
4. Notwithstanding the requirements listed above, where the finished elevation of the property is lower at the boundary line, or within five (5) feet inside the boundary line, than an abutting property elevation, such change in elevation may be used in lieu of, or in combination with, additional screening to satisfy the screening requirements for this district.
5. Note: Since walls and hedges are a main visual feature in any development, regulations related to the placement, size and appearance of such structures must be enacted. The following standards shall apply to the installation of all fences, walls, hedges or other visual obstructions used for the purpose of screening, either around the perimeter of the development site or within the development site:
  - a. No wall, hedge or other visual obstruction in excess of six (6) feet shall be allowed on any commercial development site, unless along a district boundary which abuts a residential zone, in which case the height shall be eight (8) feet.
  - b. When there is a difference in the ground level between two adjoining lots, the height of any fence, wall, or hedge constructed along the property line shall be determined by using the finished grade of the highest contiguous lot.
  - c. Only one (1) type of fence or wall design shall be permitted on any one (1) parcel or development. The design may include an appropriate mix of materials subject to the guidelines of these articles ~~and approval by the City Planning Commission~~.

- d. The use of chain link, barbed wire, electrified fence, or razor wire fence in conjunction with any fence, wall, or hedge, or by itself is prohibited, unless required by any law or regulation of the State of Utah.
- e. On a corner lot, no fence, wall, hedge, sign or other structure, shrubbery, mounds of earth, or other visual obstruction over thirty-six (36) inches in height above the nearest street curb elevation shall be erected, placed, planted, or allowed to grow within a traffic safety sight area.
- f. To protect safe sight-distance for vehicular movement, sight obstructing fences, or walls or other obstructions shall not exceed thirty-six (36) inches in height when located in a front setback.
- g. All walls and fences constructed both around the perimeter of the development or within the site must be of a similar material and construction to the primary building.
- h. Wall materials shall consist of masonry construction finished with a light colored stucco, or mortar washed brick.
- i. If walls are finished in stucco, colors will be limited to earth tones. No bright or neon colors will be allowed.
- j. Any hedges used as screening shall be consistent in appearance to the general landscape of the site. Such hedges may be geometric in shape, but shall be pruned and maintained so as to avoid unsightly appearance and to avoid vehicular sight hazards.

### **3-4309 Parking**

Except as may be provided elsewhere in this ordinance, there shall be provided at the time of erection of any building, or at the time any main building is enlarged or increased in capacity, minimum off-street parking space with adequate provisions for ingress and egress by standard-sized automobiles. If any land, structure or use is changed from one use to another which requires more off-street parking spaces, there shall be provided such additional off-street parking for the new use as is required by this chapter.

1. **Parking Lot Characteristics.** Each parcel of land developed for off-street parking in response to the requirements of this chapter shall provide the following characteristics:
  - a. **Surfacing.** Each lot shall have a paved, all-weather surfacing material consisting of a minimum of six (6) inches of road base with three (3) inches of asphalt, or, three (3) inches of road base with six (6) inches concrete paving on all parking areas and service roads. Surfacing shall be maintained in good condition and kept clear and in an unobstructed and usable condition at all times during business hours. Responsibility for maintenance of the lot shall rest with the property owner. The lot shall provide adequate access to a street or alley.
  - b. **Grading.** Parking lots shall be graded for proper drainage with surface water diverted in such a way as to keep the parking area free of accumulated water or ice. All surface drainage shall be contained within development site ~~and approved by City Engineer~~.
  - c. **Lighting.** Lots shall be properly illuminated, with luminaries arranged so as to baffle and direct light away from any adjoining residential buildings. Lighting details are specified in Section 3-4316 of this Code.
  - d. **Size of Spaces.** Each parking space shall be a minimum of nine (9) feet wide by eighteen (18) feet long. For uses such as grocery stores, the use of wider spaces with "hairpin" or double line markings is encouraged to ensure adequate space between parked cars to accommodate a shopping cart.
  - e. **Handicapped Parking.** All structures which are required by the provisions of the Uniform Building Code to have adaptations which assist access by handicapped persons shall, in addition, provide off-street parking for handicapped persons as described below or as

required by applicable State or Federal regulations. The provisions described below are minimum requirements, which for good cause, may be altered by ~~the site plan Land Use Authority recommendation of the Planning Commission and approval of the City Council~~.

i. Parking Spaces Required:

2. Total Parking Spaces In Lots	3. Required Handicapped Space
4. 20 - 100	5. 2% or a minimum of one
6. 101 - 200	7. 2 spaces plus 1.0% over 100
8. 201 - 500	9. 3 spaces plus 0.5% over 200

ii. Parking spaces for the handicapped shall be set aside and identified with signs and appropriate pavement markings for use by individuals with physical disabilities as provided by State and Federal law.

iii. Parking spaces identified for the physically handicapped shall be a minimum of thirteen (13) feet wide and shall be located as near as possible to the main public or primary entrance of a single building or centrally located where practical in parking lots that serve more than one building.

iv. Parking spaces shall include a protected passenger loading zone four (4) feet wide to one side of the parking space which has direct access to a hard surfaced walkway either by a level surface or a curbed ramp.

v. A parking space/passenger loading zone shall be clearly marked by appropriate painted pavement markings ~~as approved by the City Engineer~~.

2. Specific Requirements for Each Land Use. Minimum required off-street parking shall be provided for each use as listed below. Requirements

calculated on square footage of commercial space shall be based upon floor area devoted to the principal use or sales and shall not include area devoted to storage, rest rooms, or maintenance areas. Parking for uses not specifically listed below shall be provided in the same ratio as the use most nearly approximating the characteristics of the unlisted use, as determined by the site plan Land Use Authority Planning Commission. Parking shall be provided as follows, with spaces based upon one or a combination of uses listed. Parking stalls for all uses shall be in accordance with the following ratios:

- a. Parking stalls per 1,000 square feet of gross square feet of building area.

3. Retail, personal service and Repair businesses	4. 5.0 per 1,000 square feet
5. Medical and dental offices and Clinics	6. 4.0 per 1,000 square feet
7. Other professional and business Offices, including financial	8. 4.0 per 1,000 square feet

- b. Increase of the minimum may be required by the site plan Land Use Authority Planning commission or City Council if, in their opinion, there is an exceptional need for said increased parking.
- c. In cases where less parking is appropriate, the site plan Land Use Authority Planning Commission may reduce requirements based upon actual usage of employees and customers, but in no case shall the requirements be reduced by more than twenty-five (25) percent.
- d. In cases where the category into which a use should be placed is unclear, or a use does not conform to any of the above categories, or the use is allowed under a Conditional Use Permit, the site plan Land Use Authority Planning Commission shall determine the appropriate category or establish a parking ratio.
- e. In cases where uses occupying the same structure or within two-hundred and fifty (250) feet of one another on the same lot or adjacent lots under the same ownership are uses where parking demand times do not normally or significantly overlap, shared parking may be

permitted by the site plan Land Use Authority~~Planning Commission~~.

At the time of site plan review for each development increment, a precise parking plan shall be submitted showing all parking spaces, the overall circulation system, an analysis of the parking demand for the specific land uses proposed, and other justification as necessary for requesting reductions in parking space requirements.

3. Location of Parking.

- a. No on-street parking shall be permitted in a commercial zone. No parking shall be permitted in the minimal front, side or rear setback areas except:
  - ii. Where a side or rear setback area abuts a residential zone, parking may be permitted to within ten (10) feet of the district line, if in the determination of the site plan Land Use Authority~~Planning Commission~~ the parking will be necessary only during the normal daytime weekday working hours.
  - iii. Where parking within the front or side setback areas is adequately separated from public rights-of-way with continuous landscaping at least thirty (30) feet wide, less areas for curb inlets and drive entrances.
- b. Required off-street parking shall be provided on the site of the use served, or on an alternate site within the same district. Where parking is provided on other than the site concerned, a recorded document shall be filed site plan Land Use Authority, with the Planning Commission ~~and~~ signed by the owners of the alternate site, stipulating to the permanent reservation of use of the site for said parking. The parking setback restrictions set forth above shall also apply to contiguous or alternate parking sites.
- c. Parking facilities need not be located in one consolidated area of a particular site, but may be separated by landscaping or building elements.

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### **3-4310 Loading**

The following articles apply to the loading and/or unloading of materials in a commercial development:

1. All loading and unloading operations shall be performed on the site. Off-street berths shall be provided in addition to required off-street parking and shall not be located within driveways.
2. Each loading berth shall not be less than twelve (12) feet wide, twenty-five (25) feet long and if enclosed and/or covered, fourteen (14) feet high. Adequate turning and maneuvering space to be provided within the lot lines.
3. Such loading areas should be located away from the public street to which the use is oriented.
4. To the greatest extent possible, loading areas should be screened from all public streets. This shall be accomplished through careful site planning, and the use of screen walls and landscaping.
5. In no event shall a loading dock be closer than seventy-five (75) feet from a property line fronting upon a street.
6. Loading berths shall be required as follows:
  - a. Commercial and service uses with over ten thousand (10,000) square feet floor area to be determined by the site plan Land Use Authority~~City Council upon recommendation of the Planning Commission~~, but in no case less than two (2) loading berths.
  - b. The hours of loading and unloading, including trash removal, for any business that uses building entrances that face an adjacent residential zone shall be restricted to the hours between 7:00 a.m. and 10:00 p.m.

### 3-4313 Hardscape

1. Hardscape should be used in coordination with architecture and landscaping to provide a link between the street edge and individual developments. Attention to Hardscape details can create visual unity by relating different developments to a unifying theme. In addition, proper hardscaping can improve pedestrian safety and movement, and the visual enjoyment of public areas.
2. Hardscape can include such items as benches, sculptures, water fountains, enriched paving treatments, cobblestone walkways, etc. A detailed plan of Hardscape design shall accompany landscape plans and shall be ~~subject to review by the reviewed by the site plan Land Use Authority City Planning Commission~~ to determine continuity with overall development plan and harmony with the development of surrounding properties.
3. The following specifications shall apply to Hardscape curbing and are found in Section 3-4311. Driveway and Curb Openings:
  - a. Access shall be by not more than one (1) roadway for each two-hundred (200) feet or fraction thereof of frontage on any street.
  - b. Curb cuts shall be offset a minimum of 350 feet from the centerline of major arterials at intersections, but in no case shall be located within the operational area of the intersection (which includes turning lanes with associated tapers), as defined in the "Guidelines" referred in Section 3-4311.
  - c. Curb cuts and driveway aisles shall be shared at property lines between parcels whenever possible.

### **3-4317 Projections**

The following list represents the only projections/construction that shall be permitted within the required setback areas:

1. Front Setback: Roof overhangs
2. Rear/Side Setbacks: Roof overhangs, and any projection/substructure which is determined by the architectural review Land Use Authority Planning Commission to substantially contribute to public safety.

### **3-4319 Utilities/Equipment**

The following articles shall relate to the installment, location and screening of utilities and other exterior equipment:

1. All utilities, including drainage systems, sewer, gas and water lines, electrical, telephone and communications wires, and related equipment, irrigation ditches and/or pipes, shall, where possible, be installed and maintained underground.
2. No mechanical equipment (including, but not limited to, components of plumbing, processing, heating, cooling, and ventilating systems) shall be visible on site or from adjacent property.
3. No exterior components of such mechanical equipment (e.g. piping, stacks and duct work, fans and compressors) shall be mounted on any building wall unless they are an integrated architectural design feature. Any such components shall only be permitted with the ~~written~~ approval of the architectural review Land Use Authority-City Planning Commission.

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### 3-4324 Architectural Design

Prior to the issuance of building permits for any ~~permitted or conditional use within the Highland City Commercial District~~, the architectural review Land Use Authority City Planning Commission shall review the proposed development plans to assure compliance with the architectural design guidelines provided in this and other sections of Article 4.3 of Highland City's C-1 Zone. Appeals of actions on architectural compliance may be heard by the ~~City Council architectural review Appeal Authority~~.

#### 1. Overall architectural outline.

- a. The proposed development shall be of a quality and character which is consistent with the community design goals and policies including but not limited to: scale, height, bulk, materials, cohesiveness, colors, roof pitch, roof eaves and the preservation of privacy.
- b. The design shall improve community appearance by avoiding excessive variety and monotonous repetition.
- c. Proposed signage and landscaping shall be an integral architectural feature which does not overwhelm or dominate the structure or property.
- d. Lighting shall be stationary and deflected away from all adjacent properties and public streets and rights-of-way.
- e. Mechanical equipment, storage, trash areas, and utilities shall be architecturally screened from public view.
- f. With the intent of protecting sensitive land uses, any proposed design shall promote a harmonious and compatible transition in terms of scale and character between areas of different land uses.
- g. All building elevations shall be architecturally treated.
- h. Parking structures shall be architecturally compatible with the primary structure.
- i. Both sides of all perimeter walls or fences shall be architecturally treated.
- j. Each licensed business will provide public rest rooms of sufficient size to service potential customers including men and women. The rest

rooms shall be designed in accordance with the ubc to accommodate handicapped persons.

2. Architectural guidelines. the following architectural design guidelines apply to all ~~permitted and conditional~~ uses ~~in the highland city commercial district~~:

- a. The following architectural styles and motifs are prohibited in highland city:
  - i. A-frame structures
  - ii. Geodesic dome structures
  - iii. Mediterranean motifs
  - iv. Tudor or mock tudor (half timbering)
  - v. Highly ornate victorian
  - vi. Rustic frontier
  - vii. Pre-fabricated or industrial
- b. Note. aluminum siding is generally not considered a material of choice. The ~~architectural review Land Use Authority~~~~planning commission~~ may, however, consider requests for the use of aluminum siding. The applicant will be required to bring a sample of the type and color of siding to be approved ~~by the planning commission~~. When aluminum siding is approved, it shall have a minimum thickness of .019 inches and shall be backed or insulated with a minimum of 3/8 inch fiberboard or polystyrene foam. The siding materials listed below are prohibited in any commercial building in ~~h~~Highland ~~e~~City:
  - i. Shake shingles
  - ii. Ceramic tile
  - iii. Weeping mortar
  - iv. Plastic or vinyl siding
  - v. Used brick
  - vi. Lava rock
  - vii. Asphalt or hardboard siding
  - viii. Plywood siding

- ix. Stucco walls divided by wood dividers
- x. Metal grills and/or facades
- xi. Non-colored-anodized and/or unpainted aluminum, except for flagpoles.

c. Architectural design in ~~h~~Highland ~~e~~City has primarily been simple. Highly ornate buildings are inconsistent with the architecture of the community and shall be prohibited.

d. Different exterior siding materials add interest to a building, and to the community as a whole, however, the use of too many exterior materials, like excessive ornamentation, detracts from the values of adjoining properties. Exterior walls of any building may be sided with up to three different materials per building, but no more than three materials may appear on any one wall, including ornamental siding. Trim shall not be counted as a siding material. If trim covers more than 10% of a side of the building, it shall be counted as a siding material on that side.

e. Colors shall be limited to soft shades and/or earth tones. No bright or neon colors shall be allowed on exterior of buildings.

### **3-4327 Submittal Requirements**

All ~~permitted~~ uses proposed for development under this Article shall be subject to site plan review ~~according to Highland City Development Policy~~. There shall be submitted to the Planning Commission Zoning Administrator a plan for the use and development of each tract for the purposes of and meeting the requirements set forth in this ordinance. Said plan shall be accompanied by information concerning the number of persons to be employed, the effects on surrounding property, and other physical conditions, including the effect of the project on adjacent streets and shall include the following:

1. A site plan showing lot lines and defining the area to be occupied by buildings, the areas and configurations to be used for parking, the location of roads, driveways, signs, and walks, the spaces for loading, and the character and extent of landscaping, planting and other treatment for adjustment to surrounding property.
2. Enough information on land areas adjacent to the proposed development to indicate adjacent land uses, zoning classifications, circulation systems, public facilities, and unique natural features of the landscape.
3. Elevations and/or architectural renderings of buildings' facades facing public rights-of-way and district boundaries where the premises abut areas zoned for residential uses, said elevations or renders being sufficiently complete to show building heights and roof lines, the location and height of any walls, signs, and light standards, openings in the facade, and the general architectural character of the building.
4. Any additional information as required by the Reviewing Body, Recommending Body, or Land Use Authority Planning Commission to evaluate the character and impact of the proposed development.
5. Additional requirements associated with a Conditional Use Permit application, see General Provision Section.

### 3-4328 Action On Site Plan

The Planning Commission ~~site plan~~ Recommending Body shall review the site plan and make a recommendation to the site plan ~~Land Use Authority~~ either ~~recommend, deny, or recommend with conditions, the site plan~~. The site plan then ~~must~~ will be ~~approved~~ reviewed by the ~~City Council~~ site plan ~~Land Use Authority~~.

1. Findings necessary to granting approval for the site plan are:
  - a. The proposed use and development of land conforms to the provisions of this ordinance, and requirements of Engineering, Fire Department, Flood Control, Business License, and Planning Department. ~~Each of these units shall review the proposed site plan and submit their written comments to the Planning Commission and City Council.~~
  - b. The development is otherwise not detrimental to the public health, safety, general welfare, or to adjacent property, or to the orderly development of the City.
  - c. Approval of a traffic impact (TIA) analysis for the proposed development, to be completed by a competent transportation engineer at the developer's expense. Said TIA shall, as a minimum, address the suitability of the proposed parking, street access, driveway, and on-site traffic circulation systems and the impact on the adjacent street system.
  - d. Demonstration that adverse impacts on neighboring residential properties have been reasonably initiated.

### **3-4329 Site Plan Appeals**

Appeals from any decision of the site plan Land Use Authority~~City Council with respect to a Conditional Use Permit~~ may be ~~directed heard by~~ the site plan Appeal Authority~~District Court within thirty days~~.

## **[CR Zone] 3-4354 Development Standards**

1. An area to be Zoned C-R shall be recommended by the Planning Commission and approved by the City Council and shall have the following characteristics:

- a. In order to encourage uses consistent with the Commercial Architectural Design Guidelines and with the objectives of the commercial district and to ensure adequate site planning, the entire site must be master planned, including sufficient surrounding property to provide proper transition into neighboring zoning designations, even though it may be developed in stages or phases. In the event specific tenants are not known at the time of site planning, the owner/developer shall show only a building envelope as a place holder for a future building.
- b. Each phase must adhere to the original plan except as may be subsequently modified by the developer with the approval of the Planning Commission and City Council.

### **2. Development of property zoned CR requires the following approvals:**

- a. Site plan approval, which includes review and approval of site coverage, building setbacks, screening and fences, parking, loading, and driveway areas, traffic circulation, landscaping and hardscaping, transition and buffering between adjacent uses, lighting, grading, drainage, utility design, and other engineering design elements;
- b. Architectural review approval, which includes review of building height, design, materials, and aesthetics;
- c. Conditional use permit approval, for conditional uses; and
- a.d. Construction approvals, including building permits, sign permits, and right of way permits.

### **3-4356 Building Setbacks**

1. Canopies, overhangs, and similar coverings may project into the setback area, as much as 10', if approved by the architectural review Land Use AuthorityPlanning Commission.
2. Where a property line abuts a residential district, setback area shall be a minimum of one hundred (100) feet from any wall of the home or residence (excluding the garage or other ancillary buildings) on the adjacent property or 30' from a property line whichever is greater.
3. These setbacks shall only apply to the property lines around the perimeter of the site. There shall be no minimum setback (front, side or rear) requirements for subdivided parcels that lie within the site plan except when the property line of any subdivided parcel is part of the perimeter property line for the entire site.
4. No building shall be constructed within 100 feet of where an animal is housed, sheltered or fed.

### **3-4358 Screening Walls/Fences/Hedges**

An opaque screen shall be installed and maintained along all district boundaries, other than streets. The following are acceptable means of providing such screening:

1. Walls. A wall shall consist of concrete, stone, brick, tile, or similar type of solid masonry material a minimum of eight (8) inches thick and eight (8) feet in height.
2. Berms. If a wall is not used, a berm may be used, except on a property line abutting residential property. The berm shall be no less than fifteen (15) feet in width at the base facing an arterial road and no less than fifteen (15) feet in width at the base facing any other street or property. It shall be constructed of earthen material and it shall be landscaped. Grading of berms is further detailed in Section 3-4318 of this Code.
3. No signs or sign supports shall be permitted on any wall.
4. Notwithstanding the requirements listed above, where the finished elevation of the property is lower at the district boundary line, or within five (5) feet inside the district boundary line, than an abutting property elevation, such change in elevation may be used in lieu of, or in combination with, additional screening to satisfy the screening requirements.
5. Note. Since walls and hedges are a main visual feature in any development, regulations related to the placement, size and appearance of such structures must be enacted. The following standards shall apply to the installation of all fences, walls, hedges or other visual obstructions used for the purpose of screening, either around the perimeter of the development site or within the development site:
  - a. No wall, hedge or other visual obstruction in excess of six (6) feet shall be allowed on any commercial development site, unless along a district boundary which abuts a residential zone, in which case the height shall be eight (8) feet.
  - b. When there is a difference in the ground level between two adjoining lots forming the district boundary, the height of any fence, wall, or hedge constructed along the property line shall be determined by using the finished grade of the highest contiguous lot.
  - c. Only one (1) type of fence or wall design shall be permitted on any one (1) parcel or Development site. The design may include an appropriate

mix of materials subject to the guidelines of these articles ~~and approval by the City Planning Commission~~.

- d. The use of chain link, barbed wire, electrified fence, or razor wire fence in conjunction with any fence, wall, or hedge, or by itself is prohibited, unless required by any law or regulation of the State of Utah.
- e. On a corner lot, no fence, wall, hedge, sign or other structure, shrubbery, mounds of earth, or other visual obstruction over thirty-six (36) inches in height above the nearest street curb elevation shall be erected, placed, planted, or allowed to grow within a traffic safety sight area.
- f. To protect safe sight-distance for vehicular movement, sight obstructing fences, walls or other obstructions shall not exceed thirty-six (36) inches in height when located in a front setback.
- g. A fence may not be constructed along a front yard, within a front setback, within the parkway detail, or along SR-92 or SR-74.
- h. All walls and fences constructed both around the perimeter of the development or within the site must be of a similar material and construction to the primary building.
- i. If walls are finished in stucco, colors will be limited to earth tones. No bright or neon colors will be allowed.
- j. Any hedges used as screening shall be consistent in appearance to the general landscape of the site. Such hedges may be geometric in shape, but shall be pruned and maintained so as to avoid unsightly appearance and to avoid vehicular sight hazards.

### **3-4359 Parking**

Except as may be provided elsewhere in this ordinance, there shall be provided at the time of erection of any building, or at the time any main building is enlarged or increased in capacity, minimum off-street parking space with adequate provisions for ingress and egress by standard-sized automobiles. If any land, structure or use is changed from one use to another which requires more off-street parking spaces, there shall be provided such additional off-street parking for the new use as is required by this chapter.

1. **Parking Lot Characteristics.** Each parcel of land developed for off-street parking in response to the requirements of this chapter shall provide the following characteristics:
  - a. **Surfacing.** Each parking lot shall have a paved, all-weather surfacing material consisting of a minimum of six (6) inches of road base with three (3) inches of asphalt, or, three (3) inches of road base with six (6) inches concrete paving on all parking areas and service roads. These depths may be modified based on the geotechnical conditions found on the site and with the approval of the City Engineer. Surfacing shall be maintained in good condition and kept clear and in an unobstructed and usable condition at all times during business hours. Responsibility for maintenance of the parking lot shall rest with the property owner. The parking lot shall provide adequate access to a street or alley.
  - b. **Grading.** Parking lots shall be graded for proper drainage with surface water diverted in such a way as to keep the parking area free of accumulated water or ice. All surface drainage shall be contained within development site, unless off-site storm drainage capacity is available and satisfies City standards and as approved by City Engineer.
  - c. **Lighting.** Parking lots shall be properly illuminated, with luminaries arranged so as to baffle and direct light away from any adjoining residential buildings. Lighting details are specified in Section 3-4316 of this Code.
  - d. **Size of Spaces.** Each parking space shall be a minimum of nine (9) feet wide by eighteen (18) feet long.
  - e. **Handicapped Parking.** All structures which are required by the provisions of the most currently adopted International Uniform

Building Code to have adaptations which assist access by handicapped persons shall, in addition, provide off-street parking for handicapped persons as described below or as required by applicable State or Federal regulations. The provisions described below are minimum requirements, which for good cause, may be altered by the site plan Land Use Authority~~recommendation of the Planning Commission and approval of the City Council~~.

i. Parking Spaces Required:

Parking Spaces Required: Total Parking Spaces	Required Handicapped Spaces
20 - 100	2% or a minimum of one
101 - 200	2 spaces plus 1.0% over 100
201 - 500	3 spaces plus 0.5% over 200

ii. Parking spaces for the handicapped shall be set aside and identified with signs and appropriate pavement markings for use by individuals with physical disabilities as provided by State and Federal law.

iii. Parking spaces identified for the physically handicapped shall be a minimum of nine (9) feet wide and shall be located as near as possible to the main public or primary entrance of a single building or centrally located where practical in parking lots that serve more than one building.

iv. Parking spaces shall include a protected passenger loading zone four (4) feet wide to one side of the parking space which has direct access to a hard surfaced walkway either by a level surface or a curbed ramp.

v. A parking space/passenger loading zone shall be clearly marked by appropriate painted pavement markings as approved by the City Engineer.

2. Specific Requirements. It is the intent of this Zone to encourage sharing of parking stalls between uses so as to minimize the number of overall parking stalls within a development site.
  - a. The minimum required number of off-street parking stalls for the development site shall be calculated based upon the interior floor area of the proposed building devoted to the principal use or sales and shall not include area devoted to storage, kitchens, rest rooms, break rooms, or maintenance areas (“interior Floor Area”). When there are multiple buildings proposed for the development site, the Interior Floor Area calculated for each building shall be added together to obtain an aggregate Interior Floor Area for the entire development site. In this Zone the minimum average parking stall to aggregate Interior Floor Area shall be no less than four (4.00) parking stalls per one-thousand square feet of Interior Floor Area (4.00:1,000) for the total development site on a shared basis. All interior subdivided parcels must have vehicular access connecting that parcel’s parking stalls to the balance of the parking lot of the development site.
  - b. The owner/developer may increase the number of stalls above the minimum with the approval of the Planning Commissionsite plan Land Use Authority.
  - c. In cases where less parking is appropriate, the owner/developer may reduce the number of parking stalls below the average minimum requirement with the approval of the site plan Land Use AuthorityPlanning Commission. However, in no case shall the requirements be reduced by more than twenty-five (25) percent.
3. Location of Parking.
  - a. No on-street parking shall be permitted in this Zone. No parking shall be permitted within the minimal front, side or rear setback areas except:
  - b. Where a setback area abuts another District, parking may be permitted to within ten (10) feet of the district line provided that use of such parking is limited to regular weekday business hours.
  - c. Where parking within the front or side setback areas is adequately separated from public right-of-ways with continuous landscaping at least fifteen (15) feet wide.

- i. Required off-street parking shall be provided on the development site, or on an alternate site within the same District. Where parking is provided on other than the development site concerned, a recorded document shall be filed with the Planning Commission site plan Land Use Authority and signed by the owners of the alternate site, stipulating to the permanent reservation of use of the site for said parking. The parking setback restrictions set forth above shall also apply to contiguous or alternate parking sites.
- ii. Parking facilities need not be located in one consolidated area of a particular site, but may be separated by landscaping or building elements, however each phase of a development shall provide for adequate parking.

d. A majority of parking shall be considered “interior” with buildings/structures acting as a buffer between parking areas and the public right-of-way.

### 3-4362 Hardscape

1. Hardscape should be used in coordination with architecture and integrated into the landscaping to provide a link between the public street edge and individual buildings. Attention to hardscape details can soften commercial development and create visual unity by relating different developments to a unifying theme. In addition, proper hardscaping can improve pedestrian safety and movement, provide for public engagement and the visual enjoyment of public areas.
2. Hardscape can include such items as benches, sculptures, water fountains, pavers, cobblestone walkways, outdoor eating areas, etc. The details of hardscape design shall be incorporated into the site plan and landscape plan and shall be reviewed by the site plan Land Use Authority subject to review by the Planning Commission to determine continuity with overall development plan and harmony with the development of surrounding properties.
3. A landscape credit shall be granted when the owner/developer provides extraordinary landscape or hardscape features that enhance the public or visitor experience. Landscape credit shall be granted when the following requirements are met:
  - a. At least 10% of the total landscape area of the site is treated with Hardscape features and elements as follows:
    - i. At least 20% of the hardscape has some vegetation excluding turf in the area (ex.; planters, tree wells, ponds, etc.)
    - ii. A maximum of 25% of one hard scape element is used per area (ex.; benches, tables, fountains, sculptures, etc.)
    - iii. Pavers, cobblestone, or other similar ground treatments are considered.
    - iv. Stamped/stained concrete or asphalt shall not be considered as Hardscape.
    - v. Hardscape design should include a variety of seating places, walking places, water features and masonry as defined above.
  - b. When the above requirements are satisfied, a landscape credit of 5.0% shall be applied against the total site minimum landscape requirement found in Section 3-4361 (14).

### **3-4366 Utilities/Equipment**

The following articles shall relate to the installment, location and screening of utilities and other exterior equipment:

1. All utilities, including drainage systems, sewer, gas and water lines, electrical, telephone and communications wires, and related equipment, irrigation ditches and/or pipes, shall, where possible and economically feasible, be installed and maintained underground.
2. No mechanical equipment (including, but not limited to, components of plumbing, processing, heating, cooling, and ventilating systems) shall be visible on site or from any public street.
3. No exterior components of such mechanical equipment (e.g. piping, stacks and duct work, fans and compressors) shall be mounted on any building wall unless they are an integrated architectural design feature. Any such components shall only be permitted with the ~~written~~ approval of the Planning Commission~~architectural review~~ Land Use Authority.

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## 3-4370 Architectural Design

Prior to the issuance of building permits for any ~~permitted or conditional use within the Highland City Commercial Retail District, the architectural review Land Use Authority Planning Commission and City Council~~ shall review the proposed development plans to assure compliance with the Commercial Retail Architectural Design Standards and other sections. Appeals of actions on architectural compliance may be heard by the ~~Highland City architectural review Appeals~~ Authority.

### 1. Overall architectural outline.

- a. The proposed development shall be of a quality and character which is consistent with the community design goals and policies including but not limited to: scale, height, bulk, materials, cohesiveness, colors, roof pitch, roof eaves and the preservation of privacy.
- b. The design shall improve community appearance by avoiding excessive variety and monotonous repetition.
- c. The design shall include a majority of architectural elements which are commonly found in other commercial areas in highland (ex: columns, lentils, window treatments w/ high percentage of fenestration, portico/arbor/arcade, architectural roofing material, quoins, building materials (earth-tone colors, brick, rock, trim)
- d. Proposed signage and landscaping shall be an integral architectural feature which does not overwhelm or dominate the structure or property.
- e. A sign theme shall be incorporated requiring consistent materials and construction.
- f. Lighting shall be stationary and deflected away from all adjacent properties and public streets and right-of-ways.
- g. An exterior lighting theme shall be required which is consistent with the lighting in other areas of commercial in highland.
- h. Mechanical equipment, storage, trash areas, and utilities shall be architecturally screened from public view.

- i. With the intent of protecting sensitive land uses, any proposed design shall promote a harmonious and compatible transition in terms of scale and character between areas of different land uses.
  - j. Both sides of all perimeter walls or fences shall be architecturally treated.
  - k. Each licensed business will provide one ada compliant public rest room for use by men and women. The rest rooms shall be designed in accordance with the ubc to accommodate handicapped persons.
  - l. Gasoline islands, canopy areas, gasoline uses and pump islands shall be architecturally treated to adhere to this ordinance. These uses shall be designed with materials, colors, and features which match the structure to which it is associated. The exterior of any gasoline islands and supporting structures (including pump island supporting structures) shall have a surface material which consists of a minimum of 50% masonry or rock.
2. The following guidelines apply to all ~~permitted and conditional~~ uses ~~in the highland city commercial retail zone~~:
  - a. The following architectural styles and motifs are prohibited in highland city unless consistent with an approved design theme:
    - i. A-frame structures
    - ii. Geodesic dome structures
    - iii. Mediterranean motifs
    - iv. Highly ornate victorian
    - v. Pre-fabricated or industrial
    - vi. Aluminum siding
    - vii. Architectural design in highland city has primarily been simple. Highly ornate buildings are inconsistent with the architecture of the community and shall be prohibited.
  - b. The siding materials listed below are prohibited in any commercial building in highland city:
    - i. Shake shingles

- ii. Weeping mortar
- iii. Plastic or vinyl siding
- iv. Used brick
- v. Lava rock
- vi. Asphalt or hardboard siding
- vii. Plywood siding
- viii. Stucco walls divided by wood dividers
- ix. Metal grills and/or facades
- x. Non-colored-anodized and/or unpainted aluminum, except for flagpoles.

- c. Different exterior siding materials add interest to a building, and to the community as a whole, however, the use of too many exterior materials, like excessive ornamentation, detracts from the values of adjoining properties. Exterior walls of any building may be sided with up to three different materials per building, but no more than three materials may appear on any one wall, including ornamental siding. Trim shall not be counted as a siding material.
- d. If trim covers more than 10% of a side of the building, it shall be counted as a siding material on that side. Colors shall be limited to soft shades and/or earth tones. No bright or neon colors shall be allowed on exterior of buildings.

3. Roof design. The following articles shall apply to roof structure and design in any commercial development:

- a. The following roofing materials are prohibited, either because of their appearance, or because they are not likely to perform satisfactorily in the climate of highland city:
  - i. Untreated aluminum or metal (except that copper and standing seam metal roofs may be used)
  - ii. Reflective materials
  - iii. Brightly colored roofing materials such as bright red, blue, yellow, neon colors, or similar colors that are highly visible

unless approved by the ~~planning commission~~architectural review ~~Land Use Authority~~.

- b. The following roof shapes are prohibited in highland city, either because of their appearance, or because of their poor performance:
  - i. Gambrel roofs
  - ii. Curvilinear roofs
  - iii. Domed roofs
  - iv. Geodesic domes
  - v. Conical roofs
  - vi. A-frame or modified a-frame roofs
- c. Skylights and solar panels must be designed to fit flush with the roof surface, or up to a maximum of two feet above the roof's surface. No reflective materials may be used unless thoroughly shielded to prevent reflection into nearby properties.
- d. A gasoline use canopy or island shall be designed to imitate the primary building of which it is associated (any signage associated with a gasoline use shall be located under the eave of the roof and shall not be permitted above the highest part of the eave. If the canopy is flat, then a sign shall not project above the highest part of the roof structure).
- e. Roof types and ridge heights shall vary along building frontages. A single roof type or roof ridge height shall not exceed 50 feet in horizontal length unless it is separated by a varied roof type or roof ridge height. If the ridge height is varied then it shall be a vertical variation of at least eighteen (18) inches in height minimum.

### **3-4373 Submittal Requirements**

All ~~permitted or conditional~~ uses proposed for development under this Article shall be subject to site plan review ~~according to Highland City Development Policy~~. There shall be submitted to the Planning Commission Zoning Administrator, a site plan for the use and development of the entire development site for the purposes of and meeting the requirements set forth in this ordinance. The Site Plan shall include the following:

1. A site plan showing lot lines and defining the area to be occupied by buildings, the areas and configurations to be used for parking, the location of roads, driveways, signs, and walks, the spaces for loading, and the character and extent of landscaping, planting and other treatment for adjustment to surrounding property.
2. Enough information on land areas adjacent to the proposed development to indicate adjacent land uses, zoning classifications, circulation systems, public facilities, and unique natural features of the landscape.
3. Elevations and/or architectural renderings of buildings' facades facing public rights-of-way and district boundaries where the premises abut areas zoned for residential uses, said elevations or renders being sufficiently complete to show building heights and roof lines, the location and height of any walls, signs, and light standards, openings in the facade, and the general architectural character of the building.
4. Additional requirements associated with a Conditional Use Permit application, see General Provision Section, if conditional use approval is required.

### 3-4374 Action On Site Plan

The site plan Recommending BodyPlanning Commission shall review the site plan and make a recommendation to the site plan Land Use Authority either; recommend, deny, or recommend with conditions, the site plan. The site plan then will be reviewed eonsidered for approval by the City Councilsite plan Land Use Authority.

1. Findings necessary to granting approval for the site plan are:
  - a. The proposed use and development of land conforms to the provisions of this ordinance, and requirements of Engineering, Fire Department, and Planning Department. ~~Each of these units shall review the proposed site plan and submit their written comments to the Planning Commission and City Council.~~
  - b. The development is otherwise not detrimental to the public health, safety, general welfare, to adjacent property, or to the orderly development of the City.
  - c. Approval of a traffic impact (TIA) analysis, for the proposed development, to be completed by a competent transportation engineer at the owner/developer's expense. Said TIA shall, as a minimum, address the suitability of the proposed parking, street access, driveway, and onsite traffic circulation systems and the impact on the adjacent street system.
  - d. Demonstration that adverse impacts on neighboring residential properties have been reasonably mitigated.
2. The following items shall be required for Site Plan Approval:
  - a. Landscaping Plan
  - b. Lighting Plan
  - c. Grading Plan/Drainage Plan
  - d. Traffic Circulation Plan
  - e. Transition and Buffer Plan, setting forth how the uses within the project will be transitioned along the perimeters of the project, and how the buffers will be employed to mitigate any negative impacts of the project onto adjoining properties.

f. Fiscal Impact Projections prepared at the direction of the ~~City Council~~  
~~site Land Use Authority~~.

### **3-4375 Site Plan Appeals**

Appeals from any decision of the site plan Land Use Authority City Council with respect to a Conditional Use Permit may be heard directed to by the site plan Appeal Authority within thirty days. Any appeal shall be in accordance with Chapter 2, Title 3, Appeal Authority as defined in this code.

### **3-4502 Permitted Conditional Uses**

The only uses allowed within the R-P Zone shall be Conditional Uses which satisfy the primary intent or purpose for the Zone ~~and which are subject to special conditions as may be imposed by the planning commission or city council~~. All such conditional uses are subject to additional conditions considered appropriate and necessary by the Planning Commission and City Council conditional use Land Use Authority. Those uses which are incompatible with the desired land use for the R-P Zone are prohibited. Following is a list of conditional uses for the R-P Zone, subject to the standards and procedures established in this Code.

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### **3-4504 Development Standards**

1. An area to be ~~z~~zoned R-P shall have the following characteristics:

  - a. In order to encourage uses consistent with the objectives of the Residential-Professional district and to ensure adequate site planning, the entire site must be master planned at the time of site plan approval, even though it may be developed in stages or phases. Each phase must adhere to the original plan except as subsequently approved by the Planning Commission and City Council. Site must have a minimum of two-hundred (200) feet of frontage on a dedicated public street. Control of the property by a single person, association, partnership, or corporation must be demonstrated.
  - b. Although the Residential-Professional district may provide goods and/or services to citizens from surrounding communities, its services should be focused primarily for the benefit of the residents of Highland City.
2. Development of property zoned R-P requires the following approvals:

  - a. Site plan approval, which includes review and approval of site coverage, building setbacks, screening and fences, parking, loading, and driveway areas, traffic circulation, landscaping and hardscaping, transition and buffering between adjacent uses, lighting, grading, drainage, utility design, and other engineering design elements;
  - b. Architectural review approval, which includes review of building height, design, materials, and aesthetics;
  - c. Conditional use permit approval, for conditional uses; and
  - d. Construction approvals, including building permits, sign permits, and right of way permits.

### **3-4505 Site Coverage**

Coverage regulates the area of the site that may be covered by the building. Covered walkways, roof structure overhangs, and other solar protection or aesthetic structural elements should not be included in building coverage calculations. These guidelines also help protect area dedicated to landscape and parking.

1. Coverage of a site by a building structure shall not exceed twenty-five (25) percent of the total site. This coverage may be increased, subject to the recommendation of the ~~City Planning Commission and/or approval by the City Council~~ site plan Land Use Authority, if the project demonstrates superior response to the Residential-Professional zoning guidelines. In no case, however, shall site coverage exceed 35 percent.
2. When covered parking structures are provided, such structures shall not cover more than an additional 20 percent of the ground plane.
3. In all site plan configurations, landscaping shall occupy no less than thirty-five percent (35%) of the total land area under development.

### 3-4506 Building Setbacks

It shall be within the authority of the ~~site plan Land Use Authority~~<sup>Planning Commission</sup> to determine, for any development in this district, which property line or lines shall be considered as side or as rear lines for the purpose of administering this ordinance.

1. No building shall be closer to a public street right-of-way than eighty (80) feet unless all parking is provided in the rear of the building, in which case it may be no closer than thirty-five (35) feet. No building, with the exception of any portion that contains a drive-up window or counter, shall be closer than thirty (30) feet from any private road or driveway. Structures which are adjacent to a plaza, mall, or other permanent pedestrian open space under the same ownership as the structure may abut the space and have openings into it. The ~~planning commission~~<sup>site plan Land Use Authority</sup> may reduce the front yard setback to thirty (30) feet if the reduction will increase the rear yard setback between the building and existing residential uses.
2. The public street right-of-way line shall be considered the front property line of a lot. Where a lot is bordered on two or more sides by a public street right-of-way, all such sides shall be considered as front property lines, and the area between the front property line and the building lines shall be known as the front setback area in all cases. Canopies, overhangs, and similar coverings may project into the front setback area, as much as 10', if approved by the ~~Planning Commission~~<sup>architectural review Land Use Authority</sup>.
3. Side setback areas shall be a minimum of ten (10) feet including canopies and overhangs except where a side property line abuts a residential district, in which case the setback area shall be a minimum of twenty-five (25) feet.
4. Rear setback areas shall be a minimum of ten (10) feet except where a rear property line abuts a residential district, in which case the rear setback area shall be a minimum of twenty (20) feet.

### 3-4507 Building Height

1. The maximum height for all buildings shall not exceed thirty (30) feet, measured from natural grade, and no building shall be erected to a height less than ten (10) feet or one story above grade. Where the ground or the top of the building is uneven in height, the average elevation thereof shall apply. Maximum height shall include signs and parapets or any other projection from the building.
2. The height requirements of this section shall apply to all commercial developments, except that ~~after review by the planning commission, the architectural review Land Use Authority commission~~ may approve, disapprove, or approve with modifications a request for an increase in the allowable height up to thirty-six (36) feet.
3. The ~~architectural review Land Use Authority City Planning Commission~~ must take into account the following criteria when a proposal for height adjustment is requested:
  - a. The geographical position of the building and possible visual effects on existing structures on or off site.
  - b. Potential problems on neighboring sites caused by shadows, loss of solar access, loss or air circulation, closing of views, or ridge line intrusion.
  - c. The influence on the general vicinity including contact with existing buildings and structures, streets, traffic congestion and circulation, and adjacent open space;
  - d. In no case will any increase in height be permitted when the effect of the height increase is to increase the allowable square footage over that which is, or would be, possible under normal zone standards.

### **3-4508 Screening Walls/Fences/Hedges**

An opaque screen shall be installed and maintained along all district boundaries, other than streets. Following are acceptable means of providing such screening:

1. Walls. A wall shall consist of stone, brick, tile, or similar type of solid masonry material ~~(if approved by the City Council)~~ a minimum of eight (8) inches thick or consist of a decorative double-sided seamless panel concrete wall, ~~as recommended by the Planning Commission and approved by the City Council~~. All such walls must be landscaped with vegetation.
2. Berms. A berm shall be no less than thirty (30) feet in width at the base facing an arterial road and no less than twenty (20) feet in width at the base facing any other street or property. It shall be constructed of earthen material and it shall be landscaped. Grading of berms is further detailed in Section 3-4518 of this Code.
3. No signs or sign supports shall be permitted on any required screening.
4. Notwithstanding the requirements listed above, where the finished elevation of the property is lower at the boundary line, or within five (5) feet inside the boundary line, than an abutting property elevation, such change in elevation may be used in lieu of, or in combination with, additional screening to satisfy the screening requirements for this district.
5. Note. Since walls and hedges are a main visual feature in any development, regulations related to the placement, size and appearance of such structures must be enacted. The following standards shall apply to the installation of all fences, walls, hedges or other visual obstructions used for the purpose of screening, either around the perimeter of the development site or within the development site:
  - a. No wall, hedge or other visual obstruction in excess of six (6) feet shall be allowed on any Residential-Professional development site, unless along a district boundary which abuts a residential zone, in which case the height shall be eight (8) feet.
  - b. When there is a difference in the ground level between two adjoining lots, the height of any fence, wall, or hedge constructed along the property line shall be determined by using the finished grade of the highest contiguous lot.

- c. Only one (1) type of fence or wall design shall be permitted on any one (1) parcel or development. The design may include an appropriate mix of materials subject to the guidelines of these articles ~~and approval by the City Planning Commission.~~
- d. The use of chain link, barbed wire, electrified fence, or razor wire fence in conjunction with any fence, wall, or hedge, or by itself is prohibited, unless required by any law or regulation of the State of Utah.
- e. On a corner lot, no fence, wall, hedge, sign or other structure, shrubbery, mounds of earth, or other visual obstruction over thirty-six (36) inches in height above the nearest street curb elevation shall be erected, placed, planted, or allowed to grow within a traffic safety sight area.
- f. To protect safe sight-distance for vehicular movement, sight obstructing fences, or walls or other obstructions shall not exceed thirty-six (36) inches in height when located in a front setback.
- g. If walls are finished in stucco, colors will be limited to earth tones. No bright or neon colors will be allowed. If a wall has been approved ~~by the Council~~ that is not a decorative wall, it shall be constructed with a stucco finish in an earthtone color.
- h. All walls shall be generally natural in appearance and limited to earth tone colors. No bright or neon colors will be allowed.
- i. Any hedges used as screening shall be consistent in appearance to the general landscape of the site. Such hedges may be geometric in shape, but shall be pruned and maintained so as to avoid unsightly appearance and to avoid vehicular sight hazards.

### **3-4509 Parking**

Except as may be provided elsewhere in this ordinance, there shall be provided at the time of erection of any building, or at the time any main building is enlarged or increased in capacity, minimum off-street parking space with adequate provisions for ingress and egress by standard-sized automobiles. If any land, structure or use is changed from one use to another which requires more off-street parking spaces, there shall be provided such additional off-street parking for the new use as is required by this chapter.

1. **Parking Lot Characteristics.** Each parcel of land developed for off-street parking in response to the requirements of this chapter shall provide the following characteristics:
  - a. **Surfacing.** Each lot shall have a paved, all-weather surfacing material consisting of a minimum of six (6) inches of road base with three (3) inches of asphalt, or, three (3) inches of road base with six (6) inches concrete paving on all parking areas and service roads. Surfacing shall be maintained in good condition and kept clear and in an unobstructed and usable condition at all times during business hours. Responsibility for maintenance of the lot shall rest with the property owner. The lot shall provide adequate access to a street or alley.
  - b. **Grading.** Parking lots shall be graded for proper drainage with surface water diverted in such a way as to keep the parking area free of accumulated water or ice. All surface drainage shall be contained within development site and approved by City Engineer.
  - c. **Lighting.** Lots shall be properly illuminated, with luminaries arranged so as to baffle and direct light away from any adjoining residential buildings. Lighting details are specified in Section 3-4516 of this Code.
  - d. **Size of Spaces.** Each parking space shall be a minimum of nine (9) feet wide by eighteen (18) feet long.
  - e. **Handicapped Parking.** All structures which are required by the provisions of the Uniform Building Code to have adaptations which assist access by handicapped persons shall, in addition, provide off-street parking for handicapped persons as described below or as required by applicable State or Federal regulations.
2. **Specific Requirements for Each Land Use.** (Amended 10/17/06) Minimum required off-street parking shall be provided for each use as listed below.

Requirements calculated on square footage of Residential-Professional space shall be based upon floor area devoted to the principal use or sales and shall not include area devoted to storage, rest rooms, or maintenance areas.

Parking for uses not specifically listed below shall be provided in the same ratio as the use most nearly approximating the characteristics of the unlisted use, as ~~determined by the site plan Land Use Authority recommended by the Planning Commission and approved by the City Council~~. Parking shall be provided as follows, with spaces based upon one or a combination of uses listed:

- a. Parking stalls for all uses shall 4.0 per 1,000 square feet.
- b. Increase of the minimum may be required by the ~~site plan Land Use Authority Planning Commission or City Council~~ if, in their opinion, there is an exceptional need for said increased parking.
- c. In cases where less parking is appropriate, ~~site plan Land Use Authority the Planning Commission may recommend and the City Council~~ may approve a reduced requirement based upon actual usage of employees and customers, if the applicant has provided evidence indication that less parking is adequate for the specifically proposed use and only if the applicant has proved evidence and demonstrated that at least seventy-five percent (75%) of the minimum parking requirement (3.0 spaces per 1,000 square feet) may be met without modification to the primary structure.
  - i. If at some point in the future the land use changes, the property owner may be required to provide additional parking depending upon the specific parking requirements for that use.
- d. In cases where the category into which a use should be placed is unclear, or a use does not conform to any of the above categories, or the use is allowed under a Conditional Use Permit, the ~~site plan Land Use Authority Planning Commission may recommend and the City Council~~ shall determine the appropriate category or establish a parking ratio.
- e. In cases where uses occupying the same structure or within two-hundred and fifty (250) feet of one another on the same lot or adjacent lots under the same ownership are uses where parking demand times do not normally or significantly overlap, shared parking may be permitted by the ~~site plan Land Use Authority City Council following a recommendation from the Planning Commission~~. At the time of site

plan review for each development increment, a precise parking plan shall be submitted showing all parking spaces, the overall circulation system, an analysis of the parking demand for the specific land uses proposed, and other justification as necessary for requesting reductions in parking space requirements.

3. Location of Parking.

- a. No on-street parking shall be permitted in a Residential-Professional Zone. No parking shall be permitted in the minimal front, side or rear setback areas except:
  - i. Where a side or rear setback area abuts a residential zone, parking may be permitted to within ten (10) feet of the district line, if the parking will be necessary only during the normal working hours as approved by the site plan Land Use Authority~~City Council~~.
  - ii. Where parking within the front or side setback areas is adequately separated from public rights-of-way with continuous landscaping at least thirty (30) feet wide, less areas for curb inlets and drive entrances.
- b. Required off-street parking shall be provided on the site of the use served, or on an alternate site within the same district. Where parking is provided on other than the site concerned, a recorded document shall be filed with the site plan Land Use Authority~~Planning Commission~~ and signed by the owners of the alternate site, stipulating to the permanent reservation of use of the site for said parking. The parking setback restrictions set forth above shall also apply to contiguous or alternate parking sites.
- c. Parking facilities need not be located in one consolidated area of a particular site, but may be separated by landscaping or building elements.

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### **3-4510 Loading**

The following articles apply to the loading and/or unloading of materials in a Residential-Professional development:

1. All loading and unloading operations shall be performed on the site. Off-street berths shall be provided in addition to required off-street parking and shall not be located within driveways.
2. Each loading berth shall not be less than twelve (12) feet wide, twenty-five (25) feet long and if enclosed and/or covered, fourteen (14) feet high. Adequate turning and maneuvering space to be provided within the lot lines.
3. Such loading areas should be located away from the public street to which the use is oriented.
4. To the greatest extent possible, loading areas should be screened from all public streets. This shall be accomplished through careful site planning, and the use of screen walls and landscaping.
5. In no event shall a loading dock be closer than seventy-five (75) feet from a property line fronting upon a street.
6. Loading berths shall be required as follows:
  - a. Residential-Professional and service uses with over fifteen thousand (15,000) square feet floor area to be determined by the site plan Land Use Authority~~City Council upon recommendation of the Planning Commission~~, but in no case less than two (2) loading berths.
  - b. The hours of loading and unloading, including trash removal, for any business that uses building entrances that face an adjacent residential zone shall be restricted to the hours between 7:00 a.m. and 10:00 p.m.

### **3-4511 Driveway And Curb Openings**

1. Unobstructed and direct driveways of sufficient width to safely accommodate projected 20 year turning volumes as determined by the Traffic Impact Analysis required by Section 3-4528 shall be provided. Loading driveways may coincide with driveways to parking facilities.
2. In establishing permissible curb openings and sidewalk driveway crossings for access to private property, they shall not be authorized where they are unnecessary or where they would reasonably interfere with the movement of vehicular traffic, with public improvements, or with the rights of the public in the adjacent street or alley, and in no case shall any curb opening be of greater length than necessary for reasonable access to the property to be served thereby. In determining the length of curb openings and spacing of driveways, the end transitions in each case will be considered a part of the length of the curb opening.
3. Unless otherwise specified by this ordinance, design and location of access drives shall comply with "Guidelines for Driveway Location and Design", a Recommended Practice of the Institute of Transportation Engineers, 1987, or as revised.
4. The following standards shall apply in determining the size of curb openings and location of driveways:
  - a. Access shall be by not more than one (1) driveway opening for each two-hundred (200) feet or fraction thereof of frontage on any street.
  - b. Driveway openings shall be offset a minimum of 350 feet from the centerline of major arterials at intersections, but in no case shall be located within the operational area of the intersection (which includes turning lanes with associated tapers) as defined in the "Guidelines" referred to above.
    - i. Where a major arterial intersects with a local residential road a restricted access such as a right-in/right-out may be approved by the City Council-site plan Land Use Authority only if the centerline of the driveway openings is offset a minimum of one-hundred eighty feet (180') from the centerline of a that intersection.

### **3-4513 Hardscape**

1. Hardscape should be used in coordination with architecture and landscaping to provide a link between the street edge and individual developments. Attention to Hardscape details can create visual unity by relating different developments to a unifying theme. In addition, proper hardscaping can improve pedestrian safety and movement, and the visual enjoyment of public areas.
2. Hardscape can include such items as benches, sculptures, water fountains, enriched paving treatments, cobblestone walkways, etc. A detailed plan of Hardscape design shall accompany landscape plans and shall be reviewed by the site plan Land Use Authority subject to review by the City Planning Commission to determine continuity with overall development plan and harmony with the development of surrounding properties.

### **3-4514 Substructures; Storage/Refuse Collection, Etc.**

1. The following articles shall relate to the screening and location of storage and refuse collection areas:
  - a. All outdoor storage including vehicle storage shall be visually screened from access streets, freeways, and adjacent property. Said screening shall form a complete opaque screen (6) feet in vertical height.
  - b. No storage shall be permitted between a frontage street and the building line. Furthermore, no outdoor storage shall be located within one hundred (100) feet of any residential use.
  - c. All outdoor refuse collection areas shall be visually screened from access streets and adjacent property by a complete opaque screen. Property owner(s) and/or manager(s) in a Residential-Professional District shall be responsible for the abatement, clean-up and removal of all garbage or refuse thrown, placed, or blown on surrounding property or streets public rights-of-way. Every effort shall be made by said owner and/or manager to avoid the spread of such refuse or garbage to the surrounding area.
  - d. No refuse collection areas shall be permitted between a frontage street and the building line. No refuse collection area shall be located within one hundred (100) feet of any residential use.
  - e. Professionally contracted trash and refuse removal operations shall occur between the hours of 7:00 a.m. and 6:00 p.m.
2. Storage.
  - a. All substructures erected for the purpose of screening storage areas shall be accomplished with materials and architecture which are compatible with that of the primary building structure.
  - b. There shall be no visible storage of motor vehicles, trailers, airplanes, boats, or their composite parts; loose rubbish, garbage, junk, or their receptacles; tents, or building materials.
  - c. Building materials for use in the same premises may be stored on the parcel during the time that a valid building permit is in effect for construction.
3. Refuse.

- a. Every parcel with a building or structure shall have a trash receptacle (dumpster or garbage can) on the premises with a size and location as ~~recommended by the Planning Commission and~~ approved by the ~~site plan Land Use Authority~~~~City Council~~ and the proposed location and design shall not cause the parcel to become non-compliant in any other requirement of the RP Zone. In all cases the applicant shall indicate a “future dumpster and dumpster enclosure location” on a submitted site plan, if a change in land use occurs in the future. The trash receptacle shall be of sufficient size to accommodate the trash generated.
- b. The refuse collection area shall be located upon the lot so as to provide clear and convenient access to refuse collection vehicles.
- c. The receptacle shall be screened from public view on at least three (3) sides by a solid wall six (6) feet in height and on the fourth side by a solid gate not less than five (5) feet in height. The gate shall be maintained in working order and shall remain closed except when in use. The wall and gate shall be architecturally compatible with the surrounding buildings and structures.
- d. Freestanding refuse containers in retail or public areas which are intended for public use shall be constructed of cast concrete, ceramic or wrought iron, with an inset for a trash can and shall be constructed so as not to allow dispersal of the container or trash by the strong winds common to the area. The containers shall be natural in color and/or of a design commensurate with surrounding architectural themes.

### **3-4517 Projections**

The following list represents the only projections/construction that shall be permitted within the required setback areas:

1. Front Setback. Roof overhangs
2. Rear/Side Setbacks. Roof overhangs, and any projection/substructure which is determined by the architectural review Land Use Authority Planning Commission to substantially contribute to public safety.

### **3-4519 Utilities/Equipment**

The following articles shall relate to the installment, location and screening of utilities and other exterior equipment:

1. All utilities, including drainage systems, sewer, gas and water lines, electrical, telephone and communications wires, and related equipment, irrigation ditches and/or pipes, shall, where possible, be installed and maintained underground.
2. No mechanical equipment (including, but not limited to, components of plumbing, processing, heating, cooling, and ventilating systems) shall be visible on site or from adjacent property.
3. No exterior components of such mechanical equipment (e.g. piping, stacks and duct work, fans and compressors) shall be mounted on any building wall unless they are an integrated architectural design feature. Any such components shall only be permitted with the written approval of the City Planning Commission~~architectural review~~ Land Use Authority.

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### **3-4524 Architectural Design**

Prior to the issuance of building permits for any ~~permitted or conditional use within the Highland City Residential Professional District~~, the ~~City Planning Commission architectural review Land Use Authority~~ shall review the proposed development plans to assure compliance with the architectural design guidelines provided in this and other sections of Article 4.5 of Highland City's R-P Zone.

#### **1. Overall Architectural Outline.**

- a. The proposed development shall be of a quality and character which is consistent with the community design goals and policies including but not limited to: scale, height, bulk, materials, cohesiveness, colors, roof pitch, roof eaves and the preservation of privacy.
- b. The design shall improve community appearance by avoiding excessive variety and monotonous repetition.
- c. Proposed signage and landscaping shall be an integral architectural feature which does not overwhelm or dominate the structure or property.
- d. Lighting shall be stationary and deflected away from all adjacent properties and public streets and rights-of-way.
- e. Mechanical equipment, storage, trash areas, and utilities shall be architecturally screened from public view.
- f. With the intent of protecting sensitive land uses, any proposed design shall promote a harmonious and compatible transition in terms of scale and character between areas of different land uses.
- g. All building elevations shall be architecturally treated.
- h. Parking structures shall be architecturally compatible with the primary structure.
- i. Both sides of all perimeter walls or fences shall be architecturally treated.
- j. Each licensed business will provide public rest rooms of sufficient size to service potential customers including men and women. The rest rooms shall be designed in accordance with the UBC to accommodate handicapped persons.

2. Architectural Guidelines. The following architectural design guidelines apply to all ~~permitted and conditional~~ uses ~~in the Highland City Residential-Professional District~~:

- a. The following architectural styles and motifs are prohibited in Highland City:
  - i. A-frame structures
  - ii. Geodesic dome structures
  - iii. Mediterranean motifs
  - iv. Tudor or mock Tudor (half timbering)
  - v. Highly ornate Victorian
  - vi. Rustic frontier
  - vii. Pre-fabricated or industrial
- b. Note. Aluminum siding is generally not considered a material of choice. The ~~Planning Commission architectural review Land Use Authority~~ may, however, consider requests for the use of aluminum siding. The applicant will be required to bring a sample of the type and color of siding to be approved ~~by the Planning Commission~~. When aluminum siding is approved, it shall have a minimum thickness of .019 inches and shall be backed or insulated with a minimum of 3/8 inch fiberboard or polystyrene foam. The siding materials listed below are prohibited in any Residential-Professional building in Highland City:

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### **3-4527 Submittal Requirements**

All ~~permitted~~ uses proposed for development under this Article shall be subject to site plan review ~~according to Highland City Development Policy~~. There shall be submitted to the Planning Commission Zoning Administrator a plan for the use and development of each tract for the purposes of and meeting the requirements set forth in this ordinance. Said plan shall be accompanied by information concerning the number of persons to be employed, the effects on surrounding property, and other physical conditions, including the effect of the project on adjacent streets and shall include the following:

1. A site plan showing lot lines and defining the area to be occupied by buildings, the areas and configurations to be used for parking, the location of roads, driveways, signs, and walks, the spaces for loading, and the character and extent of landscaping, planting and other treatment for adjustment to surrounding property.
2. Enough information on land areas adjacent to the proposed development to indicate adjacent land uses, zoning classifications, circulation systems, public facilities, and unique natural features of the landscape.
3. Elevations and/or architectural renderings of buildings' facades facing public rights-of-way and district boundaries where the premises abut areas zoned for residential uses, said elevations or renders being sufficiently complete to show building heights and roof lines, the location and height of any walls, signs, and light standards, openings in the facade, and the general architectural character of the building.
4. Any additional information as required by the Reviewing Body, Recommending Body, or Land Use Authority Planning Commission to evaluate the character and impact of the proposed development.
5. Additional requirements associated with a Conditional Use Permit application, see General Provision Section.

### **3-4528 Action On Site Plan**

~~The applicant shall first submit an application to the Development Review Committee and obtain a Staff recommendation per 3-4528(1)(a). After obtaining a Staff recommendation, the Planning Commission~~ The site plan Recommending Body shall review the site plan and make a recommendation to the ~~City Council~~site plan Land Use Authority. The site plan then ~~must~~will be ~~approved by the City Council~~reviewed by the site plan Land Use Authority.

1. Findings necessary to granting approval for the site plan are:
  - a. The proposed use and development of land conforms to the provisions of this ordinance, and recommendations of the City Zoning Administrator and City Engineer have been provided prior to submitting an application to the Planning Commission.
  - b. The development is otherwise not detrimental to the public health, safety, general welfare, or to adjacent property, or to the orderly development of the City.
  - c. Approval of a traffic impact analysis (TIA) for the proposed development, to be completed by a competent transportation engineer at the developer's expense. Said TIA shall, as a minimum, address the suitability of the proposed parking, street access, driveway, and on-site traffic circulation systems and the impact on the adjacent street system.
  - d. Demonstration that adverse impacts on neighboring residential properties have been reasonably mitigated.

### **3-4529 Site Plan Appeals**

Appeals from any decision of the ~~site plan Land Use Authority~~~~City Council with respect to a Conditional Use Permit~~ may be ~~directed~~ ~~heard by the site plan Appeal Authority~~to the District Court within thirty days.

## **[Senior Care Overlay Zone] 3-4603 Conditional Uses**

1. The only uses allowed within the Senior Care Assisted Living Overlay Zone in addition to those uses defined within underlying zone by this Code shall be Conditional Uses which satisfy the primary intent or purpose for the overlay zone ~~and which are subject to special conditions as may be imposed by the planning commission or city council~~. All such conditional uses are subject to additional conditions considered appropriate and necessary by the ~~conditional use Land Use Authority Planning Commission and City Council~~. Those uses which are incompatible with the desired land use for the Senior Care Assisted Living Overlay Zone are prohibited.
2. All uses within the Assisted Living and Nursing Care Facilities shall be conducted within a building which conforms to the requirements of this Zone.
3. The Conditional Use Permit is non-transferable and shall terminate if:
  - a. The facility is devoted to a use other than that permitted by this ordinance; and
  - b. The license or certification issued has been terminated or revoked; or
  - c. The facility fails to comply with the conditions of approval or requirements of this ordinance.
4. Following is a list of conditional uses for the Senior Care Assisted Living Overlay Zone, subject to the standards and procedures established in Chapter 4 Conditional Uses within this Code.
  - a. Assisted Living Facility
  - b. Nursing Care Facility
5. The ~~Planning Commission/City Council conditional use Land Use Authority~~ may recommend/require additional reasonable conditions to assist in mitigating reasonably anticipated detrimental effects of a proposed use which may include the following:
  - a. Additional or altered landscaping, Parkway Detail, larger trees adjacent to existing residential uses, or similar; and
  - b. Architectural amendments or additions in materials, colors, features, styles, design, or similar; and

- c. Additional setbacks; and
- d. Amended or reduced lighting; and
- e. Amended or reduced parking and traffic circulation plans; and
- f. Amended or restricted/reduced visiting hours; and
- g. Amended or restricted/reduced hours of operation/maintenance.

### **3-4605 Development Standards**

1. A development within the SCALO Zone shall demonstrate project conformance commonly identified as Assisted Living Facilities and Nursing Facilities consistent with state laws and statutes and per Chapter 9 Senior Housing Element of the Highland City General Plan which meets the needs of the final two (2) stages in the life cycle of an aging person. An area to be Zoned Senior Care Assisted Living Overlay shall be recommended by the Planning Commission and approved by the City Council and shall have the following characteristics:
  - a. In order to encourage uses consistent with the objectives of the Senior Care Assisted Living Overlay district and to ensure adequate site planning, the entire site must be master planned at the time of site plan approval, even though it may be developed in stages or phases. Each phase must adhere to the original plan except as subsequently approved by the Planning Commission and City Council. The project site, excluding dedicated roads and improvements, must have a minimum of one (1) acre and one hundred eighty (180) feet of frontage on a dedicated public street. Control of the property by a single person, association, partnership, or corporation must be demonstrated.
  - b. Although the Senior Care Assisted Living Overlay district may provide services to citizens from surrounding communities, i.e., Alpine, Cedar Hills, American Fork, etc., it shall cater primarily to the citizens of Highland City.
  - c. Development site shall only be located along a five (5) lane major arterial (State Highway) with sufficient ingress/egress and access for emergency service vehicles.
  - d. Shall be designed in such a manner to significantly minimize aesthetic, noise, smell, lighting and operational impacts to existing adjacent residential properties.
  - e. Conditions Covenants and Restrictions shall be provided by the Developer establishing CC&R's that assure the uses approved for the development will be operated and maintained according to those uses defined within this ordinance.
  - f. Prior to occupancy of an Assisted Living or Nursing Care Facility the person or entity licensed or certified by the Utah Department of Health

or Utah Department of Human Services to establish and operate the facility shall:

- i. Provide a copy of such license or certification to the City; and
- ii. Certify in a sworn affidavit to the City that no person will reside or remain in the facility whose tendency would likely:
  - (1) Constitute a direct threat to the health and safety of other individuals within the facility or adjacent to the facility, or
  - (2) Result in substantial physical damage to the property of others.

g. Occupancy of each unit shall be limited to individuals who qualify as elderly persons provided that occupancy by individuals who do not qualify as an elderly person may be permitted where the non-qualified person is the spouse of a qualified elderly resident.

- i. A non-qualified person may also reside if the licensed physician or business operator provides evidence to the effect that the non-qualified person is required in order to provide essential assistance to the resident elderly person.

h. An Assisted Living or Nursing Care Facilities may not be located within three quarters (3/4) of a mile of another facility allowed by this ordinance.

i. General Amenities for Assisted Living or Nursing Care Facilities. The following amenities are required for all developments under this section, including all multi-unit developments and similar developments intended for assisted living or nursing care facilities.

- i. Amenities. Parking areas, service areas, buffers, entrances, exits, yards, courts, landscaping, graphics, and lighting shall be designed as integrated portions of the total planned development and shall project a residential character.
- ii. Building Spaces. Each development shall provide reasonable visual and acoustical privacy for dwelling units. Fences, insulation, walks, barriers, landscaping, and sound-reducing construction techniques shall be used as appropriate for the aesthetic enhancement of property and the privacy of its

occupants, the screening of objectionable views or uses, and the reduction of noise.

- iii. Elevators. All two-story or greater multi-unit buildings shall include at least one elevator per building.
- iv. Common Areas. All projects shall provide accessible common areas. For multi-unit enclosed projects, the common areas shall also exist within the building. Such indoor common areas and accents may include a meeting area, laundry facilities, large furnished lobby, art work within the hallways, library, reading room, game room, or exercise room. Exterior common areas may include a walking path, garden area, outdoor sitting area, and an outdoor eating area. Additional amenities may include an indoor/outdoor swimming pool, pharmacy, beauty salon, ancillary interior convenience store for residents only, nursing station, classrooms, and patios.
  - (1) In all cases the common areas shall be sufficiently screened by landscaping and/or fencing to mitigate noise and visual impact to any adjacent residential structure.
- v. Transportation. All institutional care facilities shall provide transportation options for its residents. Such transportation may include van service operated by the facility or contracted out to a multi-facility provider. Such facilities are encouraged to be located near mass transit lines (bus or rail) to provide alternative travel options for its residents. Such facilities shall provide connections to public sidewalks, trail systems, and other compatible land uses.
- vi. 24-Hour On-Site Facilities Manager. All institutional care facilities shall provide at least one on-site facilities manager 24 hours per day, seven days per week. The position may either be a live-in manager or regular employee staffing.

**2. Development of property within the SCALO zone requires the following approvals:**

- a. Site plan approval, which includes review and approval of site coverage, building setbacks, screening and fences, parking, loading, and driveway areas, traffic circulation, landscaping and hardscaping,**

transition and buffering between adjacent uses, lighting, grading, drainage, utility design, and other engineering design elements;

- b. Architectural review approval, which includes review of building height, design, materials, and aesthetics;
- c. Conditional use permit approval, for conditional uses; and
- j:d. Construction approvals, including building permits, sign permits, and right of way permits.

### **3-4606 Site Coverage**

Coverage regulates the area of the site that may be covered by the building. Covered walkways, roof structure overhangs, and other solar protection or aesthetic structural elements (excluding a porte-cochere, or carriage porch) should not be included in building coverage calculations. These guidelines also help protect area dedicated to landscape and parking. Site Coverage shall conform with Exhibit “B”.

1. Coverage of a site by a building structure shall not exceed thirty-five percent (35%) of the total site.
2. In all site plan configurations, landscaping and/or natural open space shall occupy no less than thirty-five percent (35%) of the total land area under development. All landscaping plans and open space designations must be approved by the Planning Commissionsite plan Land Use Authority.

### **3-4607 Building Setbacks**

It shall be within the authority of the site plan Land Use Authority Planning Commission to determine, for any development in this district, which property line or lines shall be considered as side or as rear lines for the purpose of administering this ordinance.

1. No building shall be closer to a public street right-of-way than fifty (50) feet with all parking provided in the rear of the building unless the property is bordered by existing residential property along the rear property line in which case all parking shall be provided in the front setback with screening provided from the right-of-way by the Parkway Detail. No building projection with the exception of a porte-cochere shall extend into the setback area. A porte-cochere may extend into the front yard setback and shall not be any closer than thirty (30) feet from the front property line.
  - a. The public street right-of-way line shall be considered the front property line of a lot. Where a lot is bordered on two or more sides by a public street right-of-way, all such sides shall be considered as front property lines, and the area between the front property line and the building lines shall be known as the front setback area in all cases.
2. Side yard setback areas shall be a minimum of ten (10) feet except where a side property line abuts an existing residential dwelling, in which case the building setback shall be a minimum of thirty (30) feet for single story buildings and fifty (50) feet for two story buildings.
3. Rear setbacks areas for the main structure shall be a minimum of thirty (30) feet for single story buildings and fifty (50) feet for two story buildings.

### **3-4609 Screening Walls/Fences/Hedges**

A masonry wall shall be installed and maintained along all district boundaries consistent with existing fence ordinances. Following are acceptable means of providing such screening:

1. Walls. A wall shall consist of concrete, stone, brick, tile, or similar type of solid masonry material a minimum of eight (8) inches thick. All such walls must be landscaped with vegetation.
2. Berms. In all cases a berm shall be constructed consistent with the Parkway Detail facing an arterial road. It shall be constructed of earthen material and it shall be landscaped with trees and at least fifty percent (50%) other living landscaping vegetation.
3. No signs or sign supports shall be permitted on any required screening.
4. Only one (1) type of fence or wall design shall be permitted on any one (1) parcel or development. The design may include an appropriate mix of materials subject to the guidelines of these articles ~~and approval by the City Planning Commission~~ and shall be of a similar material and construction to the primary building.
  - a. The use of chain link, barbed wire, electrified fence, or razor wire fence in conjunction with any fence, wall, or hedge, or by itself is prohibited, unless required by any law or regulation of the State of Utah.
  - b. To protect safe sight-distance for vehicular movement, sight obstructing fences, or walls or other obstructions shall not exceed thirty-six (36) inches in height when located in a front setback.
  - c. On a corner lot, no fence, wall, hedge, sign or other structure, shrubbery, mounds of earth, or other visual obstruction over thirty-six (36) inches in height above the nearest street curb elevation shall be erected, placed, planted, or allowed to grow within a traffic safety sight area.

### **3-4614 Hardscape**

1. Hardscape should be used in coordination with architecture and landscaping to provide a link between the street edge and building entrances. Attention to Hardscape details can create visual unity by relating different developments to a unifying theme. In addition, proper hardscaping can improve pedestrian safety and movement, and the visual enjoyment of public areas.
2. Hardscape can include such items as benches, sculptures, water fountains, enriched paving treatments, cobblestone walkways, etc. A detailed plan of Hardscape design shall accompany landscape plans and shall be ~~subject to reviewed by the site plan Land Use Authority~~~~City Planning Commission~~ to determine continuity with overall development plan and harmony with the development of surrounding properties.

### 3-4617 Lighting

The following articles shall relate to guidelines for exterior lighting of any Senior Care Assisted Living Overlay development. These articles relate to parking lighting, sign lighting, architectural lighting, safety lighting, and landscape lighting.

1. Lighting shall be stationary. No lighting shall blink, flash, or be of unusually high intensity or brightness.
2. Lighting shall be directed toward the ground and away from all adjacent properties and public streets and rights-of-way.
  - a. Lighting shall be shielded or recessed so that direct glare and reflections are contained within the boundaries of the parcel.
3. Parking lot lighting shall be reviewed by the site plan Land Use Authority  
~~Any parking lot lighting may be approved by the Planning Commission with limitations.~~ Parking lot lighting may consist of bollard lights no more than four (4) feet in height.
  - a. Type and location of bollard shall be approved by the ~~Planning Commission~~site plan Land Use Authority.
  - b. Any approved parking lot lighting types shall have a cap to direct all light toward the ground.
  - c. Parking lot lighting shall not be operable between the hours of 10:00 p.m. and 7:00 a.m.
  - d. Street lighting and parking lot lighting contribute to the safety and security of each development, improving night visibility. Unique lighting fixtures may provide easy identification of entrance and exit ways for motorists. Such lighting shall be encouraged, however, lighting potentially visible from adjacent properties shall be subdued and shall not interfere with vehicular traffic.

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### **3-4618 Projections**

The following list represents the only projections/construction that shall be permitted within the required setback areas:

1. Front Setback. Roof overhangs, porte-cochere (for picking up and dropping off residents only).
  - a. In no case shall a porte-cochere be closer than thirty (30) feet from a front property line.
  - b. Roof projections shall not extend more than three (3) feet into the front setback.
  - c. Any roof projections shall be designed and constructed to provide enough clearance for emergency vehicle access.
2. Rear/Side Setbacks. Roof overhangs, and any projection/substructure which is determined by the architectural review Land Use Authority Planning Commission to substantially contribute to public safety.
  - a. In no case shall a porte-cochere be closer than twenty (20) feet from a side/rear property line.
  - b. Roof projections shall not extend more than three (3) feet into the side/rear setback.

### **3-4620 Utilities/Equipment**

The following articles shall relate to the installment, location and screening of utilities and other exterior equipment:

1. All utilities, including drainage systems, sewer, gas and water lines, electrical, telephone and communications wires, and related equipment, irrigation ditches and/or pipes, shall, where possible, be installed and maintained underground.
2. No mechanical equipment (including, but not limited to, components of plumbing, processing, heating, cooling, and ventilating systems) shall be visible on site or from adjacent property.
3. No exterior components of such mechanical equipment (e.g. piping, stacks and duct work, fans and compressors) shall be mounted on any building wall unless they are an integrated architectural design feature. Any such components shall only be permitted with the ~~written~~ approval of the ~~City Planning Commission~~ architectural review Land Use Authority.
4. Roof mounted mechanical equipment shall be hidden from view by building parapets of equal height.
5. If building parapets do not provide adequate screening of mechanical equipment from the upper floors, screening shall be installed as an integral part of the overall architectural design, and painted such a color as to allow its blending with its visual background.
6. Equipment and mechanical devised shall not be located in any required setback area or side yard except for electrical or telephone equipment installed by the utilities. Screening shall be provided so that equipment located in the area is screened from view from all adjacent streets and properties. Such screening shall be accomplished with materials and designs that are compatible with the architectural character of the building.
7. Electric transformers, utility pads, cable TV and telephone boxes shall be located out of public rights-of-way and underground or screened with walls, fences or vegetation or otherwise enclosed in a manner harmonious with the overall architectural theme.

## 3-4624 Architectural Design

The architectural design (including design, rendering, and a list of building materials) of each Senior Care Assisted Living Overlay building and the storage shed complex are attached hereto as Exhibit "C" and incorporated herein as a specific requirement of this zone. The exact location of the building on the site plan is designated in Exhibit "A", which locations are also incorporated herein as a specific requirement of this zone. Prior to the issuance of building permits for ~~any permitted or conditional use within the Highland City Senior Care Assisted Living Overlay District, the architectural review Land Use Authority City Planning Commission~~ shall review the proposed development plans to assure compliance with the architectural design guidelines provided in this and other sections of Article 4.6 of Highland City's Senior Care Assisted Living Overlay Zone. Appeals of actions on architectural compliance may be heard by the ~~City Council architectural review Appeal Authority. Prior to the issuance of building permits for any conditional use within the Highland City Senior Care Assisted Living Overlay Zone, the City Planning Commission shall review the proposed development plans to assure compliance with the architectural design guidelines provided in this and other sections of Article 4.6 of Highland City's Senior Care Assisted Living Overlay Zone.~~

### 1. Overall Architectural Outline.

- a. The proposed development shall be of a quality and character which is consistent with the community design goals and policies including but not limited to: scale, height, bulk, materials, cohesiveness, colors, roof pitch, roof eaves and the preservation of privacy.
- b. The design shall improve community appearance by avoiding excessive variety and monotonous repetition.
- c. Proposed signage and landscaping shall be an integral landscaping feature which uses natural materials in natural earthtone materials, is very subtle and subdued in design, is not lighted, and does not overwhelm or dominate the structure or property.
  - i. Wall signs or any other sign type shall not be allowed except as permitted in 3-4624 of this Code.
- d. Lighting shall be stationary and deflected away from all adjacent properties and public streets and rights-of-way.
- e. Mechanical equipment, storage, trash areas, and utilities shall be architecturally screened from public view.

- f. With the intent of protecting sensitive land uses, any proposed design shall promote a harmonious and compatible transition in terms of scale and character between areas of different land uses.
- g. All building elevations shall be architecturally treated.
- h. Both sides of all perimeter walls or fences shall be architecturally treated.

2. Architectural Guidelines. The following architectural design guidelines apply to all ~~permitted and conditional~~ uses ~~in the Highland City Senior Care Assisted Living Overlay District~~:

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### **3-4627 Submittal Requirements**

All ~~permitted~~ uses proposed for development under this Article shall be subject to site plan review ~~according to Highland City Development Policy~~. There shall be submitted to the Planning Commission Zoning Administrator a plan for the use and development of each tract for the purposes of and meeting the requirements set forth in this ordinance. Said plan shall be accompanied by information concerning the number of persons to be employed, the effects on surrounding property, and other physical conditions, including the effect of the project on adjacent streets and shall include the following:

1. Site Plan. A site plan to be included as attachment "A" showing lot lines and defining the area to be occupied by buildings, the areas and configurations to be used for parking, lighting, the location of roads, driveways, sign, and walks and the spaces for loading and refuse storage.
  - a. Enough information on land areas adjacent to the proposed development to indicate adjacent land uses, zoning classifications, circulation systems, public facilities, and unique natural features of the landscape.
2. Landscaping Plans. Landscaping plans to be included as attachment "B" indicating the percentage of landscaping on the site, showing landscaping areas and identifying all of the planting materials and their locations.
  - a. The landscaping plan should illustrate a reasonable effort to screen adjacent residential use from parking lots and refuse storage facilities.
3. Architectural Drawings. Elevations and/or architectural renderings of buildings' facades to be included as attachment "C" being sufficiently complete to show architectural design, building heights and roof lines, identifying building materials and colors and light standards, openings in the facade, and the general architectural character of the building.
  - a. A building materials board shall be included with the architectural elevations provided to the Planning Commission architectural review Land Use Authority for review.
4. Licenses. Prior to issuance of a building permit for an Assisted Living or Nursing Care Facility, the person or entity licensed or certified by the Utah Department of Health or Utah Department of Human Services to establish and operate the facility shall:

- a. Provide evidence or documentation including a copy of any documents required per 3-4605 in this Code.
- b. The owner/operator shall provide to the City proof of adequate insurance for the program's vehicles, hazard insurance on the home, and liability insurance to cover residents and third party individuals.
5. Development Agreement. A Developer Agreement shall be executed between the City and Developer outlining the conditions of approval for the SCALO Zone and Conditional Use Permit.
6. Conditions, Covenants and Restrictions. A Copy of the proposed CC&R's shall be provided.
7. Traffic Study. In certain cases where the location of a proposed facility is adjacent to a high traffic area and there is a concern for traffic safety, ~~the Planning Commission or City Council may require~~ the applicant shall ~~to~~ provide a traffic study.
8. Additional Information. Any additional information as required by the Reviewing Body, Recommending Body, or Land Use Authority Planning Commission to evaluate the character and impact of the proposed development.

### 3-4628 Action On Site Plan

The site plan Recommending Body shall review the site plan and make a recommendation to the site plan Land Use Authority Planning Commission shall either recommend approval, recommend a denial, or recommend with conditions, the site plan. The site plan then will must be reviewed approved by the City Councilsite plan Land Use Authority.

1. Findings necessary to granting approval for the site plan are:
  - a. The proposed use and development of land conforms to the provisions of this ordinance, and recommendations of the City Zoning Administrator and City Engineer.
  - b. The development is otherwise not detrimental to the public health, safety, general welfare, or to adjacent property, or to the orderly development of the City.
  - c. Approval of a traffic impact (TA) analysis (TIA) for the proposed development may be required, to be completed by a competent transportation engineer at the developer's expense. Said TIA shall, as a minimum, address the suitability of the proposed parking, street access, driveway, and on-site traffic circulation systems and the impact on the adjacent street system.
  - d. Demonstration that adverse impacts on neighboring residential properties have been reasonably initiated.

### **3-4629 Site Plan Appeals**

Appeals from any decision of the ~~site plan Land Use Authority City Council with respect to a Conditional Use Permit~~ may be ~~heard by the site plan Appeal Authority~~ directed to the District Court within thirty days. Appeals from any decision of the Planning Commission may be directed to the Appeal Authority per Chapter 2, Article 3 in this code with the exception of Architectural Appeals which may be submitted to the City Council per 3-4624.

## [Town Center Overlay] 3-4702 Definitions

1. **Commercial Design Standards.** The Design Standards are adopted as part of this ordinance and shall direct the owner, developer, City Council, Planning Commission and staff when determining compatibility and design elements for site planning and architecture within the Town Center.
2. **Cornice.** The uppermost banding of architectural moldings along the top of an exterior wall or just below a roof.
3. **Development Review Committee.** ~~The Development Review Committee consists of the Public Works Director, Community Development Director, Fire Chief, and Police Chief. A member of each utility company with utilities located within Highland City boundaries shall also be noticed and invited to attend.~~
- 4.3. **Flex Use.** Flex use shall mean a property whose use may include Attached High Density Residential Uses, Live-work Uses, Office Uses, Retail Uses or any combination of all four.
- 5.4. **Ground Floor.** The first floor of a building constructed above grade with available access from a sidewalk.
- 6.5. **Hardscape.** Hardscape shall include pavers, concrete planter boxes, masonry trash receptacles, pedestrian benches, bicycle racks, plazas, paseos, fountains, outdoor eating areas, and sculptures. Hardscape shall be approved as part of the overall site plan approval.
- 7.6. **HCESCC.** (Highland City Environmentally Sustainable Construction Credits) is a checklist located on pages 44-48 within the Commercial Design Standards.
- 8.7. **Open Space.** All areas not used for parking or structures will be open space as defined within this ordinance.
- 9.8. **LEED.** LEED (Leadership in Energy and Environmental Design) is an ecology-oriented building certification program run under the auspices of the U.S. Green Building Council (USGBC).
- 10.9. **Parking Plan Schematic.** These are schematics illustrated in the Town Center Master Plan and the Commercial Design Standards which generally identify the areas where parking stalls are permitted. Parking requirements are defined herein.

**11.10. Senior Housing.** Multi-story or multi-story mixed use housing products which are specifically designed and marketed entirely to meet the needs of at least one of the three stages of senior living.

**12.11. Town Center Land Use Map.** The Town Center Land Use Map found on page 34 within the Commercial Design Standards is the official land use schematic adopted as part of this ordinance and marked as such generally defining all building location areas and parking sites, as well as identifying specifically permitted land uses.

**13.12. Upper Floor.** Any building story constructed above the Ground Floor.

### 3-4716 Residential Uses

1. All Flex Use residential developments and Town Center Mixed Use Residential shall be required to provide additional site planning and architectural improvements and/or specifications as follows:
  - a. Roofs. The roofline of all proposed structures that include residential uses shall be varied in height to provide a break in the visual appearance.
  - b. Walls. The vertical wall plane along the upper floors shall be articulated, varied, and architecturally designed to promote numerous opportunities for views from residential units.
  - c. Windows. Only windows of high residential quality shall be used. All windows shall be surrounded on all four sides with trim such as stucco band, siding trim or other material.
  - d. Access. Residential units shall be accessed from a separate entrance that is not located within the leased space of a retail or office unit.
  - e. Parking. A minimum of three (3) parking stalls per unit shall be provided. Underground parking or parking structures may be provided for residential units provided they are located on the interior block and not along a designated right-of-way. Underground parking may not be constructed if the result of the parking structure reduces any ground floor retail or commercial footprint to a point where it may be considered non-functional or impractical.
    - i. Underground parking areas or parking structures shall be a minimum of thirty (30) feet from the nearest right-of-way and be screened from that right-of-way by an attached building.
    - ii. Parking Structures shall include exterior landscaping features along each level of parking to screen light pollution and create an aesthetic feature that may assist with breaking the visual appearance of a large wall plane.
    - iii. Parking shall not be allowed on residential alleys.
    - iv. If parking is provided by an attached/detached garage a driveway shall be provided with a minimum depth of twenty-two feet (22') unless otherwise approved by the Councilsite plan Land Use Authority.

- f. Yards. In all cases where residential is proposed as the exclusive use of the property (until such time that a ground floor may convert to retail/office), the project shall provide a rear yard for each unit typical with rowhouse type building construction.
- g. Ground Floor Residential Design. Residential development (Residential and Live-Work units) located adjacent to Parkway East, Parkway West, Town Center Boulevard/Drive, Town Square Street East, Town Square Street West, or Town Square Park Street that does not exclusively incorporate ground floor retail, other commercial, or office shall be designed with flexibility in such a way to provide for ground floor retail in the future unless otherwise approved by the Councilsite plan Land Use Authority.
- h. Minimum Residential Height. Uses proposed as exclusively attached residential shall be a minimum of two (2) stories in height only if located adjacent to Parkway East, Parkway West, Town Center Boulevard/Drive, Town Square Street East, Town Square Street West, or Town Square Park Street for the purpose of providing for future use on the ground floor.

2. Attached Multi-family Residential, Live-Work Residential.

- a. Upper floor uses may include; attached high density multi-family residential units, professional offices (see Table 3-47A), or retail sales and/or services as defined in this Code.

3. All residential units that are designed and built to be a residential use cannot be converted into a commercial or office use without Council approval~~approval~~ from the site plan Land Use Authority. Home occupations are permitted in each residential unit.

### **3-4726 Parking**

At minimum, parking shall be provided as defined in this Code. All developments shall provide space for snow removal/storage which will not interfere with the number of required parking spaces. The number of parking stalls may be reduced if the owner/developer can provide significant evidence that the number of stalls are not necessary to provide adequate parking for a particular use or if the owner/developer has provided means or options for alternative transportation for the users of the project. Required on-street parking stalls shall not be used in the parking calculation for the purpose of meeting minimum parking requirements. In the event a proposed use is not compatible with the intent of the building pad and will generate more parking than anticipated, the site plan Land Use Authority Planning Commission can recommend and the City Council may require additional parking stalls as part of the site plan application.

1. Parking shall be provided for each building and shall be calculated according to proposed use as follows:
  - a. Retail Use: 4.0 stalls per 1,000 square feet of retail building floor area;
  - b. Office Use: 3.5 stalls per 1,000 square feet of office building floor area;
  - c. Residential Use: 3 stalls per unit.
2. If the parcel upon which the building pad is located does not have adequate parking for the size of the building, it is the responsibility of the applicant to acquire such additional area as may be needed to properly park the desired use.
3. With the exception of required on-street parking, a majority of all parking shall be located internally. Remaining parking areas that are unable to be screened from a right-of-way by a building shall have a required landscaped setback a minimum of ten (10) feet from the nearest building wall facing that street.
  - a. Parking areas not buffered by structures along right-of-ways shall be required to be screened by a heavily landscaped four (4) foot wall along the right-of-way setback line. The purpose of this wall is to mitigate potential impacts and to provide a buffer between existing residential, pedestrian circulation areas, storefront gathering areas and commercial parking areas.

- b. Parking lots and parking spaces shall include pedestrian walkways directed to the associated commercial structure. On street parallel parking shall be included for any structure along Town Center Boulevard, Parkway East, Town Center Park East, and Town Center Park West.
- 4. Cross access parking and cross access parking easements shall be granted by the owner/developer for each and every project within the Town Center and shall be indicated on the final plat of each subdivision.
- 5. All landscaping areas adjacent to parking areas and not defined by (3)(a) above shall be separated from the parking area by wall or curb at least six (6) inches higher than the parking area.
- 6. All parking lots shall include fully landscaped parking islands with trees typically associated with parking areas.
- 7. All parking areas shall include an identifiable pedestrian link to building fronts incorporated into the parking lot design.
- 8. All parking surfaces shall be maintained in proper order and good condition by each owner/developer according to an approved site plan associated with each development.
- 9. **Covered Parking.** The owner/developer of attached high density multi-family housing shall provide additional design elements for single level covered parking facilities that will assist in the mitigation of aesthetic concerns commonly associated with these structures.
  - a. The owner/developer shall provide to the architectural review Land Use Authority Planning Commission a minimum of three (3) options for construction and design of a covered parking structure consistent with the Commercial Design Standards and this ordinance which shall not detract from the architecture or architectural style of the main structure or the Town Center; and
  - b. Architectural design elements that are required for these structures are as follows:
    - i. Colors and Materials. All covered parking structures shall be similar in architecture and material to that of the primary building.

- ii. Roof. Roofs associated with single level covered parking structures shall be constructed with the same architectural design elements and details consistent with the primary structure such as a fascia, frieze, cornice, rake, or similar; and
- iii. Support Posts. Any support posts located on either end of a covered parking structure shall be covered a minimum of 50% with masonry similar to that used on the primary building; and
  - (1) Landscaping. Significant landscaping including a combination of trees, hedges and shrubs may be used in place of masonry at each end of a covered parking structure; and
- iv. Parking Stalls. Covered parking structures shall not cover more than twenty (20) vehicles/parking spaces per structure.
- v. Lighting. All lighting associated with a covered parking structure shall be attached to the ceiling of the covered parking stalls and shall be designed to allow down lighting only with horizontal light baffles on all sides of the fixture.

10. On-Street Parking. Separate on-street parking is encouraged adjacent to a store front.

11. Pedestrian Access: One separated pedestrian walkway shall be provided from the parking lot to the building entrance.

### **3-4727 Loading**

Loading berths shall be subject to the Commercial Design Standards. In addition, the following articles apply to the loading and/or unloading of materials in a commercial development:

1. All loading and unloading operations shall be performed on the site. Off-street berths shall be provided in addition to required off-street parking and shall not be located within driveways.
2. Each loading berth shall not be less than twelve (12) feet wide, twenty-five (25) feet long and if enclosed and/or covered, fourteen (14) feet high. Adequate turning and maneuvering space to be provided within the lot lines.
3. Such loading areas should be located away from the public street to which the use is oriented.
4. To the greatest extent possible, loading areas should be screened from all public streets. This shall be accomplished through careful site planning, and the use of screen walls and landscaping.
5. In no event shall a loading dock be closer than seventy-five (75) feet from a property line fronting upon a street.
6. Loading berths shall be required as follows:
  - a. Commercial and service uses with over ten thousand (10,000) square feet floor area to be determined by the site plan Land Use Authority~~City Council upon recommendation of the Planning Commission~~, but in no case less than two (2) service entries.
  - b. The hours of loading and unloading, including trash removal, for any business that uses building entrances that face an adjacent residential zone shall be restricted to the hours between 7:00 a.m. and 10:00 p.m.

### 3-4732 Application Procedures

#### 1. Development of property within the Town Center overlay zone requires the following approvals:

- a. Site plan approval, which includes review and approval of site coverage, building setbacks, screening and fences, parking, loading, and driveway areas, traffic circulation, landscaping and hardscaping, transition and buffering between adjacent uses, lighting, grading, drainage, utility design, and other engineering design elements;
- b. Architectural review approval, which includes review of building height, design, materials, and aesthetics;
- c. Conditional use permit approval, for conditional uses; and
- d. Construction approvals, including building permits, sign permits, and right of way permits.

#### 1.2. Submittal Requirements. An application shall include:

- a. A complete application form and fee.
- b. A site plan to scale that legibly and clearly identifies the following:
  - i. Lot lines defining the area to be occupied by buildings; and
  - ii. Areas and configurations to be used for parking and walkways including proposed parking locations indicating their compliance with the Commercial Design Standards and this ordinance; and
  - iii. Location of any adjacent roads or driveways with cross-section(s); and
  - iv. Spaces for loading and refuse collection and their respective screening; and
  - v. Proposed landscaping and planting conceptual plans including landscaping as required by this ordinance such as the parkway detail, tree grates, landscaping planters, parking area landscaping and any proposed landscaping for areas not used for buildings, parking spaces, or access drives as required; and
  - vi. A traffic impact analysis (TIA) for the proposed development, to be completed by a competent transportation engineer at the developer's expense. Said TIA shall, as a minimum, address the

suitability of the proposed parking, street access, driveway, and on-site traffic circulation systems and the impact on the adjacent street system.

- c. Landscaping plans including:
  - i. Preliminary list of plants, trees, shrubs, and ground cover
  - ii. Preliminary location of plants, trees, shrubs, and ground cover
  - iii. Any proposed sign locations and in accordance with Section 3.7 Signs of this Code; and
  - iv. General and conceptual lighting plans including parking lighting, building lighting, and street lighting and specifications; and
  - v. Temporary screening plans for adjacent property remaining in residential use; and
  - vi. Generally detailed hardscape plans identifying the required hardscape areas and required hardscape and pedestrian elements such as tree grates, planters, trash receptacles, bike racks or benches as required for each project as defined in the Commercial Design Standards and 3-4731 of this Code; and
- d. Elevations and architectural renderings for all four (4) sides of the building. All elevations and renderings shall be sufficiently complete to show building heights and roof lines, the location and height of any walls, signs, and light standards, openings in the facade, and the general architectural character of the building. Said elevations and renderings shall provide enough detail to show compliance with the architectural intent of the Town Center Zone as defined in this ordinance, the Commercial Design Standards and the Town Center Master Plan.
- e. A comprehensive sign plan that includes:
  - i. A site plan identifying the location of all freestanding signs associated with the project.
  - ii. Final elevations/details, in color, showing the dimensions, materials, colors, design, method of illumination, and ground plane treatment for all proposed freestanding signs.

- iii. Building elevations denoting the areas designated for wall mounted signage.
- iv. Typical elevations/details, in color, showing the materials, colors, fonts, method of mounting, and method of illumination for a typical wall mounted sign. If multiple letter types are proposed, the sign plan shall include a detail for each possible type.
- f. Any additional information as required by the Reviewing Body, Recommending Body, or Land Use Authority~~Development Review Committee, Planning Commission, or City Council~~ to evaluate the character and impact of the proposed development
- g. Additional requirements associated with a Conditional Use Permit application, see General Provision Section.

**2.3.** Pre-application. Prior to application for all development within the Town Center Overlay Zone, a pre-application review with the site plan and architectural review~~Reviewing Body~~Community Development Department shall be required. The purpose of the pre-application review is:

- a. To familiarize the Reviewing Body~~Community Development Department~~ with the request;
- b. To determine application requirements and familiarize the applicant with the review process and procedures;
- c. To identify land use and development policies which may affect the outcome of the request;
- d. To permit a cursory technical review at a conceptual stage to identify conflicts in objectives and to identify potential solutions for those conflicts; and
- e. To identify the requirements for citizen participation and familiarize the applicant with related issues.

**3.4.** Development Review Committee.

- a. All applications submitted under this ordinance will be reviewed by the site plan and architectural review~~Reviewing Body~~Development Review Committee for compliance with this ordinance, the Commercial Design Standards, and all other ordinances, master plans, general

plans, goals, objectives and standards of Highland City. The Committee-Reviewing Body can request additional information from the applicant as they deem necessary.

- b. Once the Reviewing Body Committee has reviewed the application and has determined that all requirements of this ordinance have been met, the Committee-Reviewing Body shall forward a recommendation to the Planning Commission and City Council Recommending Body and Land Use Authority.

**4.5.** Site Plan Review. All uses proposed for development under this Article shall be subject to site plan review ~~according to Highland City Development Policy~~.

- a. Planning Commission-Recommendation. The site plan Recommending Body Planning Commission may only recommend approval or denial. The Planning Commission Recommending Body may recommend conditions of approval as identified in item c below. The Planning Commission-recommendation will be forwarded to the Land Use Authority City Council for final action unless withdrawn by the applicant.
- b. City Council-Action. The Land Use Authority City Council shall approve a site plan application if the following findings are met:
  - i. The proposed development complies with all provisions of this ordinance, Commercial Design Standards, and all other ordinances, master plans, general plans, goals, objectives and standards of Highland City.
  - ii. The proposed site development plan's building heights, building locations, access points, and parking areas will not negatively impact adjacent properties or the surrounding neighborhood.
  - iii. The proposed development promotes a functional relationship of structures to one another, to open spaces, and to topography both on the site and in the surrounding neighborhood.
  - iv. Ingress, egress, internal and external traffic circulation, off-street parking facilities, loading and service areas, and pedestrian ways, is so designed as to promote safety and convenience.

- v. All mechanical equipment, appurtenances and utility lines are concealed from view and integral to the building and site design.
- c. The City Council Land Use Authority may place any conditions which are deemed necessary to mitigate potential impacts and insure compatibility of the use with surrounding development, insure compliance with this ordinance, and which are required to preserve the public health, safety and general welfare.

#### 5.6. Architectural Review.

- a. Planning Commission Action. The architectural review Land Use Authority Planning Commission shall only approve the architectural review if the following findings are met:
  - i. The proposed development complies with all provisions of this ordinance, Commercial Design Standards, and all other ordinances, master plans, general plans, goals, objectives and standards of Highland City.
  - ii. The height, location, materials, color, texture, area, setbacks, and mass, as well as parts of any structure (buildings, walls, signs, lighting, etc.) and landscaping, is appropriate to the development, the community and the Transit Center Overlay.
  - iii. The architectural character of the proposed structures is in harmony with, and compatible to, structures in the neighboring environment and the architectural character desired for the Transit Center Overlay; avoiding excessive variety or monotonous repetition.

- b. The Planning Commission architectural review Land Use Authority may place any conditions which are deemed necessary to insure compliance with this ordinance.

#### 6.7. Conditional Use Permits.

- a. All applications for a conditional use permit shall follow the procedures outlined in Chapter 4: Conditional Use Procedure.
- b. The conditional use Land Use Authority City Council may place any conditions which are deemed necessary to mitigate potential impacts and insure compatibility of the use with surrounding development,

insure compliance with this ordinance, and which are required to preserve the public health, safety and general welfare.

### 3-4736 Appeals

1. Appeals from any decision of the architectural review Land Use Authority  
~~Planning Commission regarding Architectural Approval shall may be heard~~  
~~by be directed to the City Council~~architectural review Appeal Authority.
- 1.2. Appeals from any decision of the site plan Land Use Authority  
~~City Council for Site Plan and Final Approval shall be directed to may be heard by~~  
~~the site plan~~ Appeal Authority ~~per Chapter 2, Article 3 in this code~~.

## **[PO Zone] 3-4902 Conditional Uses**

The P.O. Zone is intended to allow the provision of professional services, and not general retail commercial. As noted in the following sections, the only uses allowed within the P.O. Zone shall be Conditional Uses which satisfy the primary intent or purpose for the Zone ~~and which are subject to special conditions as may be imposed by the planning commission or city council~~. All such conditional uses are subject to additional conditions considered appropriate and necessary by the conditional use Land Use AuthorityPlanning Commission and City Council. Those uses which are incompatible with the desired land use for the P.O. Zone are prohibited. Following is a list of conditional uses for the P.O. Zone, subject to the standards and procedures established in this Code.

1. Professional offices and services including but not limited to: architects, engineers, contractors, real estate offices, property managers, and mortgage and title offices.
2. Financial or legal offices consisting of but not limited to: banks, insurance offices, and law or accounting offices.
3. Medically related offices/services consisting of but not limited to: doctor's office, dentist's office, pharmacy, physical therapy, optometrists, chiropractors, counselors, and psychiatrists.
4. Other types of Professional Services including but not limited to: information technology services, marketing, travel and employment agencies, journalists, collection agencies, educational services, daycares, music studios, photography studios, churches, colleges & schools (academic, preschools, special education, indoor instruction only).
5. Art and craft galleries, and studios for the teaching of arts and crafts.
6. Storage sheds not exceeding nine (9) acres as set forth in Exhibit "A".

### **3-4904 Development Standards**

1. The area to be Zoned P.O. (a legal description of which is incorporated in Exhibit "A" (Amended: 10/19/04)), shall be recommended by the Planning Commission and approved by the City Council and shall have the following characteristics:
  - a. Development site, excluding dedicated roads, shall be approximately twenty-three (23) acres (excluding the roadway). In order to encourage uses consistent with the objectives of the professional office district and to ensure adequate site planning, the entire site must be master planned at the time of site plan approval, even though it may be developed in stages or phases. Each phase must adhere to the original plan except as subsequently approved by the Planning Commission and City Council. The project must have a minimum of four-hundred (400) feet of frontage on a dedicated public street.
  - b. Although the professional office district may provide services to citizens from surrounding communities, i.e., Alpine, Cedar Hills, American Fork, etc., it shall cater primarily to the citizens of Highland City.
  - c. The cumulative total, including the roadway, of professional office zoned property in Highland City shall not exceed twenty seven (27) acres (the size of the entire site).
  - d. Development site shall be located in the vicinity the Micron property at the border of Lehi City and Highland City. more specifically defined as: north of the intersection of State Road 92 and Highland Blvd.

#### **2. Development of property zoned P.O. requires the following approvals:**

- a. Site plan approval, which includes review and approval of site coverage, building setbacks, screening and fences, parking, loading, and driveway areas, traffic circulation, landscaping and hardscaping, transition and buffering between adjacent uses, lighting, grading, drainage, utility design, and other engineering design elements;
- b. Architectural review approval, which includes review of building height, design, materials, and aesthetics;
- c. Conditional use permit approval, for conditional uses; and

d. Construction approvals, including building permits, sign permits, and right of way permits.

### **3-4905 Site Coverage**

Coverage regulates the area of the site that may be covered by the building. Covered walkways, roof structure overhangs, and other solar protection or aesthetic structural elements should not be included in building coverage calculations. These guidelines also help protect area dedicated to landscape and parking. Site Coverage shall conform with Exhibit "A".

1. Coverage of a site by a building structure shall not exceed thirty (30) percent of the total site. This coverage may be increased, subject to the approval of the ~~City Planning Commission~~site plan Land Use Authority, if the project demonstrates superior response to the professional office zoning guidelines. In no case, however, shall site coverage exceed 40 percent.
2. In all site plan configurations, landscaping and/or natural open space shall occupy no less than thirty-five percent (35%) of the total land area under development, with minor deviations being allowed as approved by the ~~Planning Commission~~site plan Land Use Authority. All landscaping plans and open space designations must be approved by the ~~Planning Commission~~site plan Land Use Authority.

### 3-4906 Building Setbacks

It shall be within the authority of the site plan Land Use Authority-Planning Commission to determine, for any lot in this district, which property line or lines shall be considered as side or as rear lines for the purpose of administering this ordinance.

1. No building shall be closer to a public street right-of-way than twenty-five (25) feet unless all parking is provided in the rear of the building, in which case it may be no closer than twenty (20) feet. No building, with the exception of any portion that contains a drive-up window or counter, shall be closer than eight (8) feet from any private road or driveway. Structures which are adjacent to a plaza, mall, or other permanent pedestrian open space under the same ownership as the structure may abut the space and have openings into it. Those professional office buildings directly bordering residential property to the rear shall have no parking in the rear.
2. The public street right-of-way line shall be considered the front property line of a lot. Where a lot is bordered on two or more sides by a public street right-of-way, all such sides shall be considered as front property lines, and the area between the front property line and the building lines shall be known as the front setback area in all cases. Canopies, overhangs, and similar coverings may project into the front setback area, as much as 10', if approved by the Planning Commissionarchitectural review Land Use Authority.
3. Side setback areas shall be a minimum of ten (10) feet including canopies and overhangs except where a side property line abuts a residential district, in which case the setback area shall be a minimum of thirty (30) feet.
4. Rear setback areas shall be a minimum of thirty (30) feet except where a rear property line abuts a residential district, in which case the rear setback area shall be a minimum of twenty-five (25) feet.
5. Side and Rear setbacks for storage areas near the City boundaries (i.e. along the Micron/Lehi border) can be reduced to five (5) feet.

### **3-4908 Screening Walls/Fences/Hedges**

No wall, or fence is required for the buildings designated on the site plan as buildings 1-7. An open, rural, natural setting is preferred. An outside wall shall be installed and maintained along the storage portion of the site. Following are acceptable means of providing such screening:

1. Walls. A wall shall consist of concrete, stone, brick, tile, or similar type of solid masonry material a minimum of six (6) feet high and a maximum of twelve (12) feet high, and a minimum of eight (8) inches thick.
2. Berms. A berm shall be no less than thirty (30) feet in width at the base facing an arterial road and no less than twenty (20) feet in width at the base facing any other street or property. It shall be constructed of earthen material and it shall be landscaped. Grading of berms is further detailed in Section 3-4318 of this Code.
3. No signs or sign supports shall be permitted on any wall or fence.
4. Notwithstanding the requirements listed above, where the finished elevation of the property is lower at the boundary line, or within five (5) feet inside the boundary line, than an abutting property elevation, such change in elevation may be used in lieu of, or in combination with, additional screening to satisfy the screening requirements for this zone.
5. Note. Since walls and hedges are a main visual feature in any development, regulations related to the placement, size and appearance of such structures must be enacted. The following standards shall apply to the installation of all fences, walls, hedges or other visual obstructions used for the purpose of screening, either around the perimeter of the development site or within the development site:
  - a. No stand-alone wall, hedge or other visual obstruction in excess of six (6) feet shall be allowed on any professional office development site, unless along a boundary which abuts a city boundary or residential zone, or a part of the storage shed complex, in which case the height shall not exceed eight (8) feet. Storage shed walls which are also a wall of a storage structure shall not exceed twelve (12) feet in height.
  - b. When there is a difference in the ground level between two adjoining lots, the height of any fence, wall, or hedge constructed along the property line shall be determined by using the finished grade of the highest contiguous lot.

- c. Only one (1) type of fence or wall design shall be permitted on any one (1) parcel or development. The design may include an appropriate mix of materials subject to the guidelines of these articles ~~and approval by the City Planning Commission~~.
- d. The use of chain link, barbed wire, electrified fence, or razor wire fence in conjunction with any fence, wall, or hedge, or by itself is prohibited, unless required by any law or regulation of the State of Utah.
- e. On a corner lot, no fence, wall, hedge, sign or other structure, shrubbery, mounds of earth, or other visual obstruction over thirty-six (36) inches in height above the nearest street curb elevation shall be erected, placed, planted, or allowed to grow within a traffic safety sight area.
- f. To protect safe sight-distance for vehicular movement, sight obstructing fences, or walls or other obstructions shall not exceed thirty-six (36) inches in height when located in a front setback.
- g. Wall materials shall consist of masonry construction finished with a light colored stucco, or mortar washed brick.
- h. Colors will be limited to natural tones. No bright or neon colors will be allowed.
- i. Any hedges used as screening shall be consistent in appearance to the general landscape of the site. Such hedges may be geometric in shape, but shall be pruned and maintained so as to avoid unsightly appearance and to avoid vehicular sight hazards.

### **3-4911 Landscaping**

The following guidelines for landscaping shall apply to all developments within the professional office district:

1. Landscaping shall enhance the overall visual appearance of the development.
2. A fully dimensioned comprehensive landscaping site plan, attached hereto as Exhibit "B", and incorporated herein as a specific requirement of this zone, shall include, but not be limited to:
  - a. List of plants
  - b. Size
  - c. Location
  - d. Irrigation plan
  - e. Hardscape
3. A fully dimensional, comprehensive site plan shall be submitted and approved by Planning Commission ~~the site plan Land Use Authority~~ prior to each building approval.

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### **3-4912 Hardscape**

1. Hardscape should be used in coordination with architecture and landscaping to provide a link between the street edge and individual developments. Attention to Hardscape details can create visual unity by relating different developments to a unifying theme. In addition, proper hardscaping can improve pedestrian safety and movement, and the visual enjoyment of public areas.
2. Hardscape can include such items as benches, sculptures, water fountains, enriched paving treatments, cobblestone walkways, etc. A detailed plan of Hardscape design shall accompany landscape plans and shall be subject to review by the City Planning Commission site plan Land Use Authority to determine continuity with overall development plan and harmony with the development of surrounding properties.
3. The following specifications shall apply to Hardscape curbing and are found in Section 3-4911. Driveway and Curb Openings:
  - a. Access shall be by not more than one (1) roadway for each two-hundred (200) feet or fraction thereof of frontage on any street.
  - b. Curb cuts shall be offset a minimum of 350 feet from the centerline of major arterials at intersections, but in no case shall be located within the operational area of the intersection (which includes turning lanes with associated tapers), as defined in the "Guidelines" referred in Section 3-4311.
  - c. Curb cuts and driveway aisles shall be shared at property lines between parcels whenever possible.

### 3-4915 Lighting

The following articles shall relate to guidelines for exterior lighting of any professional office development. These articles relate to parking lighting, sign lighting, architectural lighting, safety lighting, and landscape lighting.

1. Lighting shall be stationary. No lighting shall blink, flash, or be of unusually high intensity or brightness.
2. Lighting shall be directed away from all adjacent properties and public streets and rights-of-way.
3. Lighting shall be shielded or recessed so that direct glare and reflections are contained within the boundaries of the parcel.
4. Any parking lot lighting shall be reviewed by the site plan Land Use Authority may be approved by the Planning Commission with limitations.  
Parking lot lighting may consist of bollard lights no more than four (4) feet in height or light poles no more than fifteen (15) feet in height. Type and location of light pole or bollard shall be approved by the Planning Commission site plan Land Use Authority. Any approved parking lot lighting types shall have a cap to direct all light toward the ground. The maximum foot candles at the center of a parking lot shall be 2. Parking lot lighting shall not be operable between the hours of 11:00 p.m. and 6:00 a.m. Lighting standards for the storage shed area shall not exceed 15 feet in height or the height of the primary building, whichever is less.
5. Street lighting and parking lot lighting contribute to the safety and security of each development, improving night visibility. Unique lighting fixtures may provide easy identification of entrance and exit ways for motorists. Such lighting shall be encouraged, however, lighting potentially visible from adjacent properties shall be subdued and shall not interfere with vehicular traffic.
6. Use of mercury vapor or exposed fluorescent lights is prohibited. Energy efficient warm, white lighting, such as high pressure sodium or quartz halogen, is encouraged.
7. Automatic timers on lighting shall be encouraged. Well designed systems can maximize personal safety during nighttime use while saving energy.

8. Lighting may be used to enhance landscaping and reinforce architecture, with dramatic up lighting or wall shadow effects with plant materials encouraged.
9. Light fixtures shall be consistent in styling with the design theme proposed for that development.
10. Service area lighting shall be contained within service yard boundaries, with light sources concealed.
11. Lighting shall not cast any glare onto adjacent lots and streets in such a manner as to decrease the safety of pedestrian and vehicular movement.
12. A lightning plan shall be submitted for approval at the time of the application for a building permit.
13. Lighting in the storage shed area may remain on at all times for safety and security reasons.
14. The maximum average allowable foot candles on the ground in the professional office area shall be 5.
15. The maximum average allowable foot candles on the ground in the storage shed area shall be 2.
16. Eastside lighting shall be limited to building mounted only.

### **3-4916 Projections**

The following list represents the only projections/construction that shall be permitted within the required setback areas:

1. Front Setback. Roof overhangs
2. Rear/Side Setbacks. Roof overhangs, and any projection/substructure which is determined by the architectural review Land Use Authority Planning Commission to substantially contribute to public safety.

### **3-4918 Utilities/Equipment**

The following articles shall relate to the installment, location and screening of utilities and other exterior equipment:

1. All utilities, including drainage systems, sewer, gas and water lines, electrical, telephone and communications wires, and related equipment, irrigation ditches and/or pipes, shall, where possible, be installed and maintained underground.
2. No mechanical equipment (including, but not limited to, components of plumbing, processing, heating, cooling, and ventilating systems) shall be visible on site or from adjacent property.
3. No exterior components of such mechanical equipment (e.g. piping, stacks and duct work, fans and compressors) shall be mounted on any building wall unless they are an integrated architectural design feature. Any such components shall only be permitted with the ~~written~~ approval of the ~~City Planning Commission~~ architectural review Land Use Authority.

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## 3-4922 Architectural Design

The architectural design (including design, rendering, and a list of building materials) of each professional office building and the storage shed complex are attached hereto as Exhibit "C" and incorporated herein as a specific requirement of this zone. The location of each building on the site plan is designated in Exhibit "A", which locations are also incorporated herein as a specific requirement of this zone. Prior to the issuance of building permits for any ~~permitted or conditional use within the Highland City Professional Office District~~, the ~~architectural review Land Use Authority City Planning Commission~~ shall review the proposed development plans to assure compliance with the architectural design guidelines provided in this and other sections of Article 4.9 of Highland City's P.O. Zone. Appeals of actions on architectural compliance may be heard by the ~~City Council~~architectural review Appeal Authority.

### 1. Overall Architectural Outline.

- a. The proposed development shall be of a quality and character which is consistent with the community design goals and policies including but not limited to: scale, height, bulk, materials, cohesiveness, colors, roof pitch, roof eaves and the preservation of privacy.
- b. The design shall improve community appearance by avoiding excessive variety and monotonous repetition.
- c. Proposed signage and landscaping shall be an integral architectural feature which does not overwhelm or dominate the structure or property.
- d. Lighting shall be stationary and deflected away from all adjacent properties and public streets and rights-of-way.
- e. Mechanical equipment, storage, trash areas, and utilities shall be architecturally screened from public view.
- f. With the intent of protecting sensitive land uses, any proposed design shall promote a harmonious and compatible transition in terms of scale and character between areas of different land uses.
- g. All building elevations shall be architecturally treated.
- h. Both sides of all perimeter walls or fences shall be architecturally treated, except for the side that is inside a storage building

- i. Each licensed business will provide public rest rooms of sufficient size to service potential customers including men and women. The rest rooms shall be designed in accordance with the UBC to accommodate handicapped persons.
- 2. Architectural Guidelines. The following architectural design guidelines apply to all ~~permitted and conditional~~ uses ~~in the Highland City Professional Office District~~:

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### **3-4925 Submittal Requirements**

All ~~permitted~~ uses proposed for development under this Article shall be subject to site plan review ~~according to Highland City Development Policy~~. There shall be submitted to the Planning Commission Zoning Administrator a plan for the use and development of each tract for the purposes of and meeting the requirements set forth in this ordinance. Said plan shall be accompanied by information concerning the number of persons to be employed, the effects on surrounding property, and other physical conditions, including the effect of the project on adjacent streets and shall include the following:

1. A site plan showing lot lines and defining the area to be occupied by buildings, the areas and configurations to be used for parking, the location of roads, driveways, signs, and walks, the spaces for loading, and the character and extent of landscaping, planting and other treatment for adjustment to surrounding property.
2. Enough information on land areas adjacent to the proposed development to indicate adjacent land uses, zoning classifications, circulation systems, public facilities, and unique natural features of the landscape.
3. Elevations and/or architectural renderings of buildings' facades facing public rights-of-way and district boundaries where the premises abut areas zoned for residential uses, said elevations or renderings being sufficiently complete to show building heights and roof lines, the location and height of any walls, signs, and light standards, openings in the facade, and the general architectural character of the building.
4. Any additional information as required by the Planning Commission Reviewing Body, Recommending Body, or Land Use Authority to evaluate the character and impact of the proposed development.
5. Additional requirements associated with a Conditional Use Permit application, see General Provision Section.

### 3-4926 Action On Site Plan

The site plan Recommending Body Planning Commission shall review the site plan and make a recommendation to the site plan Land Use Authority either recommend, deny, or recommend with conditions, the site plan. The site plan then must will be approved reviewed by the City Council site plan Land Use Authority.

1. Findings necessary to granting approval for the site plan are:
  - a. The proposed use and development of land conforms to the provisions of this ordinance, and requirements of Engineering, Fire Department, Flood Control, Business License, and Planning Department. Each of these units shall review the proposed site plan and submit their written comments to the Planning Commission and City Council.
  - b. The development is otherwise not detrimental to the public health, safety, general welfare, or to adjacent property, or to the orderly development of the City.
  - c. Approval of a traffic impact analysis (TIA) for the proposed development, to be completed by a competent transportation engineer at the developer's expense. Said TIA shall, as a minimum, address the suitability of the proposed parking, street access, driveway, and on-site traffic circulation systems and the impact on the adjacent street system.
  - d. Demonstration that adverse impacts on neighboring residential properties have been reasonably mitigated.

### **3-4927 Site Plan Appeals**

Appeals from any decision of the site plan Land Use Authority City Council with respect to a Conditional Use Permit may be directed heard by the site plan Appeal Authority to the District Court within thirty days.

## **[P-I Zone] 3-4941 Permitted Uses**

The only uses allowed within the Public Institution Zone shall be permitted uses which satisfy the primary intent or purpose for the Zone. All uses in this zone shall first obtain site plan approval from the site plan Land Use Authority Planning Commission prior to construction of any structure. The following list of uses may be permitted within the Public Institution Zone with site plan approval:

1. Administrative, maintenance or service uses primarily associated with Federal, State and Local Government (ex: post office, tourism, city buildings, parks and recreation, etc.).
2. Public and private schools
3. Parks and Open Space
  - a. Parks and recreation facilities operated by a governmental agency, including: bicycle trails, equestrian trails, walking trails, nature trails, park land/lawn areas, children's play areas, picnic facilities, pavilions, athletic courts and athletic fields used for public park and recreation purposes.
  - b. Natural Conservation Areas for the managed protection of resources, including but not limited to; forest lands, waterways and watersheds.
  - c. Public water supply reservoirs (uncovered), water conservation areas including percolation basins and flood plain areas.
  - d. Naturally maintained open space.
  - e. Minor maintenance and utility structures associated and limited to the maintenance of the site where it is located.

### **3-4944 Development Standards**

1. An area to be Zoned Public Institution shall be recommended by the Planning Commission and approved by the City Council and shall have the following characteristics:
  - a. Development Site, excluding dedicated roads, shall be a minimum of one thousand (1,000) square feet in area with a minimum of one hundred thirty (130) feet of frontage on a dedicated and improved public street.
  - b. In order to encourage uses consistent with the objectives of the Public Institution Zone and to ensure adequate site planning, the entire site must be master planned at the time of site plan approval. Control of the property by a single person, association, partnership, or corporation must be demonstrated.
2. Development of property zoned R-P requires the following approvals:
  - a. Site plan approval, which includes review and approval of site coverage, building setbacks, screening and fences, parking, loading, and driveway areas, traffic circulation, landscaping and hardscaping, transition and buffering between adjacent uses, lighting, grading, drainage, utility design, and other engineering design elements;
  - b. Architectural review approval, which includes review of building height, design, materials, and aesthetics; and
  - b.c. Construction approvals, including building permits, sign permits, and right of way permits.

### **3-4946 Building Setbacks**

It shall be within the authority of the site plan Land Use Authority Planning Commission to determine, for any development in this Zone, which property line or lines shall be considered as side or as rear lines for the purpose of administering this ordinance.

1. The public street right-of-way line shall be considered the front property line of a lot. Where a property does not have frontage on a public right-of-way then the front shall be considered the portion of the lot where it is accessed. Front setback areas shall be a minimum of thirty (30) feet.
2. Side setback areas shall be a minimum of ten (10) feet. Where a side property line abuts a residential zone then the side setback shall be a minimum of (30) feet.
3. Rear setback areas shall be a minimum of ten (10) feet. Where a rear property line abuts a residential zone then the rear setback shall be a minimum of (30) feet.
4. In no case shall any permanent structure be constructed within any recorded easement of any kind. This shall include retaining walls over two (2) feet in height, but shall exclude fences which meet the fence requirements of Highland City.
5. Setbacks do not apply to open ponds for water storage, however open ponds shall not be developed within any easement other than drainage basins or easements designated for such use.

### **3-4955 Projections**

The following list represents the only projections/construction that shall be permitted within the required setback areas:

1. Front Setback. Roof overhangs
2. Rear/Side Setbacks. Roof overhangs, and any projection/substructure which is determined by the architectural review Land Use Authority Planning Commission to substantially contribute to public safety.

### **3-4961 Architectural Design**

Prior to the issuance of building permits for any ~~permitted or conditional use within the Highland City Public Institution Zone~~, the City Planning Commission architectural review Land Use Authority shall review the proposed development plans to assure compliance with the architectural design guidelines provided in this Section.

#### **1. Overall Architectural Outline.**

- a. The proposed development shall be of a quality and character which is consistent with the community design goals and policies including but not limited to: scale, height, bulk, materials, cohesiveness, colors, roof pitch, roof eaves and the preservation of privacy.
- b. The design shall improve community appearance by avoiding excessive variety and monotonous repetition.
- c. Proposed landscaping shall be an integral architectural feature which does not overwhelm or dominate the structure or property.
- d. Lighting shall be stationary and deflected away from all adjacent properties and public streets and rights-of-way.
- e. Mechanical equipment, storage, trash areas, and utilities shall be architecturally screened from public view.
- f. With the intent of protecting sensitive land uses, any proposed design shall promote a harmonious and compatible transition in terms of scale and character between areas of different land uses.
- g. All building elevations shall be architecturally treated.
- h. Parking structures shall be architecturally compatible with the primary structure.
- i. Both sides of all perimeter walls or fences shall be architecturally treated.
- j. Each licensed business will provide public rest rooms of sufficient size to service potential customers including men and women. The rest rooms shall be designed in accordance with the UBC to accommodate handicapped persons.

k. Any building within the PI Zone shall have at least one opening (ex: window, jog in foundation of at least two (2) feet) for every twenty (10) linear feet which is visible from any public access or right-of-way. If a window is used as an opening it shall have a three (3) foot minimum width. A doorway may substitute for an opening on one side.

2. Architectural Guidelines. The following architectural design guidelines apply to all ~~permitted and conditional~~ uses ~~in the Highland City Public Institution Zone~~:

- a. The following architectural styles and motifs are prohibited in Highland City:
  - i. A-frame structures
  - ii. Geodesic dome structures
  - iii. Mediterranean motifs
  - iv. Tudor or mock Tudor (half timbering)
  - v. Highly ornate Victorian
  - vi. Rustic frontier
  - vii. Pre-fabricated or industrial
- b. Note. Aluminum siding is generally not considered a material of choice. The Planning Commission architectural review Land Use Authority may, however, consider requests for the use of aluminum siding. The applicant will be required to bring a sample of the type and color of siding to be approved ~~by the Planning Commission~~. When aluminum siding is approved, it shall have a minimum thickness of .019 inches and shall be backed or insulated with a minimum of 3/8 inch fiberboard or polystyrene foam. The siding materials listed below are prohibited in any Public Institution building in Highland City:

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### **3-4964 Submittal Requirements**

All ~~permitted~~ uses proposed for development under this Article shall be subject to a Site Plan review according to this Code. There shall be submitted to the Planning Commission-Zoning Administrator a plan for the use and development of each tract for the purposes of and meeting the requirements set forth in this ordinance and shall include the following:

1. A detailed site plan showing lot lines and defining the area to be occupied by buildings, the areas and configurations to be used for parking, the location of roads, driveways, signs, and walks, the spaces for loading, and the character and extent of landscaping, planting and other treatment for adjustment to surrounding property.
2. Enough information on land areas adjacent to the proposed development to indicate adjacent land uses, zoning classifications, circulation systems, public facilities, and unique natural features of the landscape.
3. Elevations and/or architectural renderings of all four elevations of each buildings' facades and Zone boundaries where the premises abut areas zoned for residential uses, said elevations or renders being sufficiently complete to show building heights and roof lines, the location and height of any walls, signs, and light standards, openings in the facade, and the general architectural character of the building (schools are exempt from this requirement).

### **3-4965 Action On Site Plan**

The Planning Commission ~~site plan~~ Land Use Authority shall either approve, approve with conditions, or deny the site plan.

1. Findings necessary to granting approval for the site plan are:
  - a. The proposed use and development of land conforms to the provisions of this ordinance, and recommendations of the City Zoning Administrator and City Engineer.
  - b. The development is otherwise not detrimental to the public health, safety, general welfare, or to adjacent property, or to the orderly development of the City.

### **3-4966 Appeals**

- 1. Appeals from any decision of the architectural review Land Use Authority may be heard by the architectural review Appeal Authority.**
- 2. Appeals from any decision of the site plan Land Use Authority may be heard by the site plan Appeal Authority.**

## [P-U Zone] 3-41002 Conditional Uses

The only uses allowed within the P-U Zone shall be Conditional Uses which satisfy the primary intent or purpose for the Zone ~~and which are subject to special conditions as may be imposed by the Planning Commission or City Council~~. All such conditional uses may be subject to additional conditions considered appropriate and necessary by the ~~conditional use Land Use Authority Planning Commission and City Council~~. Those uses which are incompatible with the desired land use for the P-U Zone are prohibited. Any associated structure(s) requested within this zone shall be uninhabitable with the exception of routine maintenance. The following list of uses may be permitted within the Public Utility Zone with a Conditional Use permit:

1. Water Storage Tanks
2. Pumping Stations
3. Power Substations
4. Irrigation Reservoirs
5. Telephone Switching Facilities
6. Sewer Lift Stations

### **3-41004 Development Standards**

1. An area to be Zoned P-U shall be recommended by the Planning Commission and approved by the City Council and shall have the following characteristics:
  - a. Development Site, excluding dedicated roads, shall be a minimum of ten thousand (10,000) square feet in area with a minimum of one hundred thirty (130) feet of frontage on a dedicated and improved public street.
  - b. In order to encourage uses consistent with the objectives of the Public Utility Zone and to ensure adequate site planning, the entire site must be master planned at the time of site plan approval. Control of the property by a single person, association, partnership, or corporation must be demonstrated.
  - c. A facility located within the Public Utility Zone may provide services to citizens from surrounding communities including any above-ground device or structure, of a culinary water, irrigation, reservoir, or private utility system not owned or operated by Highland City, which is intended to regulate the function of a storage device or distribution line or which receives or transmits a signal.
2. Development of property zoned P-U requires the following approvals:
  - a. Site plan approval, which includes review and approval of site coverage, building setbacks, screening and fences, parking, loading, and driveway areas, traffic circulation, landscaping and hardscaping, transition and buffering between adjacent uses, lighting, grading, drainage, utility design, and other engineering design elements;
  - b. Architectural review approval, which includes review of building height, design, materials, and aesthetics;
  - c. Conditional use permit approval, for conditional uses; and
  - e.d. Construction approvals, including building permits, sign permits, and right of way permits.

### 3-41005 Site Coverage

1. Coverage regulates the area of the site that may be covered by the building.

Covered walkways, roof structure overhangs, and other solar protection or aesthetic structural elements should not be included in building coverage calculations. These guidelines also help protect area dedicated to landscape and parking.

1.2. Coverage of a site by a building structure, including all the pertinences, shall not exceed twenty-five percent (25%) of the total site. This coverage may be increased, subject to the approval of the site plan Land Use Authority~~City Planning Commission~~, if the project demonstrates superior response to the Public Utility zoning guidelines. In no case, however, shall site coverage exceed 35 percent (35%).

2.3. In all site plan configurations, landscaping shall occupy no less than fifty percent (50%) of the total land area under development.

3.4. Coverage restrictions do not apply to open ponds for water storage.

### **3-41006 Building Setbacks**

It shall be within the authority of the site plan Land Use AuthorityPlanning Commission to determine, for any development in this Zone, which property line or lines shall be considered as side or as rear lines for the purpose of administering this ordinance.

1. The public street right-of-way line shall be considered the front property line of a lot. Where a property does not have frontage on a public right-of-way then the front shall be considered the portion of the lot where it is accessed. Front setback areas shall be a minimum of thirty (30) feet.
2. Side setback areas shall be a minimum of ten (10) feet. Where a side property line abuts a residential zone then the side setback shall be a minimum of (25) feet.
3. Rear setback areas shall be a minimum of ten (10) feet. Where a rear property line abuts a residential zone then the rear setback shall be a minimum of (25) feet.
4. In no case shall any permanent structure be constructed within any recorded easement of any kind. This shall include retaining walls over two (2) feet in height, but shall exclude fences which meet the fence requirements of Highland City.
5. Setbacks do not apply to open ponds for water storage, however open ponds shall not be developed within any easement other than drainage basins or easements designated for such use.

### **3-41008 Screening Walls/Fences/Hedges**

An opaque screen shall be installed and maintained along all Zone boundaries, other than streets. Following are acceptable means of providing such screening:

1. Walls. A wall shall consist of wrought iron, concrete, stone, brick, tile, or similar type of solid masonry material(s). All such walls must be landscaped with vegetation at the base of the wall where it may be visible from a public right-of-way or from a private residence.
2. Berms. A berm shall be no less than thirty (30) feet in width at the base facing an arterial road if available and no less than twenty (20) feet in width at the base facing any other street or property if available. It shall be constructed of earthen material and it shall be landscaped. Grading of berms is further detailed in Section 3-41018 of this Code.
3. No signs or sign supports shall be permitted on any required screening unless required by State or Federal regulations however the most restrictive requirements for the size and location of signs or sign supports required by any law or regulation of the State of Utah shall take precedent.
4. Note. Since walls and hedges are a main visual feature in any development, regulations related to the placement, size and appearance of such structures must be enacted. The following standards shall apply to the installation of all fences, walls, hedges or other visual obstructions used for the purpose of screening, either around the perimeter of the development site or within the development site:
  - a. No wall, hedge or other visual obstruction in excess of six (6) feet shall be allowed on any Public Utility development site.
  - b. When there is a difference in the ground level between two adjoining lots, the height of any fence, wall, or hedge constructed along the property line shall be determined by using the finished grade of the highest contiguous lot.
  - c. Only one (1) type of fence or wall design shall be permitted on any one (1) parcel or development. The design may include an appropriate mix of materials subject to the guidelines of these articles ~~and approval by the City Planning Commission.~~

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### **3-41009 Parking**

Except as may be provided elsewhere in this ordinance, there shall be provided at the time of erection of any building or structure, or at the time any main building is enlarged or increased in capacity, minimum off-street parking space(s) with adequate provisions for ingress and egress by standard-sized automobiles. If any land, structure or use is changed from one use to another which requires more off-street parking spaces, there shall be provided such additional off-street parking for the new use as is required by this chapter.

1. **Parking Lot Characteristics.** Each parcel of land developed for off-street parking in response to the requirements of this chapter shall provide the following characteristics:
  - a. **Surfacing.** Each lot shall have a paved, all-weather surfacing material consisting of a minimum of six (6) inches of road base with three (3) inches of asphalt, or, three (3) inches of road base with six (6) inches concrete paving on all parking areas and service roads. Surfacing shall be maintained in good condition and kept clear and in an unobstructed and usable condition at all times during business hours. Responsibility for maintenance of the lot shall rest with the property owner. The lot shall provide adequate access to a street or alley.
  - b. **Grading.** Parking lots shall be graded for proper drainage with surface water diverted in such a way as to keep the parking area free of accumulated water or ice. All surface drainage shall be contained within development site and approved by City Engineer.
  - c. **Lighting.** Lots shall be properly illuminated, with luminaries arranged so as to baffle and direct light away from any adjoining residential buildings. Exterior lighting of any kind shall not exceed fifteen (15) feet in height but shall not include lighting which may be directed toward an American flag that is mounted to a flag pole. All lighting that is requested to be functional between the hours of 11:00 p.m. and 7:00 a.m. for security purposes only shall be motion sensored and shall be turned off otherwise.
  - d. **Size of Spaces.** Each parking space shall be a minimum of nine (9) feet wide by eighteen (18) feet long.
  - e. **Handicapped Parking.** All structures which are required by the provisions of the International Building Code to have adaptations

which assist access by handicapped persons shall, in addition, provide off-street parking for handicapped persons as described below or as required by applicable State or Federal regulations.

2. Specific Requirements for Each Land Use. Minimum required off-street parking shall be provided for each use as listed below. Requirements calculated on square footage of Public Utility space shall be based upon floor area devoted to the principal use or sales and shall not include area devoted to storage, rest rooms, or maintenance areas. Parking for uses not specifically listed below shall be provided in the same ratio as the use most nearly approximating the characteristics of the unlisted use, as determined by the ~~Planning Commission~~site plan Land Use Authority. Parking shall be provided as follows, with spaces based upon one or a combination of uses listed:
  - a. Parking stalls for all uses shall be 0.5 per 1,000 square feet with a minimum of one (1).
  - b. Increase of the minimum may be required by the ~~Planning Commission or City Council~~site plan Land Use Authority if, ~~in their opinion~~, there is an exceptional need for said increased parking.
  - c. In cases where less parking is appropriate, the ~~Planning Commission~~site plan Land Use Authority may reduce requirements based upon actual usage, but in no case shall the requirements be reduced by more than 25 percent.

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### **3-41012 Hardscape**

1. Hardscape may be incorporated as 10% of the required landscape area and can include such items as benches, sculptures, water fountains, enriched paving treatments, cobblestone walkways, large boulders, etc. A detailed plan of Hardscape design shall be included within landscape plans and shall be subject to review by the ~~site plan Land Use Authority~~City Planning Commission to determine continuity with overall development plan and harmony with the development of surrounding properties.

### **3-41016 Projections**

The following list represents the only projections/construction that shall be permitted within the required setback areas:

1. Front Setback. Roof overhangs
2. Rear/Side Setbacks. Roof overhangs, and any projection/substructure which is determined by the Planning Commission architectural review Land Use Authority to substantially contribute to public safety.

### **3-41018 Utilities/Equipment**

The following articles shall relate to the installment, location and screening of utilities and other exterior equipment:

1. All utilities, including drainage systems, sewer, gas and water lines, electrical, telephone and communications wires, and related equipment, irrigation ditches and/or pipes, shall, where possible, be installed and maintained underground.
2. No mechanical equipment (including, but not limited to, components of plumbing, processing, heating, cooling, and ventilating systems) shall be visible on site or from adjacent property but shall be enclosed within a structure which shall comply with this Section.
3. No exterior components of such mechanical equipment (e.g. piping, stacks and duct work, fans and compressors) shall be mounted on any building wall unless they are an integrated architectural design feature. Any such components shall only be permitted with the written approval of the ~~City Planning Commission~~architectural review Land Use Authority.

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### **3-41022 Architectural Design**

Prior to the issuance of building permits for any ~~permitted or conditional use within the Highland City Public Utility Zone~~, the architectural review Land Use Authority City Planning Commission shall review the proposed development plans to assure compliance with the architectural design guidelines provided in this Section.

#### **1. Overall Architectural Outline.**

- a. The proposed development shall be of a quality and character which is consistent with the community design goals and policies including but not limited to: scale, height, bulk, materials, cohesiveness, colors, roof pitch, roof eaves and the preservation of privacy.
- b. The design shall improve community appearance by avoiding excessive variety and monotonous repetition.
- c. Proposed landscaping shall be an integral architectural feature which does not overwhelm or dominate the structure or property.
- d. Lighting shall be stationary and deflected away from all adjacent properties and public streets and rights-of-way.
- e. Mechanical equipment, storage, trash areas, and utilities shall be architecturally screened from public view.
- f. With the intent of protecting sensitive land uses, any proposed design shall promote a harmonious and compatible transition in terms of scale and character between areas of different land uses.
- g. All building elevations shall be architecturally treated.
- h. Parking structures shall be architecturally compatible with the primary structure.
- i. Both sides of all perimeter walls or fences shall be architecturally treated.
- j. Each licensed business will provide public rest rooms of sufficient size to service potential customers including men and women. The rest rooms shall be designed in accordance with the UBC to accommodate handicapped persons.
- k. Any building within the PU Zone shall have at least one opening (ex: window, jog in foundation of at least two (2) feet) for every twenty (10)

linear feet which is visible from any public access or right-of-way. If a window is used as an opening it shall have a three (3) foot minimum width. A doorway may substitute for an opening on one side.

2. Architectural Guidelines. The following architectural design guidelines apply to all ~~permitted and conditional~~ uses ~~in the Highland City Public Utility Zone~~:

- a. The following architectural styles and motifs are prohibited in Highland City:
  - i. A-frame structures
  - ii. Geodesic dome structures
  - iii. Mediterranean motifs
  - iv. Tudor or mock Tudor (half timbering)
  - v. Highly ornate Victorian
  - vi. Rustic frontier
  - vii. Pre-fabricated or industrial
- b. Note. Aluminum siding is generally not considered a material of choice. The ~~Planning Commission architectural review Land Use Authority~~ may, however, consider requests for the use of aluminum siding. The applicant will be required to bring a sample of the type and color of siding to be approved ~~by the Planning Commission~~. When aluminum siding is approved, it shall have a minimum thickness of .019 inches and shall be backed or insulated with a minimum of 3/8 inch fiberboard or polystyrene foam. The siding materials listed below are prohibited in any Public Utility building in Highland City:

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### **3-41025 Submittal Requirements**

All ~~permitted~~ uses proposed for development under this Article shall be subject to site plan review ~~according to Highland City Development Policy~~. There shall be submitted to the Planning Commission Zoning Administrator a plan for the use and development of each tract for the purposes of and meeting the requirements set forth in this ordinance. Said plan shall be accompanied by information concerning the number of persons to be employed, the effects on surrounding property, and other physical conditions, including the effect of the project on adjacent streets and shall include the following:

1. A detailed site plan showing lot lines and defining the area to be occupied by buildings, the areas and configurations to be used for parking, the location of roads, driveways, signs, and walks, the spaces for loading, and the character and extent of landscaping, planting and other treatment for adjustment to surrounding property.
2. Enough information on land areas adjacent to the proposed development to indicate adjacent land uses, zoning classifications, circulation systems, public facilities, and unique natural features of the landscape.
3. Elevations and/or architectural renderings of all four elevations of each buildings' facades and Zone boundaries where the premises abut areas zoned for residential uses, said elevations or renders being sufficiently complete to show building heights and roof lines, the location and height of any walls, signs, and light standards, openings in the facade, and the general architectural character of the building.
4. Any additional information as required by the Reviewing Body, Recommending Body, or Land Use Authority Planning Commission to evaluate the character and impact of the proposed development.
5. Additional requirements associated with a Conditional Use Permit application, see General Provision Section.

### **3-41026 Action On Site Plan**

The site plan Recommending Body Planning Commission shall either recommend, deny, or recommend with conditions, review the site plan and make a recommendation to the site plan Land Use Authority. The site plan then will must be approved reviewed by the site plan Land Use Authority City Council.

1. Findings necessary to granting approval for the site plan are:
2. The proposed use and development of land conforms to the provisions of this ordinance, and recommendations of the City Zoning Administrator and City Engineer.
3. The development is otherwise not detrimental to the public health, safety, general welfare, or to adjacent property, or to the orderly development of the City.
4. Demonstration that adverse impacts on neighboring residential properties have been reasonably mitigated or a significant attempt has been made by the developer to mitigate those impacts.

### **3-41027 Site Plan Appeals**

Appeals from any decision of the ~~City Council~~ ~~site plan Land Use Authority with respect to a Conditional Use Permit~~ may be heard by the site plan Appeal Authority ~~directed to the Zone Court within thirty days~~.

### **3-612 Fences, Theme Walls, Screen Walls, And Retaining Walls**

#### **1. Permit Required.**

- a. All fences, theme walls, screen walls, and retaining walls shall be subject to review and approval by the Land Use Authority ~~Zoning Administrator~~ and shall not be constructed without first obtaining the approval of the ~~Zoning Administrator~~ Land Use Authority.
- b. An application shall contain an application form, any information specifically required by this ordinance, such additional information specified by the ~~Zoning administrator~~ Land Use Authority, and a fee established by the City Council.
- c. The Zoning Administrator Land Use Authority shall approve, approve with conditions, or deny an application within a reasonable time after a complete application is received. The applicant shall comply with all conditions of approval of the application. Appeals of the ~~Zoning Administrator's~~ Land Use Authority's final decision may be brought to the Appeal Authority ~~per the requirements of Chapter 2, Article 3 of this Code~~.

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3.c.iv.(3) The Land Use Authority ~~Zoning Administrator~~ may approve an alternative fence design for fencing adjacent to trails or open space if:

- (A) The proposed alternative meets the intent of this section; and,
- (B) There are special circumstances attached to the property that do not generally apply to other properties in the same subdivision; and,
- (C) The natural visibility or observation of the trail or open space is not diminished if the proposed alternative is constructed on all the lots adjacent to the trail or open space.

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7. Public and Utility Fencing and Retaining Walls.

- a. Fences for Highland City, other public entities, and public utilities may be chain link.
- b. Fences and retaining walls for Highland City, other public entities, and public utilities may deviate from the standards set forth in this Chapter for the benefit of the public and public resources with the approval of the Zoning AdministratorLand Use Authority.
- c. Fences for non-Highland City public entities and utilities are required to be open style fencing along trail corridors that are less than thirty (30) feet wide.
- d. Nothing herein shall exempt non-Highland City entities from applying for and obtaining City approval of fences and retaining walls prior to construction.

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### **3-624 Accessory Dwelling Unit**

An accessory dwelling unit is a room or set of rooms in a single-family home in a single-family zone that has been designed or configured to be used as a separate dwelling unit, which has a separate kitchen, living/sleeping area, and sanitation facilities, and has been established by permit. If the renting/subleasing of the unit is for a period of less than thirty (30) consecutive days, it is considered a short term rental and requires a business license. See Chapter 5.24 in the Municipal Code for the regulating of short term rentals.

Accessory Dwelling Units shall meet the following requirements:

1. Accessory dwelling units shall only be permitted in single family homes that are owner occupied, on lots with at least 6,000 square feet, and served by adequate public facilities.
2. Accessory dwelling units shall not be permitted in detached accessory buildings.
3. A minimum of one (1) off-street parking space shall be provided for the accessory dwelling unit in addition to any other required parking spaces for the home. Any required parking spaces contained within a carport or garage that are lost due to the creation of the accessory dwelling unit shall be replaced or otherwise provided for through off-street parking.
4. The minimum 70% front yard landscaping as defined in Section 3-4107 and 3-621, Highland City Development Code shall be provided.
5. No more than one (1) accessory dwelling units shall be permitted for each single family home.
6. The unit and home shall be modified to meet all fire, safety, health and building codes as required by the Building Official and Fire Marshall.
7. The front of the home shall not be modified in any form that will give the appearance that separate units are incorporated within the home including except separate addresses and mailboxes.
8. The primary entrance for the accessory dwelling units shall be provided for from the rear of the home; a side entrance is allowable in the event that the entrance is camouflaged by property fencing or landscaping and is not visible from the street.

9. Separate utility meters of the home and accessory dwelling unit are not permitted.
10. Applications for Accessory Dwelling Units shall be made in the Community Development Department on an application form with required documentation and accompanied with appropriate fees as required. All Accessory Dwelling Units shall be subject to review and approval by the Zoning AdministratorLand Use Authority. The Zoning AdministratorLand Use Authority may record a notice of approval for the accessory dwelling unit with the county recorder as provided by state law.
11. The City may enforce these requirements through any means available to the City, including by recordation of a lien in accordance with state law.

### **3-702 Sign Permit Required**

1. It is unlawful to erect or remodel any sign upon or over public or private property within the City except in compliance with this Article.
2. Any person who desires to erect or remodel any sign within the City shall first apply for a sign permit from the Zoning Administrator Land Use Authority and pay all appropriate fees for the permit, unless this sign is specifically exempted from the permitting requirements under subsection 5.
3. All applications for a sign permit shall be on such forms as established by the Zoning Administrator Land Use Authority and shall include a detailed and appropriately scaled site plan, elevations, and drawing(s) showing the location, size, and details of the sign, property, building, and appropriate supports (and/or footings); proof of current Highland City business license; business address and phone number; address and phone number of property owner and the license information, phone number, and address of the contractor(s) who will install the sign
4. All commercial signs shall require a licensed sign contractor to install the sign as per state law. This does not apply to temporary grand opening or promotional signs which have received a permit and approval from Highland City. Any sign which requires an electrical connection requires approval of a building permit in addition to a sign permit~~must have the Building Inspector's signature on the permit and receive an electrical inspection from the Building Inspector. A sign permit is not required for real estate signs as defined in this Code, Section 3-706.~~
5. The following signs are exempt from the permitting requirements described above but must otherwise comply with all provisions set forth in this Code:
  - a. Real Estate Signs;
  - b. Residential signs that identify the occupant's name and the property address;
  - c. "No Solicitation" signs;
  - d. Political Signs.

### **3-703 Penalty For Installing A Sign Without A Permit**

Signs for which a permit is required that are installed or maintained without a permit will be required to be removed and may be charged a penalty fee of \$100, or a double sign permit fee, whichever is greater. The fee will be assessed at the time the owner/operator of the sign makes application for a sign permit ~~with the Community Development Department~~. If the applicant does not apply for a sign permit, and a permit is required, then the sign will be removed by the ~~City Zoning Administrator~~ and a minimum penalty fee of \$100 will be assessed to the property owner. Damages incurring with the enforcement of this ordinance shall be the responsibility of the sign owner.

### **3-707 Signs In Commercial Zones And Commercial Uses In Planned Development Zones**

1. Permanent Signs. All signs within commercial zones and commercial uses in Planned Development zones shall require a sign permit with exception of those stated as such below. All permanent signs within commercial zones shall be installed by a licensed sign contractor according to State Law. All permanent signs shall require the approval of the Zoning AdministratorLand Use Authority. All permanent signs within commercial zones of a sign type that has not been previously approved shall require specific approval by the architectural review Land Use AuthorityHighland City Planning Commission. In addition to any other permitted sign or signs, signs for special purposes set forth in this Section shall be permitted as provided herein:

....

### **3-708 Wall Signs**

This Section shall permit a business within a commercial zone to apply for a permit to install a permanent wall sign upon their place of business in Highland City (see wall sign definition within this Section). A wall sign shall be installed by a licensed sign contractor\* for a commercial business if the following requirements are met (additional requirements may apply within separate zones B see above Table 3-707A). The applicant shall be the owner of the business for which the sign will be installed or a licensed sign contractor representing the said owner. All wall signs within commercial zones of a sign type that has not been previously approved shall require specific approval by the ~~Highland City Planning Commission~~architectural review Land Use Authority. The following restrictions shall apply to all wall signs:

....

### **3-709 Monument Signs**

A developer/owner or commercial development may choose to construct one monument sign along SR-92 or SR-74 for each building located less than fifty (50) feet from the nearest highway if it meets all of the requirements defined in this ordinance. If there is more than one business within a building located less than fifty (50) feet from either highway, then each business within that building shall share one monument sign. Monument signs shall not be installed within a required hardscape area designated as required open space. It is encouraged that these signs be approved during the site plan approval process. Monument signs shall be uniform in material as specifically defined and shall incorporate the development project name within the design. All monument signs of a sign type or general location that has not been previously approved shall be approved by the Planning Commission-architectural review Land Use Authority prior to construction/installation. These signs may only be considered as follows:

....

### **3-711 Awning Signs**

This section shall permit a business within a commercial zone to apply for a permit to install a permanent awning sign upon their place of business in Highland City (see awning sign definition within this Section.) An awning sign shall be installed by a licensed sign contractor for a commercial business if the following requirements are met (additional requirements may apply within separate zones- see above Table 3-707A). The applicant shall be the owner of the business for which the sign will be installed or a licensed sign contractor representing the said owner. The requirements listed below are in addition to obtaining approval by the Highland City staff development review committee-Land Use Authority who will determine that the awning is compatible with the color, architectural character and design of the building upon which the awning is mounted, that the location is appropriate, and that the materials used are safe and durable as defined below.

....

### **3-714 Exceptions**

1. This Chapter shall have no application to signs used exclusively for:
  - a. The display of official notices used by any court or public body or official, or the posting of notices by any public officer in the performance of a duty, or by any person giving legal notice.
  - b. Directional, warning, or information signs of a public nature, directed and maintained by a public authority or public utility.
  - c. Any sign of a non-commercial nature when used to protect the health, safety or welfare of the public.
  - d. Any flag, pennant, or insignia of any nation, state, city, or other political subdivision.
  - e. Any sign legally mandated by state, federal, or municipal law.
  - f. Any temporary sign of a non-commercial nature which is displayed for addressing community events or community groups for the purpose of announcing special events which may benefit the community as a whole. Temporary community event signs shall only be placed in areas designated by the city for such purposes and be approved by the **City Zoning Administrator**Land Use Authority. These signs will be identified by an attached label indicating when the sign shall be removed.
  - g. Monument signs may be installed within public property identifying public points of interest (parks, library, City Hall, etc.) by Highland City.

....

### **3-718 Sign Definitions**

The following list of definitions shall define sign types and sign locations. The following definitions shall only apply to items pertaining to signs and specifically to this Section.

...

29. Sign, Kiosk. Means a freestanding structure with one or more sides to be used for advertising or as a directory. A kiosk may be approved ~~by the Planning Commission only~~ within the Town Center. (see Fig. 3-718.9).

...

51. Sign, Temporary. A sign which is not permanently mounted to a building, foundation, or ground support which has not received approval ~~by the Planning Commission or City Zoning Administrator~~ as a permanent sign. A temporary sign is any sign which is not a monument or wall sign.

....

#### 4-102 Application

1. An application for a conditional use permit shall be made to the Zoning Administrator as provided herein. The Zoning Administrator Reviewing Body shall review and evaluate the application. Following said review and evaluation, the Zoning Administrator shall transmit the application to the Recommending Body shall review the application and make a recommendation to the Land Use Authority to the Planning Commission for recommendation to the City Council, together with the recommendation of the Reviewing Body, the Zoning Administrator as to approval or disapproval of the conditional use permit and any recommended 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 Reviewing Body, Recommending Body, or Land Use Authority Zoning Administrator shall deem necessary to fully review, evaluate, and decide 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.

#### **4-104 General Requirements**

1. Prior to submitting an application for a conditional use permit, the applicant shall meet with City Staff for a pre-application review as set forth in 2-701.
2. Highland City shall issue a conditional use permit if the Land Use Authority ~~City Council, with the recommendation of the Planning Commission,~~ concludes that the application mitigates the reasonably anticipated adverse impacts of the proposed use and complies with all applicable federal, state, and city standards, or reasonable conditions can be imposed to accomplish the required mitigation and compliance. Where Highland City has not adopted a standard regarding a proposed use, the city shall require compliance with a reasonable and objective federal, state, county, or industry standard.
3. General Review Criteria — In reviewing an application for a conditional use permit, the ~~Planning Commission and City Council Land Use Authority~~ shall review, but not limit their review, to the following considerations and standards where applicable to the application, and impose reasonable conditions based on such considerations, factors, and objective standards:
  - a. The site of the structure or use, and in particular:
    - i. Adequacy of site: The adequacy of the site to accommodate and contain the proposed use or building and all related activities and impacts.
    - ii. Screening: The location and possible screening of all outdoor activities.
    - iii. Adjoining Uses: The relation of the proposed building or use to any adjoining building with particular attention to protection of light, air, noise, dust, vibrations, fumes, odors, and peace and quiet.
    - iv. Displays and Signage: The location and character of any display of goods and services and the size, nature and light of any signs.
    - v. Traffic circulation and parking, and in particular:
      - (1) Street: The type of street serving the proposed use in relation to the amount of traffic expected to be generated.

(2) Access: The adequacy, convenience, and safety of provisions for vehicular access, internal circulation, and parking including the location of driveway entrance and exits.

(3) Truck traffic: The amount, timing, and nature of associated truck traffic.

vi. Site Features: The presence of important or sensitive features that may require additional mitigation or preservation efforts, such as natural or existing vegetation, water features, wetlands, wildlife habitats, view sheds, green spaces, scenic points, and historic sites.

b. The impact of the proposed building or use on surrounding uses, and in particular:

- i. Impact of Patrons: The number of customers or users and the suitability of the resulting activity level to the surrounding uses and especially to any neighboring uses of public importance such as schools, libraries, playgrounds, religious or cultural meeting halls, and hospitals.
- ii. Hours of Operation: Timing of business hours and delivery hours.
- iii. Off-site Effects: Adequacy of provisions for the control of any offsite effects such as noise, dust, odors, light, or glare, etc.
- iv. Special Hazards: Adequacy of provisions for protection of the public against any special hazards arising from the intended use.

c. Conditions Relating to Safety of Persons and Property

- i. Flooding: Building elevations and grading plans, which will prevent, or minimize flood water damage, where property may be subject to flooding.
- ii. Attractive Nuisances: The relocation, covering, or fencing of irrigation ditches, drainage channels, and other potential attractive nuisances existing on or adjacent to the property.

- iii. Increased Setbacks: Increased setback distances from lot lines where necessary to ensure the public safety and to prevent nuisances to adjacent properties.
- iv. Geological Hazards: Appropriate engineering, design, construction, and location of structures, buildings, and facilities, and limitations and/or restrictions on the use and/or location of uses due to slope or other special site conditions, including but not limited to geologically hazardous areas; flood plains, fault zones, and landslide areas.
- v. Lighting: Limitations and control of the number, location, color, size, height, type of lighting, and landscaping of outdoor advertising signs and structures that may present traffic hazards or interfere with adjacent properties.
- vi. Delivery Locations and Traffic Considerations: Plans for the location, arrangement, and dimensions of truck loading and unloading facilities and the reasonable and safe arrangement of parking spaces, traffic lanes, and delivery access.
- vii. Construction of Improvements: Construction of curbs, gutters, drainage culverts, sidewalks, streets, fire hydrants, and street lighting.
- viii. UDOT approval.

d. Conditions Relating to Health and Sanitation

- i. Culinary Water: A guarantee of sufficient culinary water to serve the intended land use and a water delivery system meeting standards adopted by the City Council.
- ii. Wastewater: A wastewater disposal system and a solid waste disposal system meeting standards adopted by the City Council.
- iii. Sizing of Utilities: Construction of water mains, sewer mains, and drainage facilities serving the proposed use, in sizes necessary to protect existing utility users in the vicinity and to provide for an orderly development of land.
- iv. Other Sanitary Facilities: Obtaining necessary approvals and construction of appropriate facilities to handle hazardous,

dangerous, or sensitive materials, such as oil, grease, petroleum, and other products.

- e. Conditions Relating to Environmental Issues
  - i. Pollution: Processes for the control, elimination, or prevention of land, water, or air pollution; the prevention of soil erosion; and control of objectionable odors and noise.
  - ii. Dust and Erosion: The planting of ground cover or other surfacing to prevent dust and erosion.
  - iii. Restoration of Land: Restoration and revegetation of the land ~~and planting of the same as directed by the Planning Commission~~ when the Conditional Use involves cutting and/or filling the land, and where such land or adjacent land would be adversely affected if not ~~restructured~~restored.
  - iv. Sensitive lands, waters, and habitats: Identification and mitigation of impacts to the sensitive environmental features.
- f. Conditions Relating to Compliance with the Intent of the General Plan and Characteristics of the Vicinity or Neighborhood.
  - i. Removal of Incompatible Materials: The removal of structures, debris, or plant materials incompatible with the intended characteristics of the zone outlined in this Chapter.
  - ii. Screening: The screening of yards or other areas as protection from obnoxious land uses and activities.
  - iii. Landscaping: Landscaping to insure compatibility with the intended characteristics of the zone as outlined in this Chapter.
4. The applicant shall provide sufficient information and evidence as part of their application to demonstrate the proposed conditional use's compliance with or satisfaction of the factors, standards, and ordinances applicable to the proposed conditional use, including those set forth in this chapter.

#### 4-105 Planning Commission Review And RecommendationRecommendation Body Review

The Planning Commission shall hold a public hearing, review the proposed conditional use, and may recommend to the Land Use Authority City Council reasonable conditions to mitigate the reasonably anticipated detrimental effects of the proposed use as set forth below:

1. In reviewing the application and proposed conditional use, the Planning Commission shall review the information provided by the applicant and city staff and the factors, standards, and ordinances applicable to the proposed use, including those set forth in this chapter.
2. The Planning Commission shall recommend approval of the conditional use if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable, objective standards.
3. The Planning Commission may not require elimination of all detrimental effects as a condition of recommending approval if the detrimental effects can be reasonably mitigated.
4. Upon the recommending of any conditional use permit, the Planning Commission shall itemize, describe, and justify the recommended conditions imposed on the use and the detrimental effects being mitigated by those conditions.
5. The recommendation of the Planning Commission shall be forwarded to the City CouncilLand Use Authority.

#### **4-106 City Council Land Use Authority Approval**

The recommendation of the Recommending Body Planning Commission shall be forwarded to the City CouncilLand Use Authority. The Land Use Authority City Council shall hold a public hearing and may then grant, modify, or reject the permit and the proposed conditions as set forth below:

1. In reviewing the application and proposed conditional use, the Land Use Authority City Council shall review the information provided by the applicant and city staff, the recommendation of the Planning CommissionRecommending Body, and the factors, standards, and ordinances applicable to the proposed use, including those set forth in this chapter.
2. The Land Use Authority City Council shall approve the conditional use if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable, objective standards.
3. The Land Use Authority City Council may not require elimination of all detrimental effects as a condition of approval if the detrimental effects can be reasonably mitigated.
4. If the Land Use AuthorityCity Council, on the record, finds that a compelling public interest would be jeopardized by approving the application OR if reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied
5. The Land Use Authority City Council shall itemize, describe, and justify the conditions imposed on the use and the detrimental effects being mitigated by those conditions.

#### **4-107 Appeals**

Any applicant for a conditional use permit shall have the right to appeal the decision of the Land Use Authority City Council to the Appeal Authority ~~as provided in Chapter 2 of this Code.~~

#### 4-108 Inspection

Following the issuance of a conditional use permit, ~~the Zoning Administrator shall approve an application for a building permit and shall insure that development shall be is undertaken and completed in compliance with the conditions of the permit, and all building permits and other land use applications related to the use or property associated with the conditional use permit shall conform to the conditions of the permit.~~ The City may assess a fee and hire outside inspectors to insure the compliance with building codes, and requirements relative to the issuance of the conditional use permit.

#### 4-109 Expiration

Substantial construction activity under a conditional use permit must have been commenced within one (1) year of its issuance. If no such activity has been commenced within that time, the conditional use permit shall expire one (1) year from the date of its issuance. The Planning Commission~~extension Land Use Authority~~ may, at its discretion, grant one extension for any period not to exceed six (6) months, when deemed in the public interest.

1. All applications for renewal or extension of a conditional use permit must be made prior to the expiration of the original permit or any prior renewal thereof.
2. ~~Except as provided herein, n~~No conditional use permit granted pursuant to this Chapter may be transferred by the holder thereof to a different property.
3. ~~Transfer of a conditional use permit, prior to completion of construction permitted there under, shall require prior approval of the Planning Commission.~~

4.3. No approval by the City shall be required for transfer of a conditional use permit after completion of construction. Provided, however, a conditional use permit which is expressly by its terms or by the terms of the section under which it is issued made non-transferrable shall not by reason of this Section become transferrable.

5.4. The transfer of any conditional use permit, except as provided in subsection (3) above, shall cause the same to become immediately void. No transfer or approval of a transfer of such a permit shall operate to extend the term of the same. Such a permit shall expire at such time as though no transfer or approval had occurred.

## 5-1-106 General Responsibilities

1. The subdivider shall prepare a plat consistent with the standards contained herein and shall pay for the design and inspection of the public improvements required. The subdivider shall not alter the terrain or remove any vegetation from the proposed subdivision site or engage in any site development until he or she has obtained the necessary approvals as outlined herein.
2. The ~~City Zoning Administrator shall review the all plats shall be reviewed~~ for design, for conformity to the General Plan and to the Zoning Code; for the environmental quality of the subdivision design; and shall ~~be processed the subdivision plats and reports~~ as provided for in this Chapter.
3. Plats of proposed subdivisions shall be referred by the Zoning Administrator to such City departments and special districts, governmental boards, bureaus, utility companies, and other agencies which will provide public and private facilities and services to the subdivision for their information and comment. The ~~City~~ Zoning Administrator coordinates the comments received from all public and private entities and shall decide which agencies to refer proposed subdivision plats.
4. The City Administrator may request the City Engineer to make comments as to engineering requirements for street widths, grades, alignments and flood control, whether the proposed public improvements are consistent with this Code and other applicable ordinances and for the inspection and approval of all construction of public improvements. Street layout and overall circulation shall be coordinated.
5. ~~The Planning Commission is charged with making investigations, reports, and recommendations on proposed subdivisions as to their conformance to the General Plan and Zoning Code, and other pertinent documents. The Planning Commission shall also approve, approve with conditions, or disapprove of the preliminary plat, as provided for in this Chapter.~~
- 6.5. The City Attorney may be consulted by the Zoning Administrator to approve the form of the final plat if it is correct and acceptable that the subdivider dedicating land for use of the public is the owner of record, and that the land is free and clear of unacceptable encumbrances according to the title report, which shall be submitted by the subdivider.
- 7.6. For the purpose of administering the subdivision process, the ~~City~~ Zoning Administrator should act as liaison between the ~~subdivider applicant~~

~~and the Reviewing Body, Recommending Body, and Land Use Authority, Planning Commission, staff, and the Development Administration Board.~~

The City Zoning Administrator shall also provide regular reports to the City Council regarding the status of current subdivisions and other developments.

8.7. The City Council has final jurisdiction in the establishment by ordinance of requirements for and design standards of public improvements, the acceptance of lands and public improvements that may be proposed for dedication outside of the dedication or provision of lands and public improvements required by this Chapter and the City's design standards and specifications, and the approval of development agreements or similar arrangements that contain terms or allow uses that are not expressly provided for or permitted by this Chapter.

## **5-1-107 Appeal Of Decisions**

1. Recommendations and reports ~~from staff, the Development Administration Board, or the Planning Commission~~ may not be appealed unless such recommendation or report constitutes a final decision on a land use application.
2. Recommendations and legislative decisions made by the City Council may not be appealed.
3. Except as otherwise provided herein, a land use applicant or adversely affected party, including the City, may appeal any final decision by ~~the Land Use Authority staff, the Development Administration Board, the Planning Commission, or the City Council on a land use application~~ to the Appeal Authority ~~per the requirements of Chapter 2, Article 3 of this Code~~.
4. Disputes arising from subdivision improvement plans related to a City requirement for pavement on a residential roadway in excess of 32 feet may be appealed per the requirements of Utah Code section 10-9a-604.2(8) and section 10-9a-508(5).

## **5-4-103 Final Decision On Plat Application**

1. After conducting a public meeting or public hearing, as required by this Article, the Land Use Authority shall approve, approve with conditions, or deny a subdivision plat application.
2. If the Land Use Authority finds and determines that the plat and subdivision improvement plans comply with and conform to the requirements of Utah State Code, this Chapter, and all other governing laws, land use regulations, applicable land use decisions, ordinances, and standards, the Land Use Authority shall approve the plat and subdivision improvement plans.
3. In approving a plat or subdivision improvement plans, the Land Use Authority may impose conditions on the approval to ensure compliance with the requirements of Utah State Code, this Chapter, and all other governing laws, land use regulations, applicable land use decision, ordinances, and standards.
4. If the Land Use Authority finds and determines that the plat or subdivision improvement plans do not comply with or conform to the requirements of Utah State Code, this Chapter, and all other governing laws, land use regulations, applicable land use decisions, ordinances, and standards, and such noncompliance cannot be corrected by the imposition of conditions on the approval of the plat or plans, the Land Use Authority shall reject and disapprove the final plat or subdivision improvement plans.
5. The Zoning Administrator shall notify the applicant, in writing, of the Land Use Authority's final decision regarding the plat application, any conditions of approval, and the basis for any rejection or disapproval.

## **5-4-207 Action On Minor Subdivision**

1. Upon the completion of the fourth or final review cycle under Section 5-4-102, if the applicant has not materially changed the final plat or subdivision improvement plans, the applicant may request that the minor subdivision application be submitted for decision.
2. The ~~Development Administration Board shall be the~~ Land Use Authority for minor subdivision applications ~~and~~ shall consider and issue an approval, approval with conditions, or denial of the minor subdivision application pursuant to Section 5-4-103 at a public meeting.
3. The Zoning Administrator shall notify the applicant, in writing, of the ~~Development Administration Board~~Land Use Authority's decision, any conditions of approval, and the basis for any rejection or disapproval.

#### **5-4-208 Appeal Of Decision**

A subdivider may appeal any final decision of the ~~Development Administration~~  
~~Board~~Land Use Authority to the Appeal Authority as described in Section 5-1-107  
and Chapter 2, Article 3 of this Code.

## **5-4-211 Expiration And Extension Of Approval**

1. If the recording requirements set forth above are not met by the subdivider within 180 calendar days from the date of approval, such approval shall expire, and the approved final plat and subdivision plans shall become null and void. The applicant shall be required to reapply for minor subdivision approval and pay all associated fees.
2. The 180-day time period may be extended ~~by the Development Administration Board~~ for up to one additional period of 180 calendar days if the subdivider petitions the City for an extension prior to the expiration date and pays extension fees and the subdivider demonstrates good cause for the extension and that substantial effort is being made to complete the subdivision in accordance with the conditions and the requirements of this Chapter.
3. ~~The Development Administration Board shall not grant a~~An extension of minor subdivision approval~~extension shall not be granted~~ if:
  - a. The subdivision no longer conforms to current land use regulations, applicable land use decisions, or other applicable City ordinances and standards;
  - b. surrounding property has received final approval for a subdivision and/or has otherwise developed in a manner that results in new alignments, development requirements, or similar considerations that restrict or require alteration of the approved final plat or subdivision improvement plans;
  - c. geological, geophysical, or other conditions have changed or been identified that require compliance with Chapter 8;
  - d. the subdivider desires or has attempted to modify the proposed minor subdivision since the final plat approval.

## **5-4-308 Preliminary Plat - Decision On Application**

1. Upon the completion of the fourth or final review cycle under Section 5-4-102, if the applicant has not materially changed the preliminary plat or preliminary subdivision improvement plans, the applicant may request that the preliminary plat application be submitted for decision.
2. The ~~Planning Commission shall be the Land Use Authority~~ for major subdivision preliminary plat applications, ~~and~~ shall consider and issue an approval, approval with conditions, or denial of the preliminary plat application pursuant to Section 5-4-103 after conducting a public hearing.
3. Notice of the public hearing shall be posted at least 10 calendar days in advance of the public hearing and shall be mailed at least 10 calendar days in advance of the public hearing to each owner of property within 500 feet of any portion of the property being subdivided, which notice shall describe the property being subdivided, contain a depiction of the proposed subdivision, and provide the date, time, and address of the public hearing.
4. The Zoning Administrator shall notify the applicant, in writing, of the ~~Planning Commission Land Use Authority~~'s decision, any conditions of approval, and the basis for any rejection or disapproval.

## **5-4-309 Preliminary Plat - Effect Of Approval, Expiration**

1. The approval or approval with conditions of the preliminary plat shall be authorization for the subdivider to proceed with the preparation of the final plat and final subdivision improvement plans.
2. The preliminary plat approval shall be valid for one year from the date of approval. The final plat and final subdivision improvement plans shall be submitted and applied for prior to the expiration of the one-year period.
3. For phased developments, a preliminary plat approval shall remain valid for five years from the date of approval so long as a final plat for at least one phase of the subdivision is submitted and applied for within one year after Preliminary Plat approval. The final phase of the development shall be submitted and applied for prior to the expiration of the five-year period.
4. If the final plat and final subdivision improvement plans are not submitted and applied for within the time periods described herein, the approval shall expire, and the approved preliminary plat and preliminary subdivision improvement plans shall become null and void. The applicant shall be required to reapply for preliminary plat approval and pay all associated fees.
5. Preliminary plat approval may be extended ~~by the Planning Commission~~ for an additional one (1) year if the subdivider petitions the City for an extension prior to the expiration date and pays extension fees and the subdivider demonstrates good cause for the extension and that substantial effort is being applied to create a final plat.
6. ~~The Planning Commission shall not grant a~~An extension of preliminary plat approval shall not be granted if:
  - a. the subdivision no longer conforms to current land use regulations, applicable land use decisions, or other applicable City ordinances and standards;
  - b. surrounding property has received final approval for a subdivision and/or has otherwise developed in a manner that results in new alignments, development requirements, or similar considerations that restrict or require alteration of the approved preliminary plat or preliminary subdivision improvement plans;
  - c. geological, geophysical, or other conditions have changed or been identified that require compliance with Chapter 8;

- d. the subdivider desires or has attempted to modify the proposed subdivision since the preliminary plat approval.

7. Preliminary plat approval shall in no way relieve the subdivider of their responsibility to comply with all required conditions and ordinances and to provide the improvements and easements necessary to meet all City standards.

## **5-4-315 Final Plat - Decision On Application**

1. Upon the completion of the fourth or final review cycle under Section 5-4-102, if the applicant has not materially changed the final plat or subdivision improvement plans, the applicant may request that the final plat application be submitted for decision.
2. The ~~Development Administration Board shall be the Land Use Authority~~ for major subdivision final plat applications, ~~and~~ shall consider and issue an approval, approval with conditions, or denial of the final plat application pursuant to Section 5-4-103 at a public meeting.
3. The Zoning Administrator shall notify the applicant, in writing, of the ~~Development Administration Board~~Land Use Authority's decision, any conditions of approval, and the basis for any rejection or disapproval.

#### **5-4-316 Appeal Of City Decisions**

A subdivider may appeal any final decision of the Land Use Authority Planning Commission or Development Administration Board to the Appeal Authority in the time and manner described in Section 5-1-107 and Chapter 2, Article 3 of this Code.

## **5-4-320 Final Plat - Expiration Of Approval**

1. The final plat approval shall be valid for one year from the date of approval. The final plat must be recorded, in accordance with the requirements set forth in Section 5-4-317 prior to the expiration of the one-year period.
2. If the final plat is not recorded within the time periods described in this Chapter, the approval shall expire, and the approved final plat and final subdivision improvement plans shall become null and void. The applicant shall be required to reapply for final plat approval and preliminary plat approval, if necessary, and pay all associated fees.
3. Final plat approval may be extended ~~by the Development Administration Board~~ for an additional one (1) year if the subdivider petitions the City for an extension prior to the expiration date and pays extension fees and the subdivider demonstrates good cause for the extension and that substantial effort is being applied to complete or assure the remaining improvements and record the final plat in accordance with the conditions of approval and the requirements of this Chapter.
4. ~~The Development Administration Board shall not grant a~~An extension of final plat approval ~~shall not be granted~~ if:
  - a. the subdivision no longer conforms to current land use regulations, applicable land use decisions, or other applicable City ordinances and standards;
  - b. surrounding property has received final approval for a subdivision and/or has otherwise developed in a manner that results in new alignments, development requirements, or similar considerations that restrict or require alteration of the approved preliminary plat or preliminary subdivision improvement plans;
  - c. geological, geophysical, or other conditions have changed or been identified that require compliance with Chapter 8;
  - d. the subdivider desires or has attempted to modify the proposed subdivision since the preliminary plat approval.
5. If any of the fees charged as a condition of subdivision approval, including but not limited to, inspection fees, parks fee, flood control fees, impact fees as well as the amounts the City uses to estimate bonds to insure completion of improvements, have increased, the ~~Development Administration Board shall~~

~~require that the~~ subdivider shall pay such increases as a condition of granting the extension.

## 5-5-105 Streets

1. All street shall be designated and constructed with the street classification requirements described herein and in accordance with the City's adopted design and construction standards and specifications. In the event of a conflict between this Chapter and a design or construction standard or specification adopted by the City, the more restrictive standard shall govern. In the event that neither standard is more restrictive, the City Engineer shall determine the standard that shall govern:

- a. STREET CLASSIFICATION:
  - b.

Minimum Requirements	Major Arterial	Minor Arterial	Major Collector (intersections)	Major Collector	Minor Collector
Rights-of-way Width	100 ft.	90 ft.	74 ft.	74 ft.	66 ft.
Pavement	62 ft.	62 ft.	60 ft.	52 ft.	44 ft.

- a. All new non-residential developments;
  - b. All new residential developments with at least 20 lots or units;
  - c. When the Zoning Administrator or City Engineer determines that a subdivision will have a material impact on the existing street system that has not been previously studied or planned for;
  - d. When a subdivision presents unique or unusual circumstances concerning access, topography, or street layout; and
  - e. When otherwise required by the City's adopted design standards and specifications.
3. The following principles shall govern street names in a subdivision:

- a. Each street which is a continuation of, or an approximate continuation of, any existing dedicated street shall be given the name of such existing street. When any street forms a portion of a proposed street previously ordered by the City Council to be surveyed, opened, widened or improved, the street shall be given the name established in said Council order.
  - b. The names of newly created streets of a non-continuous or noncontiguous nature shall not duplicate or nearly duplicate the name of any streets in the City or in unincorporated areas of Utah County.
  - c. The words "Street," "Avenue," "Boulevard," "Place," "Way," "Court," or other designation of any street shall be spelled out in full on the plat and shall be subject to approval by the Planning CommissionLand Use Authority. Any named street shall also have the proper south or west coordinate as approved by the City Engineer.
4. Street patterns in the subdivision shall be in conformity with the plan for the most advantageous development of the property and to avoid detrimental impacts to the overall City circulation network. The following principles shall be observed:
  - a. Where appropriate to the design and terrain, proposed streets shall be contiguous and in alignment with existing planned or platted streets with which they are to connect.
  - b. Proposed streets shall be extended to the boundary lines of the land to be subdivided, unless prevented by topography or other physical conditions, or unless such extension is not desirable or needed for the coordination of the subdivision with the existing layout or the most advantageous future development of adjacent tracts.
  - c. Dead-end streets, intended as access to future development parcels, shall be a maximum of one lot depth in length. With City approval, any dead-end street longer than one lot depth shall have a minimum of a 40-foot radius temporary turnaround area with an all-weather surface and shall not exceed 600 feet in length.
  - d. Any street exceeding 600 feet shall have at least two points of independent access.
  - e. Proposed streets shall intersect one another as nearly at right angles as topography and other limiting factors of good design permit. "T"

intersections rather than "cross" intersections shall be used wherever possible for local streets.

- f. Excessively long and straight connecting local residential streets, conducive to high speed traffic, shall be avoided, unless the streets are designed with traffic control and safety features, and crosswalks or pedestrian ways are provided, in accordance with generally acceptable transportation practices, the City's adopted Traffic Calming and Pedestrian Safety Manual, and the City's other adopted standards and specifications.
- g. Alleys shall not be permitted in residential subdivisions except when approved for access to lots abutting an arterial. Alleys in nonresidential subdivisions may be permitted.
- h. Cul-de-sacs shall not exceed 600 feet in length and shall have a minimum terminal radius of 50 feet. Driveways, mailboxes, fire hydrants, or any other obstruction to the terminal of a cul-de-sac shall be designed in such a way as to provide an area for the piling of snow. Cul-de-sacs shall comply with the City's adopted design and construction standards and specifications, including drainage requirements and maximum and minimum fill and grading requirements. Provision of dedicated drainage corridors and other drainage facilities shall be required if standard grading and drainage standards cannot be satisfied.
- i. Homes shall face local residential streets, and lots shall be designed and platted to allow residential lots to have driveways and vehicular access onto local residential streets. It is not desirable to have lots with road frontage on front and back unless one is an arterial or major collector and proper screening is used.
- j. Streets, dead-end streets, stub streets, or other access points shall not be permitted or required if the continuation of the street or access point would violate Municipal Code 12.08.050, except as provided therein.
- k. Private driveway connections to collector and arterial streets shall be avoided.

5. Subdivisions adjacent to arterials and freeways shall be designed as specified in the major street plan and as determined by the Planning Commission Land Use Authority. The following principles and standards shall be observed:

- a. Street design shall have the purpose of making adjacent lots, if for residential use, desirable for such use by cushioning the impact of heavy traffic and of minimizing the interference with traffic on an arterial. The number of intersecting streets along an arterial shall be held to a minimum.
- b. A landscaped pedestrian way along arterial streets shall be not less than twenty feet in width measured from top back of curb and at least five feet of landscaped planter shall be located between the curb and sidewalk. A meandering sidewalk shall not be less than five feet in width. The design and improvement of the pedestrian way and meandering sidewalk shall be in conformance with the City's adopted parkway detail specification.
- c. Design of lots abutting arterial streets shall conform to one of the following alternatives:
  - i. Lots may be platted along a frontage street which is separated from the arterial street by at least 10 feet of permanent landscaping. Frontage roads shall enter arterial by means of intersections designed with turning and stacking capacity adequate for the traffic volume as estimated by the Planning Commission Land Use Authority.
  - ii. Double frontage lots shall be platted with a minimum depth of 110 feet and a minimum width of 75 feet. In cases where homes are sited on double frontage lots with the rear yard adjacent to the arterial, a concrete or masonry wall shall be constructed abutting the sidewalk. Access shall not be allowed from double frontage lots directly onto arterial streets. Accessory buildings shall not be allowed within 25 feet of any dedicated street in a residential zone.
  - iii. Lots may be platted on cul-de-sacs extending toward an arterial from a minor collector within the subdivision. A concrete or masonry wall shall be required along the rear yards of lots platted on such cul-de-sacs or as required by the Planning Commission Land Use Authority.

- iv. Lots and streets shall be designed and platted to avoid driveway access onto arterial streets. If the subdivider demonstrates that there is no feasible alternative, including alternative road configurations or construction of new roads as part of the subdivision, and demonstrates that there would be no material health, safety, or traffic impacts from the access, a lot may front onto an arterial, provided that a circular drive or some other type of vehicular maneuvering area or other City-approved driveway access shall be provided on the lot to enable vehicles to enter traffic moving forward rather than backing.
- d. When any lot borders an arterial, the subdivider may be required to execute and deliver to the City an instrument, deemed sufficient by the City Attorney's Office, prohibiting the right of ingress and egress from the arterial to the lot, and a legal document sufficient to guarantee maintenance of landscaping. The subdivider shall also be required to install such paving as necessary to construct the arterial or to bring the arterial up to standard width and shall install curb, gutter and sidewalk, along the arterial.

## **5-6-104 Curb, Gutter, Sidewalk And Asphalt Paving**

1. Curbs, gutters, sidewalks and asphalt paving shall be provided in front of all commercial and residential lots in accordance with the City's adopted design and construction standards and specifications. Curb, gutter and paving shall be required on all industrial property. At the discretion of the ~~Planning Commission or Development Administration Board~~Land Use Authority, sidewalks may also be required for industrial property in order to continue or facilitate the City's existing sidewalk, trail, or other pedestrian circulation network.
2. If the widening or patching of an existing roadway is less than nine feet (9') in width, an additional one inch of pavement thickness greater than the existing pavement section shall be required.

## **5-7-102 Parcel Boundary Adjustment**

1. Owners of parcels desiring to adjust the boundaries of their parcels, shall follow the procedures set forth in Utah Code § 10-9a-523 and § 10-9a-524 and shall execute and record such agreements and deeds as are required by state law. No City review or approval is required so long as the proposed parcel boundary adjustment does not:
  - a. Create a new lot (requires subdivision process);
  - b. Involve a lot (requires lot line adjustment and plat amendment); or
  - c. Involve any parcels with dwelling units (requires City approval).
2. Application Required. A parcel boundary adjustment that involves any parcel with a dwelling unit shall be submitted to the City for review and approval. Application for a parcel boundary adjustment shall be made by the property owner or a duly authorized agent and a filing fee shall be charged and collected at the time of application submittal on forms obtained from the Zoning Administrator City with any additional information deemed necessary to understand the application.
3. Standards. Parcel owners may adjust property lines between adjacent parcels by exchanging title to portions of those parcels by quit claim deed or boundary line agreement after approval if:
  - a. No new lot or housing unit results from the property line adjustment;
  - b. The property line adjustment does not result in remnant land that did not previously exist; and
  - c. The adjustment does not result in violation of applicable Development Code requirements.
4. Zoning Administrator Land Use Authority Review.
  - a. ~~The Zoning Administrator shall act as the Land Use Authority and shall~~ review all the documents to determine if they are complete and that they comply with the requirements set forth above.
  - b. If the Zoning Administrator Land Use Authority determines that documents are complete and the requested property line adjustment complies with the standards set forth above, the Zoning Administrator Land Use Authority shall approve the application.

- c. If the Land Use Authority Zoning Administrator determines that the requested property line adjustment does not comply with the standards set forth above, the Land Use Authority Zoning Administrator shall deny the application. If the Land Use Authority Zoning Administrator denies the application, the Land Use Authority Zoning Administrator shall describe the specific deficiencies or additional information that is required to approve the application and state that, upon correction of the deficiencies, the application will be approved.
- d. The Land Use Authority Zoning Administrator shall complete their review of the application within 14 days after the day on which the applicant submits the application and shall notify the applicant in writing regarding the decision.
- e. The applicant may appeal the Land Use Authority Zoning Administrator's decision to the City Council Appeal Authority.

5. Conveyance of Title. After approval, the applicant shall:

- a. Prepare a Notice of Approval which:
  - i. Contains an acknowledgment signed by each party executing the Notice as required by State law for real property;
  - ii. Recites the description of both the original parcels and the parcels created by the property line adjustment; and
  - iii. Is executed by each owner included in the exchange and the Zoning Administrator.
- b. Record a deed(s) or boundary line agreement which conveys title as approved; and
- c. Record the Notice of Approval; and
- d. Provide the Zoning Administrator with a recorded copy of the Notice of Approval.

6. A parcel boundary adjustment does not constitute a land use or zoning approval, unless expressly approved as such by the City. Documents recorded as part of a parcel boundary adjustment do not modify any existing easement or public right of way, nor do they waive or modify any requirement to comply with all zoning and other land use regulations.

## **5-7-103 Lot Line Adjustments And Plat Amendments**

1. Application Required. A plat amendment is the vacation, alteration, or amendment of a subdivision plat that is not an amendment to a public utility easement or the creation of additional lots or parcels. Changes or alterations that create additional lots or parcels constitute a subdivision, not a plat amendment, and are subject to the subdivision approval process.
2. ~~City Council~~Land Use Authority Consideration. The Land Use Authority ~~City Council~~ may consider a petition proposing a vacation, alteration, or amendment of a subdivision plat, any portion of a subdivision plat, or any lot, public street, right of way, or easement contained in a subdivision plat.
  - a. The Land Use Authority ~~City Council~~ shall consider the petition at a public meeting after giving the notice required by this section.
  - b. A public hearing is required if:
    - i. Any owner within the plat notifies the City of their objection in writing within 10 days of mailed notification; or
    - ii. All owners in the subdivision have not signed the revised plat; or
    - iii. The petition contains a request to vacate some or all of a public street, right of way, or easement.
  - c. No public hearing is required if notice has been appropriately given to all adjoining property owners and:
    - i. Any owner within the plat does not notify the City of their objection in writing within 10 days of mailed notification;
    - ii. All owners in the subdivision have or will sign the revised plat;
    - iii. The petition seeks a lot line adjustment and all affected property owners join in the petition, regardless of whether the properties are located in the same subdivision;
    - iv. The petition seeks to adjust an internal lot restriction imposed by the City that does not apply to the entire subdivision; or
    - v. The petition otherwise seeks to amend or alter the plat in a manner that does not change existing boundaries or other attributes of lots within the subdivision that are not owned by the petitioner(s) and are not designated as common area.

3. Notice.

- a. Notice for a plat amendment shall be given as required by Section 10-9a-207 Utah Annotated Code, as amended. Mailed and addressed notices shall be sent to owners of real property located within 500 feet of the property.
- b. If the application includes a vacation of a public street, public right-of-way, or easement the public hearing shall be advertised as required by Section 10-9a-208 of Utah Annotated Code as amended.

4. Grounds for Vacating or Changing a Plat.

- a. The Land Use Authority City Council may vacate, alter or amend the plat or any portion of the plat if the Land Use Authority Council finds:
  - i. Neither the public interest nor any person will be materially injured by the proposed vacation, alteration, or amendment;
  - ii. There is good cause for the vacation or amendment;
  - iii. All easements containing existing public water or sewer facilities are identified and preserved;
  - iv. No public street, right-of-way, or easement has been vacated or amended, unless the petition requested such a change and the change was approved as required by this article and state law; and
  - v. The proposed amendment meets all the requirements of the Development Code.
- b. The Zoning Administrator shall notify the applicant in writing regarding the Land Use Authority's Council's decision.

5. Grounds for a Vacating Street or Right-of-Way

- a. The Land Use Authority City Council may consider and adopt an ordinance or approve a plat amendment vacating a public street, or right-of-way, excluding trails, if Land Use Authority City Council finds that:
  - i. Neither the public interest nor any person will be materially injured by the proposed vacation;
  - ii. There is good cause for the vacation;

- iii. All easements containing existing public water or sewer facilities are identified and preserved; and
- iv. The proposed vacation meets all the requirements of the Development Code.

b. The Zoning Administrator shall notify the applicant in writing regarding the Land Use Authority Council's decision.

6. Request for Amendment by Petition.

- a. Fee Owner. Any fee owner may apply to have the plat, any portion of it, or any street or lot contained in it, vacated, altered, or amended as provided in this section.
- b. City. The City may submit a petition to vacate some or all of a public street, right of way, or easement.
- c. Application Contents. Each application to vacate, alter or amend an entire plat, or portion of a plat, or a street or lot contained in a plat shall include:
  - i. The name and address of all owners of record of the land contained in the entire plat;
  - ii. The name and address of all owners of record of land adjacent to any street that is proposed to be vacated, altered, or amended;
  - iii. The signature of each of these owners who consents to the petition;
  - iv. Filing fee
  - v. Any additional information needed to evaluate the proposal as determined by the Zoning Administrator.

7. Preparing the Amended Plat.

- a. The surveyor preparing the amended plat shall verify that the surveyor:
  - i. Holds a license in accordance with the Professional Engineers and Professional Land Surveyors Licensing Act established by State Law;

- ii. Has completed a survey of the property described on the plat in accordance with State Law and has verified all measurements; and
  - iii. Has placed monuments as represented on the plat.
- b. The amended plat shall meet all of the requirements for a final plat as contained herein.
- c. The City shall ensure that the amended plat showing the vacation, alteration, or amendment are recorded in the office of the County Recorder.
- d. The Land Use Authority City Council may vacate a street, public right-of-way or easement by ordinance. The Land Use Authority City Council may require an amendment plat if it finds that an amended plat is necessary to accurately portray the action and is in the public interest.

## **5-7-104 Lot Or Parcel Combination**

1. Application Required. A lot or parcel combination shall be submitted to the City for review and approval. Application for a lot or parcel combination shall be made by the property owner or a duly authorized agent and a filing fee shall be charged and collected at the time of application submittal on forms obtained from the Zoning Administrator City with any additional information deemed necessary to understand the application.
2. Zoning Administrator Land Use Authority Review.
  - a. The Land Use Authority Zoning Administrator shall ~~act as the land use authority and~~ review all the documents to determine if they are complete, and that they and the new lots or parcels created by the combination comply with all the requirements set forth in the Development Code, and the application does not seek to create any new lot or parcel, affect any property not owned by the applicant, or alter an existing plat of record in a way that requires a plat amendment.
  - b. If the Land Use Authority Zoning Administrator determines that documents are complete and the requested property line elimination complies with the standards set forth above, the Land Use Authority Zoning Administrator shall approve the application.
  - c. If the Land Use Authority Zoning Administrator determines that the requested property line elimination does not comply with the standards set forth above, the Land Use Authority Zoning Administrator shall deny the application. If the Land Use Authority Zoning Administrator denies the application, the Land Use Authority Zoning Administrator shall describe the specific deficiencies or additional information that is required to approve the application and state that, upon correction of the deficiencies, the application will be approved.
  - d. The Land Use Authority Zoning Administrator shall complete their review of the application within 14 days after the day on which the applicant submits the application and shall notify the applicant in writing regarding the decision.
  - e. The applicant may appeal the Land Use Authority Zoning Administrator's decision to the City CouncilAppeal Authority.
3. Recording. After approval, the applicant shall:

- a. Prepare a Notice of Approval which:
    - i. Contains an acknowledgment signed by the party executing the Notice as required by State law for real property; and
    - ii. Recites the description of both the original parcels and the lot or parcel created by the lot or parcel combination; and
    - iii. Is executed by the owner and the Zoning Administrator.
  - b. Record the Notice of Approval; and
  - c. Provide the Zoning Administrator with a recorded copy of the Notice of Approval
  4. A lot or parcel combination does not constitute a land use or zoning approval, unless expressly approved as such by the City. Documents recorded as part of a lot or parcel combination do not modify any existing easement or public right of way, nor do they waive or modify any requirement to comply with all zoning and other land use regulations.

## 5-7-105 Altering A Public Utility Easement Or Municipal Utility Easement

1. ~~Zoning Administrator~~Land Use Authority Consideration. The Land Use Authority~~Zoning Administrator~~ may consider a request to modify a public utility easement or municipal utility easement if the Land Use Authority~~Zoning Administrator~~ finds that:
  - a. Neither the public interest nor any person will be materially injured by the proposed vacation;
  - b. There is good cause for the alteration;
  - c. For a public utility easement, the alteration has been approved by all public utility companies;
  - d. The proposed alteration meets all the requirements of the Development Code.
2. Application and Fee. Application for amending a public utility easement or municipal utility easement shall be made by the property owner or a duly authorized agent and a filing fee shall be charged and collected at the time of application submittal on forms obtained from the ~~Zoning Administrator~~City with any additional information deemed necessary to understand the application.
3. Review.
  - a. The Land Use Authority~~Zoning Administrator~~ shall ~~act as the land use authority and~~ review all the documents to determine if they are complete and that they comply with the requirements set forth above.
  - b. If the Land Use Authority~~Zoning Administrator~~ determines that the requested easement modification complies with the standards set forth above, the Land Use Authority~~Zoning Administrator~~ shall approve the application.
  - c. If the Land Use Authority~~Zoning Administrator~~ determines that the requested easement modification does not comply with the standards set forth above, the Land Use Authority~~Zoning Administrator~~ shall deny the application.
  - d. The Land Use Authority~~Zoning Administrator~~ shall notify the applicant in writing regarding the decision.

4. Recording of the New Easement. The City shall ensure that the public utility easement or municipal utility easement modification is recorded in the Office of the County Recorder.

## 10-102 Definitions

The following words, as used in this Title, shall have the meaning ascribed to them:

1. **AASHTO.** American Association of State Highway and Transportation Officials.
2. **Accessory Building.** A subordinate building, the use of which is incidental to that of the main building.
3. **Accessory Dwelling Unit.** An Accessory Dwelling Unit (ADU) is a room or set of rooms in a single-family home in a single-family zone that has been designed or configured to be used as a separate dwelling unit, which has a separate kitchen, living/sleeping area, and sanitation facilities, and has been established by permit. An ADU shall be attached to the single-family home.
4. **Accessory Use.** A related use which is incidental to the prescribed and permissible use.
5. **Agriculture.** Agriculture shall mean the growing of soil crops in the customary manner in the open. It shall not include livestock raising activities, nor shall it include retailing of products on the premises.
6. **Animal, Large.** A cow, horse, sheep or goat.
7. **Animal, Small.** A chicken, duck, turkey, rabbit and other animals of a similar size.
- 7.8. **Appeal Authority.** The individual(s) or body responsible to hear and decide appeals of a land use authority's action or decision, in accordance with Chapter 2.
- 8.9. **Billboard.** A freestanding ground sign located on industrial, commercial or residential property if the sign is designed or intended to direct attention to a business, product or service that is not sold, offered or existing on the property where the sign is located.
- 9.10. **Building.** Any structure built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind.
11. **Building, Main.** One or more of the principal buildings upon a lot. Garages, carports, and other buildings which are attached to a dwelling or other main building or which are situated within 10 feet of a main building shall be considered as a part of the main building.

**10.12. City Council.** The elected governing and legislative body of Highland City.

**11.13. Church.** A permanently constructed structure used primarily as a place of worship. This definition shall not include a tent or similar temporary enclosure.

**12.14. Conditional Use.** A land use that because of its unique characteristics or potential impact on the City, surrounding neighbors, or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts. A conditional use may be allowed, allowed with conditions, or denied in designated zoning districts, based on compliance with standards and criteria set forth in this Code for those uses.

**13.15. Common Household.** Living quarters in which the occupants share:

1. Living and eating areas
2. Laundry facilities
3. All entrances from outside the building
4. Access to all rooms within the building

**14.16. Country Club.** A social and recreational facility that is associated with a private golf course. A country club is limited to a golf course facility. A use associated with preparation of food/beverage may be approved as an ancillary and secondary use to a golf course facility.

**15.17. Cul-de-sac.** The minimum lot width for lots within the full cul-de-sac radius shall be measured along the arc at the front setback line.

**16.18. Daycare.** The care and supervision of children, other than children related to the adult resident(s) of a residential property, which care and supervision is in place of care ordinarily provided by a parent in the parent's home, for less than 24 hours a day, and for direct or indirect compensation.

**17.19. Deck.** An exterior floor system supported on at least two opposing sides by an adjoining structure and/or posts, piers, or other independent supports. A deck which is less than 120 square feet, and less than 30 inches above the adjacent grade, and independently supported, will not require a building permit and is not considered part of the main structure however any

deck is not permitted to be located within an easement or within ten (10) feet of a property line.

**18.20. Density.** The term density shall mean the number of dwelling units per acre of land.

**21. Development.** Any man made change to improved or unimproved real estate, including but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

**22. Development Administration Board.** The body established pursuant to Chapter 2, Article 6.

**19.23. Development Review Committee.** The body established pursuant to Chapter 2, Article 7.

**20.24. Disability.** A physical or mental impairment that substantially limits one or more of a person's major life activities, including a person having a record of such an impairment or being regarded as having such an impairment

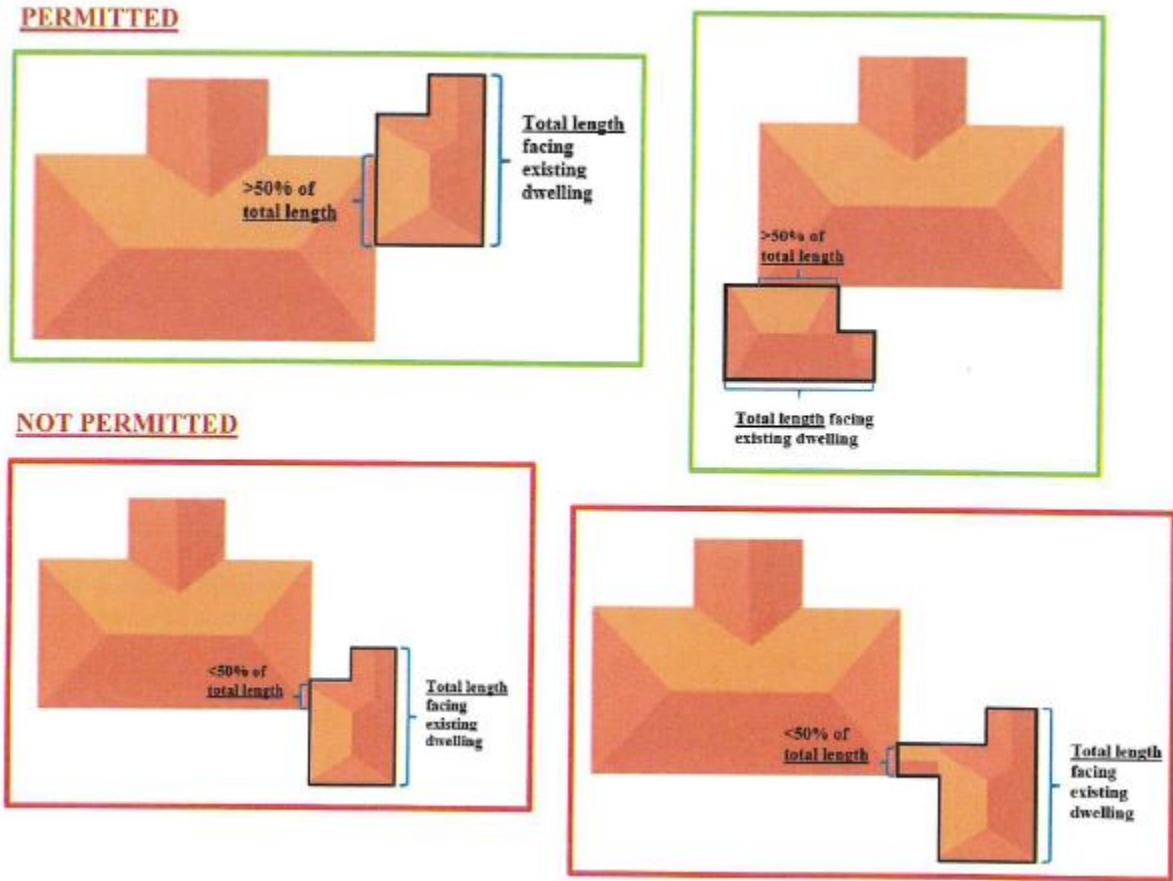
1. Disability does not include illegal use of, or addiction to, alcohol or any federally controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C. 802.
2. Disability does not include sexual or psychosexual addiction, disorders, or treatment.

**21.25. Dwelling Unit.** One or more rooms in a building designed for living purposes (bathing, eating, and sleeping) and occupied by one family.

**22.26. Dwelling, Main Dwelling.** The main dwelling on a property shall include a connecting roof line, connecting foundation, at least four (4) connecting walls, and uninhibited interior access within the structure. An underground connection is excluded in counting as a connection to the main dwelling unit between unattached structures.

1. To be considered part of the main dwelling, any addition to the original dwelling shall include the previous requirements described above and shall include a majority or more to be attached and in common with the original dwelling. The connection shall be a majority of the length of the portion of the addition that faces the main dwelling. See the figures below for examples of what is permitted.

2. Structures connected by a breezeway shall not be considered part of the main dwelling.
3. Covered decks and patios shall be considered part of the main dwelling.
4. Residential construction that does not meet the criteria above shall meet all requirements for an accessory structure.



**23.27. Elderly Person.** A person who is 60 years or older, who desires or who needs to live with other elderly persons in a group setting, but who is capable of living independently.

**24.28. Family.**

1. One or more persons related by blood, marriage, adoption or legal guardianship, including foster children; or

2. A group of not more than four persons not related by blood, marriage, adoption or legal guardianship, including foster children living together as a common household (see Utah Code 10-9a-505.5).

**25.29. Final Plat.** Record of Survey Map — A plat or plats of survey of land within a subdivision or other large-scale development, which have been prepared in accordance with applicable City standards and state statutes for the purposes of recording in the office of the county recorder.

**26.30. Floor Area.** The sum of the areas of the several floors of the building, including basements, mezzanines, and penthouses of headroom height (6 feet), measured from the exterior walls or from the center line of walls separating buildings.

**27.31. Fundamental Fairness.** shall mean that decisions that are adjudicatory or quasi-judicial in nature (and not legislative) meet two requirements: hearings must be “procedurally fair,” and must appear to be conducted by an “impartial decision-maker.” Fundamental fairness is designed to guarantee that strict procedural requirements are followed so that land use hearings are not only fair, but also appear to be fair. The goal of this is to instill and maintain confidence in the fairness of City land use proceedings.

**28.32. Garage.** A detached accessory building or portion of a main building designed for the parking or temporary storage of automobiles of the occupants of the premises.

**29.33. General Plan.** A document that the City adopts setting forth general guidelines for proposed future development of land within the city.

**30.34. Grade of Building.** Grade of building is the top of the foundation at its closest point to finished grade where the grade of the lot is at its highest elevation. The bottom of the first finished floor may not exceed 24" above grade at the point where finished grade is at its highest elevation and meets the foundation. This point where grade is at its highest elevation and touches the foundation shall not exceed a vertical elevation exceeding a 12% positive slope from the top of the curb adjacent to the driveway approach at its highest elevation. A negative grade within ten (10) feet of the foundation is not permitted. (Amended: 6/7/05, 3/7/06, 10/3/06)

**31.35. Habitable Floor.** Any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used only for storage purposes is not a habitable floor.

**32.36. Handicapped person.** A person who has a severe, chronic disability attributable to a mental or physical impairment or to a combination of mental and physical impairments, which is likely to continue indefinitely, and which results in a substantial functional limitation in three or more of the following areas of major life activity: self-care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living, or economic self-sufficiency; and who requires a combination or sequence of special interdisciplinary or generic care, treatment, or other services that are individually planned and coordinated to allow the person to function in, and contribute to, a residential neighborhood.

**33.37. Height of Building.** The largest vertical distance between the “Grade of Building” and the highest point of the building. The greatest vertical distance on one side of a home between the foundation where the grade of the lot is at its highest elevation to the highest peak of any exposed roofline. Structures including chimneys, church towers, and similar structures, are excluded in determining height. (Amended 6/7/05, 3/7/06, 10/3/06)

**34.38. Home Occupation.** Any use conducted entirely within a building and carried on by persons residing in the dwelling unit, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof. A business license does not automatically grant the privilege of conducting a business in a residential dwelling unit.

**35.39. Household Pets.** Animals or fowl ordinarily permitted in the house and kept for company or pleasure, including, but not limited to, dogs, cats, canaries and chinchillas.

**40. In-home Instruction.** The provision of classes, lessons, training, practice, and other organized instruction in fields such as, but not limited to, dance, music, art, swimming, fitness, health, school subjects, or other similar subjects, offered within a residence to people, including children, who do not live at the residence. Includes in-home preschools.

**36.41. Land Use Authority.** The individual(s) or body responsible and authorized to act upon and decide a land use application or other land use matter in accordance with Chapter 2.

**37.42. Land-Use Plan.** A plan adopted and maintained by the City Planning Commission, which shows how the land should be used, an element of the Comprehensive Plan.

**38.43. Landscaping.** Landscaping shall mean the use and integrations of traditional landscape design methods including Xeriscape. A combination of planted trees, shrubs, vines, ground covers, grass, rocks, fountains, pools, art works, screens, walls, fences, benches or surrounding walkways set into any aesthetically pleasing arrangement should be implanted. The use of structures or surfaced walkways, alone, in the absence of planted trees, grass, etc., shall not meet the requirements of this Code.

**39.44. Living Area.** Those portions of a dwelling having a headroom height of six feet eight inches or greater and which are used for customary living activities. For purposes of this Code, living area shall not include portions of the structure used for parking of vehicles, unenclosed porches, storage rooms having only outside access, and rooms devoted exclusively to the housing of heating or ventilating or similar mechanical equipment.

**40.45. Lot.** Land occupied or to be occupied by a building or buildings, together with such open spaces as required under this Code, and having its principal frontage on a street or an officially approved place. Also building sites without reference to lots as recorded on official plats.

**41.46. Lot, Corner.** A lot situated at a junction of two radii which are thirty five (35) feet or less, and where the angle formed by the intersection of the tangent is one hundred five (105) degrees or less, or any lot which is adjacent to or shares a mutual boundary with two (2) intersecting right-of-ways and may include any easement including, but not limited to parkway detail, within the right-of-way or within private property adjacent to that right-of-way. (Amended 3/1/05)

**42.47. Lot, Interior.** A lot other than a corner lot.

**43.48. Lot of Record.** A parcel of land which is shown as a separate and independent parcel on the records of the county recorder.

**44.49. Lot, Zoning.** A lot of record which:

1. Complies with all current area, frontage, width, setback, and supplementary requirements of the zone in which it is located,

2. Has frontage on a City street, which street has been improved in accordance with City standards including asphalt, curb, gutter, and sidewalk, and is served by all public utilities in accordance with City standards
3. Is shown as a separate, developable lot in an approved and recorded subdivision plat that was approved in accordance with the applicable ordinances, and
4. Has not been designated, by plat or other recorded document, for use as common area, open space, conservation area, or other non-development purposes.

**45.50. Major Street Plan.** A map approved by the Planning Commission and City Council which is part of the General Plan showing the approximate location of the existing and future collector and arterial class roads.

**46.51. General Plan.** Comprehensive Plan — The Master Plan.

**47.52. Nonconforming Structure.** A structure, or portion thereof, which legally existed before its current land use designation and because of subsequent changes to governing law, does not conform with zoning, setbacks, height, size, material, access, or other regulations and restrictions that govern the structure.

**48.53. Nonconforming Use.** A use of land that legally existed before its current land use designation, has been maintained continuously since the time governing governing law regulating governing the land changed, and because of subsequent changes to governing law, does not conform with the regulations that now govern the land.

**49.54. Nonconforming Lot of Record.** A lot of record that was legally created and developed in conformance with the subdivision requirements of the Utah Code and Highland City ordinances at that time, or was exempted from compliance with such requirements, and, because of subsequent changes to governing law, does not conform as a zoning lot under its current land use designation. Does not include lots and parcels that have been designated, by plat or other recorded document, for use as common area, open space, conservation areas, or other non-development purposes.

**50.55. Off Street Parking Space.** An area for the parking of automobiles which does not include a public street but has convenient access to it.

**51.56. Off site.** Shall mean of or pertaining to the territory outside of the boundaries of a particular project.

**52.57. On site.** Shall mean of or pertaining to the territory within the boundaries of a particular project.

**58. Open Space.** Land which is open from the ground upward and which is not covered by dwellings or other buildings, or by pavement or other impervious material.

**53.59. Planning Commission.** The body established pursuant to Chapter 2, Article 2.

**54.60. Preschool.** An early childhood program that provides education and care to pre-elementary school aged children that emphasizes learning and development rather than daycare services.

**55.61. Parking Space.** A space, not less than eighteen (18) feet in length and not less than nine (9) feet in width for the parking of a mobile vehicle, exclusive of driveways and ramps.

**56.62. Public and Parochial Schools and Grounds.** An educational institution accredited by the state as a primary or secondary school and consisting of a parcel of land containing one or more classroom buildings and certain ancillary structures and areas which are operated by the institution as an integral part of the educational curriculum.

**57.63. Public-Agency Park.** Shall mean a tract of land which is owned by the public and which has been partially or totally developed or designated for recreational purposes.

**58.64. Public Street.** A roadway which has been designated as a federal or state highway or which has been designated as a City street.

**59.65. Public Building.** A structure, owned and operated by a unit of government, which houses equipment or activities performed by that agency, including City buildings, libraries, fire stations, and similar uses not requiring outside storage of materials.

**66. Recreational Vehicle.** A vehicular unit other than a mobile home, primarily designed as a temporary dwelling for travel, recreational and vacation use, which is either self propelled or is mounted on or pulled by another vehicle, including but not limited to, a travel trailer, a camping trailer, a truck camper, and a motor home. A recreational vehicle is capable

of being transported on public streets and highways without a special permit. It is eight (8) feet or less in width and thirty two (32) feet or less in length.

**60.67. Recommending Body.** The individual(s) or body responsible to issue a formal recommendation regarding a land use matter to the Land Use Authority in accordance with Chapter 2. Not every land use matter entails a recommending body or formal recommendation.

**61.68. Residential Facility for Persons with a Disability.** A residence:

1. in which more than one person with a disability resides; and
2. is licensed or certified by the Department of Health under Title 26, Chapter 21, Health Care Facility Licensing and Inspection Act, Utah Code.
3. which meets the requirements of this ordinance as defined in Article 4.1 and 4.2 in this Code.

(Ord: #2010-09, 07/20/2010)

**69. Residential Facility for Handicapped Persons.** A one-family or multiple-family dwelling unit, consistent with existing zoning of the desire location, that is occupied on a 24-hour basis by four or fewer handicapped persons in a family-type arrangement under the supervision of a house family or manager, and that conforms to all applicable standards and requirements of the Utah State Department of Social Services, and is operated by or operated under contract with that department.

**62.70. Reviewing Body.** The individual(s) or body responsible to review a land use matter for conformance with applicable regulations, plans, and standards prior to formal recommendation and/or decision of the matter, in accordance with Chapter 2.

**63.71. Setback.** The shortest distance between the property line, back of asphalt, back of curb, or back of sidewalk, whichever is closest to the structure, and outside surface of support posts, cantilevers, bay, bow, or box windows, or any hard wall line of the structure.

**64.72. Sign, Freestanding.** Any sign that is standing on or erected into the ground. Such signs are usually, but not necessarily, supported from the ground by one or more poles or similar uprights, with or without braces. Any

sign that is mounted onto the ground but has the supports passing through any portion of the roof of a building or structure shall be considered a roof sign.

**65.73. Sign, Projecting.** Any sign attached to a building or structural wall and extending horizontally outward from such wall more than eighteen inches.

**66.74. Sign, Roof.** Any sign which is erected upon or over the roof or over a parapet of any building or structure.

**67.75. Sign, Wall.** Any sign posted or painted upon, suspended from or otherwise affixed to a wall, fascia, canopy, or marquee with the face of the sign approximately parallel with the wall or fascia to which it is attached.

**68.76. Sign, Area.** The area of a sign that is used for display purposes, excluding the minimum frame and supports. In computing sign area only one side of back to back or double-face sign covering the same subject shall be computed when the two faces diverge by an angle of not more than forty five degrees. For signs that do not have a frame or a separate background, sign area shall be computed on the basis of the least rectangle, triangle or circle large enough to frame the display.

**69.77. Sign, Electric.** A sign which has any portion thereof lighted by artificial light in any manner or which rotates or otherwise moves.

**70.78. Sign, Illuminated.** A sign which has any portion thereof lighted by artificial light, including floodlighting or reflecting lighting of any kind.

**71.79. Sign, Accessory.** A sign which directs attention to a business or profession conducted on the premises.

**72.80. Sign, Non-accessory.** A sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than on the premises, and only incidentally on the premises, if at all.

**73.81. Slope.** The average grade of the surface of land expressed either in percentage or in degrees.

**74.82. Start of Construction.** Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure on a site, such as a

pouring of slabs or footings, the installation of piles, the construction of piles, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as a clearing, grading, and filling; nor does it include the installation of streets or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

**75.83. Story.** That portion of a building included between the surface of a floor and the ceiling next above it.

**76.84. Street, Major.** A road which has been designated on the City'Master Plan as a collector, arterial, or other principal thoroughfare as distinguished from a minor street.

**77.85. Structure.** Anything constructed or erected which requires location on the ground, but not including a tent or automobile.

**78.86. Subdivision.** Any land that is divided, re-subdivided or proposed to be divided into two or more lots, parcels, sites, units, plots or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions. Subdivision includes the division or development of land whether by deed, meets and bounds, description, devise and testacy, lease, map, plat, or other recorded instrument and divisions of land for all residential and non-residential uses, including land used or to be used for commercial, agricultural, and industrial purposes. All large-scale developments involving the division of land shall be deemed to be subdivisions.

**79.87. Temporary Uses.** Uses which are proposed to exist for a relatively short period of time.

**80.88. Tender.** An offer or proposal made for acceptance.

**81.89. Variance.** A reduction of a frontage, setback, area, or improvement requirements to a level which is less than that which is specifically set forth in this Code.

**82.90. Yard.** The open-space area on a lot or parcel, except for permitted projections and landscaping, encompassing the territory between the outer

wall of the building and closest opposite property line and extending the full width of depth, as appropriate, of the lot or parcel.

**83.91. Yard, Required.** The open space around buildings which is required by the terms of this Code.

**84.92. Rambler.** A home built with one level only. (May have an optional basement or crawl space below). It is conceivable for a rambler to have a step down of more than seven inches and not be classified as a split level.

**85.93. Two-Story.** A home with two floors above Grade of Building, neither of which has a step down of more than seven inches. It is Conceivable to have a Two-Story with a step down of more than seven inches and not be classified as a Split-Level.

**86.94. Split-Level.** A home with a differential between floor levels of more than seven inches wherein the current or future habitable floor space on any one level is 300 square feet or greater wherein the differential between floor levels described above is duplicated on more than one floor.

**95. Xeriscape.** Xeriscape is interpreted to be landscaping in a manner that reduces the need for supplemental irrigation, conserves water and enhances the beauty of the property. Residents should be conscientious of utilizing plants, trees and shrubs appropriate to the climate to avoid losing water to evaporation and run-off. Xeriscape shall consist of an attractive mix of plantings, rocks and other landscaping materials. For front yards and park strips, at least 25% of any xeriscape must contain plants, trees and shrubs.

**87.96. Zoning Administrator.** The person appointed pursuant to Chapter 2, Article 4.

## **11-101 Zoning Clearance Required**

No building permit shall be issued for construction within the City until the application therefore has been approved by the Land Use Authority~~Zoning Administrator~~. The ~~Zoning Administrator~~Land Use Authority shall not give such approval until ~~he~~they ~~is~~are satisfied that the proposed construction and subsequent use of the building proposed to be constructed will comply with the requirements of the zone in which the building will be situated.

## **11-104 Construction And Use To Comply With Application**

Permits for excavations and buildings, and Certificates of Zoning Compliance issued on the basis of plans and specifications approved by the Zoning Administrator Land Use Authority authorize only the use, arrangement, and construction set forth in such approved plans and application. Any use, arrangement, or construction at variance with that authorized shall be deemed to be a violation of this Code. Any misrepresentation or fraudulent statement of fact submitted with an application shall render any related approval voidable.

## 11-108 Certificate Of Zoning Compliance Required

1. It shall be unlawful to use or occupy or permit the use or occupancy of any building or premise, or to change the occupancy of any building or premise, until ~~at the appropriate application required by this Code has been approved by the Land Use Authority~~ ~~Certificate of Zoning Compliance shall have been issued therefore by the Zoning Administrator~~ stating that the proposed use of the building or land conforms to the requirements of this Code.
- 1.2. No nonconforming structure or use shall be changed or extended until a Certificate of Zoning Compliance ~~is issued by the Land Use Authority in accordance with Chapter 3, Article 2.~~ shall state specifically wherein the ~~nonconforming use differs with the requirements of this Code.~~ The Zoning Administrator may permit the occupancy of a building prior to the completion of all required work; provided a bond or other assurance has been posted with the City Recorder in an amount equal to the cost of completing said required work, guaranteeing the completion of such work, as determined by the City Council. ~~The Zoning Administrator shall maintain a record of all Certificates of Zoning Compliance for a period of five (5) years, and a copy shall be furnished upon request to any applicant.~~ Failure to obtain a Certificate of Zoning Compliance shall constitute a violation of this Code.