

HIGHLAND CITY PLANNING COMMISSION AGENDA

DATE: TUESDAY, MAY 12, 2009

PLACE: HIGHLAND CITY BUILDING,
5400 WEST CIVIC CENTER DRIVE SUITE 1

TIME: 7:00 P.M.

Parliamentary Procedure is followed at Highland City Council Meetings. Parliamentary Procedure refers to the rules of democracy – that is, the commonly accepted way in which a group of people come together, present and discuss possible courses of action, and make decisions. Parliamentary rule is based upon the will of the majority; the right of the minority to be heard; protection of the rights of absentees; courtesy and justice for all; and consideration of one subject at a time.



HIGHLAND CITY HALL

Item 1: Approval of Meeting
Minutes for April 28, 2009

Item 2: American Fork City Public Utility Zone Request ~
General Plan Future Land Use Map and Zoning Map
Amendment ~ **Public Hearing and Recommendation**

Item 3: American Fork City Pressurized Irrigation Filter
Station ~ Conditional Use Permit ~ **Public Hearing and
Recommendation**

continue to next page..

This Agenda and a Full Agenda are available on the City Web Site at www.highlandcity.org

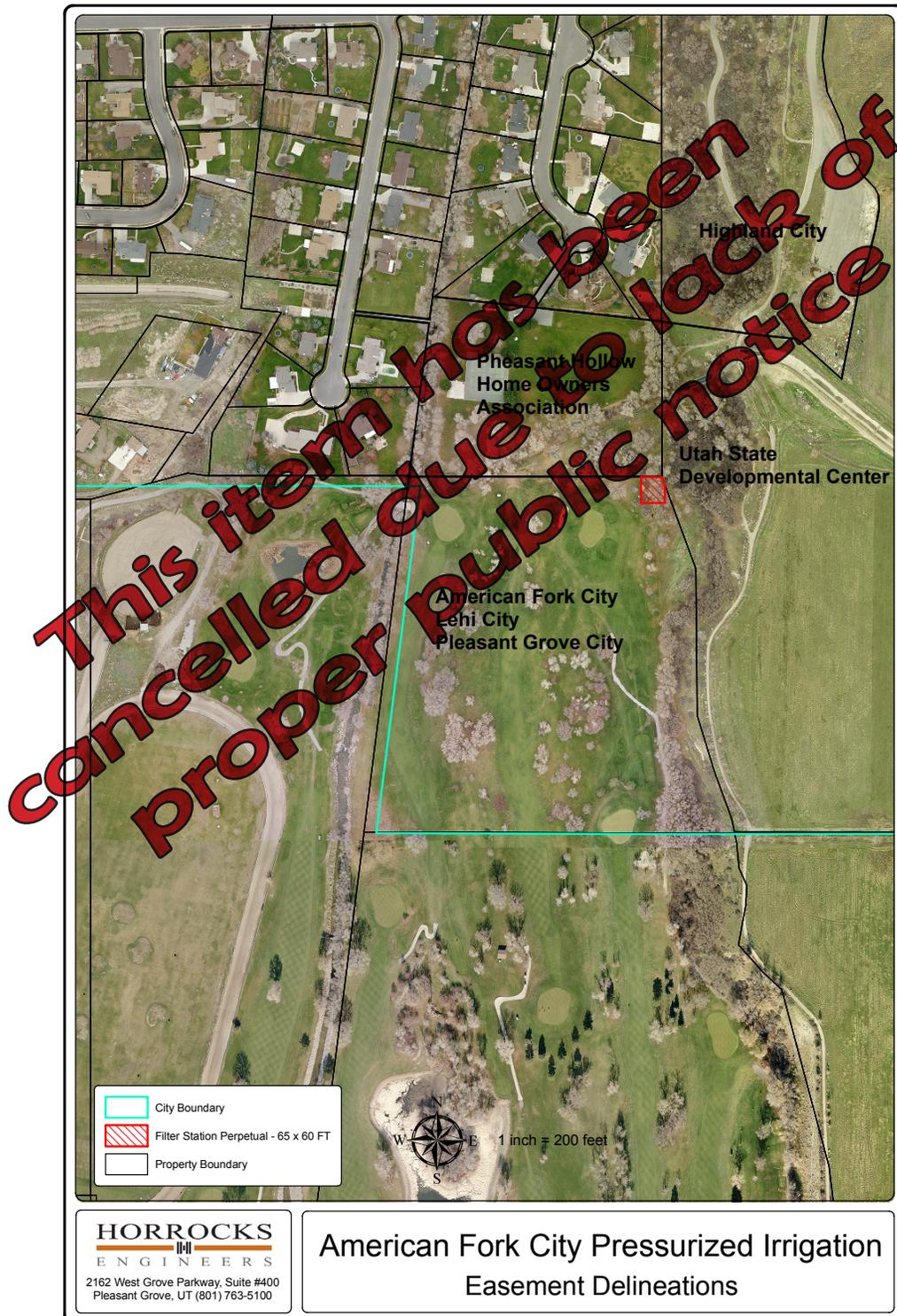
In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify Gina Peterson, City Recorder, 756-5751 ext. 4506, at least three working days prior to the meeting.

Item 4: Temporary Outdoor Sales, C-1 Zone - Code Addition/
Amendment ~ **Public Hearing and Recommendation**

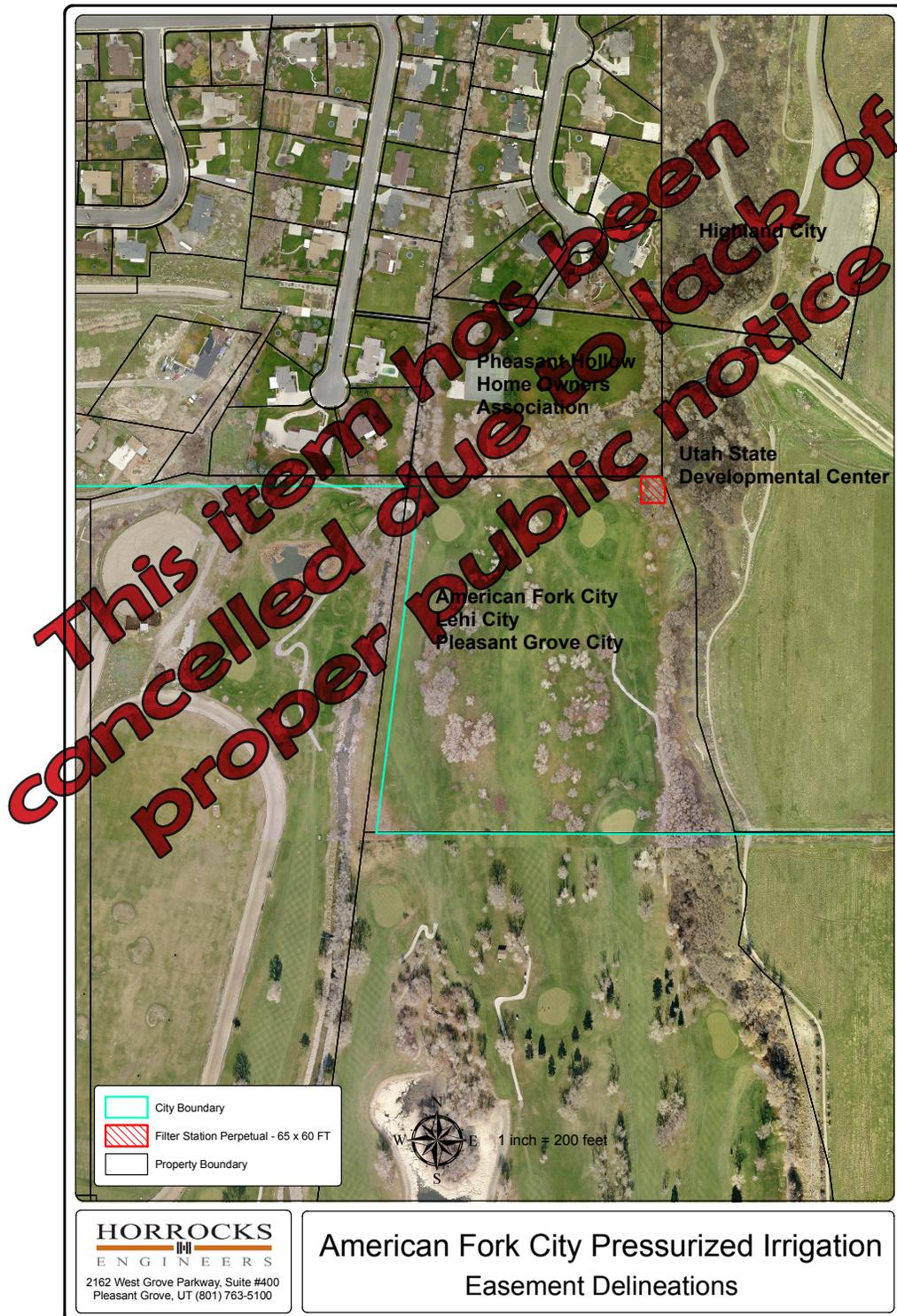
Item 5: Code Amendment 3-622: Purpose of Public Utilities to
Specifically Define and Permit Alternative Energy ~ **Public
Hearing and Recommendation**

Item 6: Define “Common Household” ~ **Reminder**

Item 2: American Fork City Public Utility Zone Request ~ General Plan Future Land Use Map and Zoning Map Amendment ~ Public Hearing and Recommendation



**Item 3: American Fork City Pressurized Irrigation Filter Station ~
Conditional Use Permit ~ Public Hearing and Recommendation**



**Item 4: Temporary Outdoor Sales, C-1 Zone - Code Addition/
Amendment ~ Public Hearing and Recommendation**

Motion:

That the Planning Commission recommend the City Council amend Article 4.2 C-1 Zone, Section 3-4302: Conditional Uses per the recommendations of staff.

The Planning Commission will need to specifically list any additional conditions or recommendations in the motion that the Planning Commission would like to impose that have not been specifically identified by staff.

Sponsor:

Highland City

Staff Presentation:

Lonnie Crowell, Community Development Director to present

Recommendation:

That the Planning Commission recommend this code amendment to offer additional opportunity for local business to be competitive and consistent in the regional market, to provide more opportunity for community gathering, and to be consistent with adjacent commercial zoning.

Findings:

The Planning Commission may use findings to approve or not approve this application

Background:

There have been requests over the past several years (and even more recently) for the ability to hold limited parking lot or outdoor temporary sales events within the C-1 Zone. The recent amendment to the Town Center Overlay Zone provides for limited opportunities with a Conditional Use Application (5 times per year, 2 days per event - Friday and Saturday). Staff recommends that the ordinance for the C-1 Zone be amended to provide for this opportunity with more flexibility to provide additional opportunity for those businesses in Highland to succeed. **It is the intent of this request to allow for "sidewalk sales" which may be conducted in front of a business or within the parking lot of the Lone Peak Shopping Center (or other C-1 Zone locations).**

It is staff's opinion that these types of sales are a good opportunity for businesses to advertise their existence while providing an opportunity for residents to gather for such events. In addition, it is the opinion of many that similar opportunities in communities throughout the state create an advantage that does not exist here. This requested opportunity may actually be beneficial to the businesses, the residents, and the City. This would allow the businesses in Highland the opportunity to potentially gain additional business and sales which in turn may increase the potential for the success of your commercial areas while providing a reason for the residents of Highland to visit this area more often.

The proposed ordinance limits the types of possible uses and products to those which already exist within the underlying zone. In addition to this code amendment request, staff would recommend at a future date, and for the previously mentioned reasons, amending the Town Center Overlay Zone text and CR Zone text so that it is consistent with the proposed ordinance and proposed changes.

Legal Authority:

- Utah Code; 10-9a-502, 503
 - Highland City Development Code (HCDC) Chapter 9, Amendments to Title and Zone Map
-

Fiscal Impact:

N/A

List of Attachments:

- Proposed Code Amendment text
- Existing Town Center Overlay ordinance (*for comparison*)

ARTICLE 4.3

C-1 ZONE

3-4302: Conditional Uses. (Amend: 6/17/03) As noted in the following sections,

- (12) **Temporary outdoor sales events.** After obtaining an temporary outdoor sales permit, a person or business who has a business license to operate in Highland may participate in an outdoor sales event within the C-1 Zone only if the following requirements are met:
 - (a) The person or business has written authorization from the property owner to conduct this sales event on their property; and
 - (b) Outdoor sales events shall only include items/products that are sold on premises, legally grown within Highland City Boundaries, or items/products sold through businesses owned by residents of Highland; and
 - (c) A temporary outdoor sales event permit shall expire after a period of one (1) year; and
 - (d) Any proposed use or product for sale shall be consistent with the existing permitted or conditional uses allowed within the underlying zone and consistent with any and all relevant city ordinances and laws not specified within that zone; and
 - (e) Only products for retail sale during the sales event shall be permitted to be located on the property where the sales event takes place; and
 - (i) Permanent outdoor inventory storage shall not be permitted as part of this permit or use; and
 - (f) Temporary outdoor sales events shall only operate on days during the week when the majority of the businesses located within that zone are open; and
 - (g) Temporary outdoor sales events shall not operate between the hours of 12:00 a.m. and 6:00 a.m.
 - (h) As part of the Temporary outdoor sales event permit the City Zoning Administrator may impose reasonable conditions to mitigate any reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards.
 - (i) If the City Zoning Administrator finds that a compelling public interest would be jeopardized by approving the application OR if reasonably anticipated detrimental effects of a proposed use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with the applicable standards of the underlying zone the City Administrator shall deny the permit.
 - A. Detrimental effects are not limited to but may include the following conditions;
 1. Hazardous parking or other traffic conditions or activities; and
 2. Hazardous pedestrian circulation hazards; and
 3. Any illegal activities including signage violations; and
 4. Any activities not consistent with the underlying zone; and
 5. Removal, destruction, or disturbance of any existing landscaping.
 - (ii) If a proposed use or product for sale is not consistent with the existing permitted or conditional uses allowed within the underlying zone where the temporary sales event will occur, the City Zoning Administrator shall deny the permit.

Proposed Code Addition

3-4706: Conditional Uses. Uses identified as Conditional Uses in Land Use Table 3-47A within this code are subject to conditions as defined in this ordinance and in the Commercial Design Standards. These standards may be recommended by the Planning Commission and applied by the City Council at site plan and architectural approval if applicable. Only those uses specifically identified in Land Use Table 3-47A shall be considered as Conditional Uses:

- (1) Accessory structures and accessory uses necessarily and customarily incidental to the above uses and specifically provided for in the Conditional Use Permit. All uses must be compatible with the Zone as follows:
 - (a) All accessory structures shall be attached to the primary building or a masonry wall; and
 - (b) Accessory structures shall be designed and constructed consistent with all aspects of the primary building;
 - (c) Accessory structures shall only be located behind the primary structure and shall be significantly screened by landscaping from any right-of-way;
 - (d) In all cases, an accessory structure shall be a minimum of fifty (50) feet from the nearest right-of-way.
 - (e) Only accessory uses that are necessarily and customarily incidental to the primary use shall be considered under this ordinance.
- (2) Convenience store, gas stations, freestanding fuel centers (only permitted in the Town Center Commercial Retail District and if adjacent to SR-92 or SR-74 but not immediately adjacent to Town Center Boulevard, Parkway East, Parkway West, Town Square East, or Town Square West); or
- (3) Art and craft galleries, and studios for the teaching of arts and crafts; or
- (4) Temporary outdoor sales events.
 - (a) Temporary outdoor sales shall not exceed two (2) consecutive days for each event; and
 - (b) Temporary outdoor sales events shall not exceed five (5) separate events per year per business.
 - (c) Outdoor sales events shall only include items that are sold on premises or legally grown within Highland City Boundaries.
- (5) Temporary outdoor farmer's market events.
 - (a) Participants in a temporary outdoor farmer's market event shall obtain a business license from the City.
 - (i) Participants in a temporary outdoor farmer's market event shall provide evidence that they are a resident of Highland or a resident from an adjacent contiguously connected municipality.
 - (b) Temporary outdoor farmer's market events shall not exceed two (2) consecutive days for each event; and

HIGHLAND CITY DEVELOPMENT CODE

- (c) Temporary outdoor sales events shall only be available Friday and Saturday between the months of July through October at a City designated location.

Item 5: Code Amendment 3-622: Purpose of Public Utilities to Specifically Define and Permit Alternative Energy ~ Public Hearing and Recommendation

Motion:

That the Planning Commission recommend the City Council amend Section 3-622: Purpose of Public Utilities within the Highland City Development Code to allow for Individual Private Alternative Energy Facilities per the Recommendations of staff.

The Planning Commission will need to specifically list any additional conditions or recommendations in the motion that the Planning Commission would like to impose that have not been specifically identified by staff.

Sponsor:

Highland City

Staff Presentation:

Carly LeDuc, planner to present

Recommendation:

What

Findings:

The Planning Commission may use findings to recommend or not recommend the City Council consider this Code Amendment

Background:

Staff is requesting that the Planning Commission recommend to amend the Purpose of Public Utilities Code to allow for alternative energy. The Planning Commission should determine what should be permitted and required for this use. Staff has provided a draft ordinance for the Planning Commission to review and comment on. The proposed amended ordinance was drafted to allow for alternative energy systems within in Highland, specifically solar and wind.

The text of the Purpose of Public Utilities Code was rearranged differently from the original text for clarity. The text was worded exactly the same as previous for the most part. The text in blue is either what was added for clarification purposes or is the newly drafted portion pertaining to alternative energy. Text in red is proposed to be deleted or moved to another sub-paragraph within the same section. Text in bold gold are the result of comments from the previous Planning Commission meeting. Text in pink strikeout are the result of the previous Planning Commission meeting. Text in orange bold is a request from Rocky Mountain Power.

On April 14, 2009 the Planning Commission discussed this item at length. There were comments regarding the existing language within the public utilities section. Staff has proposed some amendments based upon those comments within these sections. In addition, there were several questions regarding the alternative energy structures, specifically the ground mounted structures which were answered during that meeting (see minutes).

On April 28, 2009 the Planning Commission discussed all of the options for alternative energy facilities again and made several comments which are now reflected in the staff report. It was the Planning Commissions

determination that the poles should be allowed without a Conditional Use Permit if that requirement only pertained to smaller lots. It was the Planning Commission's determination that the setback should not be an issue if the poles are constructed/engineered to meet the current building code wind load of 90 mph. It was the request of the wind tower sales person that the engineering not be required to exceed these limits. Staff has included information indicating that wind speed has been recorded in Highland at 90 mph. It is Staff's recommendation that any tower be engineered and constructed to exceed the recorded wind speed in Highland to avoid potential hazards related to a wind or solar tower that fall due to natural causes. It is the purpose of this code to avoid potential life-threatening hazards not simply to meet the minimum standard. This is the reasoning behind requiring a 100 mph wind load. The Planning Commission may simply amend this to 90 mph if it is determined that this is adequate by the Planning Commission. Staff strongly recommends that the construction and installation of the alternative energy facility is carefully monitored to ensure its consistency with whichever building code is applied due to the potential for severe property damage and/or death if constructed improperly. The city will be held liable if such an instance occurs.

The number of towers previously discussed is entirely based upon aesthetics, obviously for those who live adjacent to the facility. The Planning Commission recommended that the number be regulated by lot size. Staff recommends the towers be permitted as follows: less than 20,000 s.f. 1 tower; 20,000 - 40,000 s.f., 2 towers; 1 additional tower for each 1 acre thereafter. These numbers were simply included for consideration and discussion without any scientific, planning, engineering or other data as reasoning. Simply because this number is based entirely upon aesthetic preference. The Planning Commission can and will need to determine how many towers they believe should be located on a lot based upon the size of the lot.

In addition, staff has included documentation that includes photographs of each different alternative energy type with Utah alternative energy data and maps and articles related to towers falling over to help the Planning Commission understand that this is a reality. There are many more similar articles however this was not the point. The Planning Commission will need to determine the best ordinance to recommend for the residents of Highland whether they own an alternative energy facility or not. The attached ordinance reflects the Planning Commission's comments on

Legal Authority:

- Utah Code; 10-9a-502, 503
- Highland City Development Code (HCDC) Chapter 9, Amendments to Title and Zone Map

Fiscal Impact:

- N/A

List of Attachments:

- Current Ordinance
- Proposed Ordinance
- Additional photos, research, attached separately

3-622: Purpose of Public Utilities. (Amended: 11/11/03, 4/20/04, 8/6/04) (1) Any above-ground device or structure of a culinary water, irrigation, reservoir, or private utility system not owned or operated by Highland City or Highland Water Company, which is intended to regulate the function of a storage device or distribution line or which receives or transmits a signal, must provide direct services to a majority of Highland City businesses and residents and shall only be located within the Public Utility Zone (Article 3-4.10 in this Code).

- (1) The following objects that are placed upon an individual lot for the sole purpose of serving that individual property are exempt from locating within a Public Utility Zone: single user transmitters, receivers, antenna facilities and other types of installation used for the provision of personal wireless services, personal Satellite dish receiving antennas eighteen inches or less in diameter, personal television broadcast receiving antennas, personal radio broadcast receiving antennas, and personal amateur radio antennas (receiving and transmitting). The before mentioned antennas are exempt from acquiring a Conditional Use Permit provided all such antennas are accessory use antennas only not for creating profit or for commercial purposes, in addition to the following conditions:
 - (a) Such antennas shall be located only on a roof or in rear or side yards unless such restriction precludes reception of an acceptable quality signal (the City does not enforce subdivision requirements which may require additional restrictions on the placement of personal antennas). In such case such antennas may be placed anywhere on the lot except within a public utility easement. Proof of the inability to receive an acceptable quality signal shall be provided to the Zoning Administrator upon request; and
 - (i) The vertical apex of the receiving device shall not exceed the greater of the Zone Height Limit or twenty (20) feet in height from ground level.
 - (ii) Utility, irrigation, and sewer lines associated with individual building permits connecting individual residences or commercial users to an existing distribution line do not require a Conditional Use Permit.
 - (iii) The replacement or repair of existing above ground transmission power lines or distribution power lines require a Conditional Use Permit but are not required to be within a Public Utility Zone. All new power lines which may be constructed shall be installed under-ground. Emergency replacement of power poles and or lines does not require compliance with this section of the code. It shall be a requirement that replacement power lines and poles shall be placed in a location that is consistent with the transportation element of the Highland City General Plan, unless the City Council determines that placement in said location is not in the best interest of the City.
 - (iv) All under-ground device or structure, of a culinary water, irrigation, reservoir, or public utility system not owned or operated by Highland City or Highland Water Company, which is intended to regulate the function of a storage device or distribution line or which receives or transmits a signal, must provide a majority of their direct services to Highland City businesses and residents and shall be required to obtain a Conditional Use Permit. Exceptions: see 3-622.3 above.

3-622: Purpose of Public Utilities Public, Private, and Individual Utilities. (Amended: 11/11/03, 4/20/04, 8/6/04) ~~(1) Any above-ground device or structure of a culinary water, irrigation, reservoir, or private utility system not owned or operated by Highland City or Highland Water Company, which is intended to regulate the function of a storage device or distribution line or which receives or transmits a signal, must provide direct services to a majority of Highland City businesses and residents and shall only be located within the Public Utility Zone (Article 3-4.10 in this Code). The following objects that are placed upon an individual lot for the sole purpose of serving that individual property are exempt from locating within a Public Utility Zone:~~

- ~~(1) **Public and Private Utilities.** The following objects that are placed upon an individual lot for the sole purpose of serving that individual property are exempt from locating within a Public Utility Zone: single user transmitters, receivers, antenna facilities and other types of installation used for the provision of personal wireless services, personal Satellite dish receiving antennas eighteen inches or less in diameter, personal television broadcast receiving antennas, personal radio broadcast receiving antennas, and personal amateur radio antennas (receiving and transmitting). The before mentioned antennas are exempt from acquiring a Conditional Use Permit provided all such antennas are accessory use antennas only not for creating profit or for commercial purposes, in addition to the following conditions:~~
 - (1) **Above-Ground.** Any above ground device or structure of a culinary water, irrigation, reservoir, or private utility system not owned or operated by Highland City or controlled on Highland City owned property or Highland Water Company, which is intended to regulate the function of a storage device or distribution line or which receives or transmits a signal, ~~must provide direct services to a majority of Highland City businesses and residents and~~ shall only be located within the Public Utility Zone (Article 3-4.10 in this Code) and shall be required to obtain a Conditional Use Permit prior to installation. Any above ground device or structure of a culinary water, irrigation, reservoir, or other utility system owned or operated by Highland City or other similar municipal public utility controlled on property owned by Highland City, which is intended to regulate the function of a storage device or distribution line or which receives or transmits a signal, shall be required to first obtain a Conditional Use Permit prior to installation. Such antennas shall be located only on a roof or in rear or side yards unless such restriction precludes reception of an acceptable quality signal (the City does not enforce subdivision requirements which may require additional restrictions on the placement of personal antennas). In such case such antennas may be placed anywhere on the lot except within a public utility easement. Proof of the inability to receive an acceptable quality signal shall be provided to the Zoning Administrator upon request; and
 - (a) **Exception.** The replacement or repair of existing above ground transmission power lines or distribution power lines require a Conditional Use Permit but are not required to be within a Public Utility Zone. All new distribution power lines (**less than 34 kV**) which may be constructed shall be installed under-ground. Emergency replacement of power poles and or lines does not require compliance with this section of the code. It shall be a requirement that replacement power lines and poles shall be placed in a location that is consistent with the transportation element of the Highland City General Plan, unless the City Council determines that placement in said location is not in the best interest of the City. This exception does not apply to telecommunication facilities (Municipal Code; Chapter 13.44).
 - (b) ~~The vertical apex of the receiving device shall not exceed the greater of the Zone Height Limit or twenty (20) feet in height from ground level.~~
 - (c) ~~Utility, irrigation, and sewer lines associated with individual building permits connecting individual residences or commercial users to an existing distribution line do not require a Conditional Use Permit.~~
 - (d) ~~The replacement or repair of existing above ground transmission power lines or distribution power lines require a Conditional Use Permit but are not required to e within a Public Utility Zone. All new power lines which may be constructed shall be installed under-ground. Emergency replacement of power poles and or lines does not require compliance with this~~

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~~section of the code. It shall be a requirement that replacement power lines and poles shall be placed in a location that is consistent with the transportation element of the Highland City General Plan, unless the City Council determines that placement in said location is not in the best interest of the City.~~

- (e) ~~All under-ground device or structure, of a culinary water, irrigation, reservoir, or public utility system not owned or operated by Highland City or Highland Water Company, which is intended to regulate the function of a storage device or distribution line or which receives or transmits a signal, must provide a majority of their direct services to Highland City businesses and residents~~
- (2) **Under-Ground.** Any landscape or structure removed during installation of an under-ground utility or utility system shall be restored to original condition or replaced accordingly. ~~The replacement or repair of existing under ground utilities shall not be required to be within a Public Utility Zone however the installation of any new facilities shall be required to first obtain a Conditional Use Permit prior to construction.~~
- (3) **Individual Utilities.** Individual utilities that are placed upon an individual lot for the sole purpose of serving that individual property and not for creating profit or for commercial purposes are not required to obtain a Conditional Use Permit. Individual Utilities are not permitted to locate within a Public Utility Zone. Individual utilities include:
 - (a) **Lot Improvements.** Utility, irrigation, and sewer lines associated with individual building permits connecting individual residences or commercial users to an existing distribution line.
 - (b) **Antennas.** (including: single user transmitters, receivers, antenna facilities and other types of installation used for the provision of personal wireless services, personal Satellite dish receiving antennas eighteen inches or less in diameter, personal television broadcast receiving antennas, personal radio broadcast receiving antennas, personal amateur radio antennas used for receiving and transmitting)
 - (c) **Location.** Antennas shall be located only on a roof or in rear or side yards unless such restriction precludes reception of an acceptable quality signal (the City does not enforce subdivision requirements which may require additional restrictions on the placement of personal antennas). In such case such antennas may be placed anywhere on the lot except within a public utility easement. Proof of the inability to receive an acceptable quality signal shall be provided to the Zoning Administrator upon request.
 - (d) **Height.** The vertical apex of the receiving device shall not exceed the greater of the Zone Height Limit or twenty (20) feet in height from ground level.
- (4) **Alternative Energy Conversion Systems.** Individual alternative energy conversion systems that are placed upon an individual lot for the sole purpose of serving that individual property and not for creating profit or for commercial purposes are not required to obtain a Conditional Use Permit and not required to locate within a Public Utility Zone. Individual alternative energy conversion systems include:
 - (a) **General Requirements.**
 - (i) **Safety.** There shall be sufficient safety measures **in place established by the property owner** to prevent any alternative energy towers from becoming a climbing hazard or from twisting or falling over due to natural events.
 - A. **Emergency Procedure Sign.** Procedures for emergency shutdown of power generation units shall be established and posted prominently and permanently within three (3) feet of the meter panel.
 - B. **Existing Power Line Facility.** **The applicant shall obtain approval from the local power company indicating that the proposed location for the tower(s) will not interfere with existing electric utility facilities.**
 - (ii) **Net Metering.** Net metering or interconnect systems shall meet any cost or regulation required by the local power company's guidelines.

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- (iii) **Trees.** It is not recommended that trees are removed or destroyed for the purposes of better access for alternative energy.
- (iv) **Guy Wires.** Alternative Energy Facilities shall not use guy wires or other similar peripheral supporting devices in order to provide structural support but shall be installed upon one independent pole that is adequately engineered to support that system.
- (v) **Building Permit.** All Ground Mounted Alternative Energy Facilities (GMAEF) shall be required to include the following information:
 - A. All GMAEF applications and plans shall be stamped by an engineer identifying each specific site indicating that the tower will withstand a minimum of a 100 m.p.h. wind load; and
 - B. The engineer shall be present during installation and verify in writing that the construction of the tower meets or exceeds the minimum wind load and/or requirements as indicated within the submitted plans; and
 - C. Manufacturer specifications for components and installation shall be required with each application; and
 - D. Net metering locations and connection details; and
 - E. The application shall include a detailed site plan showing the location of the proposed tower with elevations; and
 - F. GMAEF must comply with applicable Federal Aviation Administration (FAA) regulations; and
 - G. All other information required to be submitted and inspected by the current International Building Code related to the specific alternative energy facility proposed.
- (vi) **Abandonment.** If an alternative energy facility is not functional, operational or maintained for a period of one (1) year then the owner shall have the facility immediately removed from the property.
- (b) **Roof Mount Solar Energy System.** A roof mounted solar system may be installed upon the roof of the primary structure or an accessory structure within any zone.
 - (i) **Sloped Roof.** On a sloped surface, in no instance shall any part of the system extend beyond the lower or upper roofline. Panels shall not exceed more than one (1') foot in height measured from the finished roof to the top of the panel.
 - (ii) **Flat Roof.** On a flat surface, panels shall be set back a minimum of ~~ten (10')~~ **five (5')** feet ~~from the roofline and shall not exceed a height that can be seen from the nearest sidewalk (or right-of-way line if a sidewalk does not exist).~~
- (c) **Ground Mount Solar Energy System (GMSES).** Ground mounted solar systems are permitted within all commercial zones and only permitted within a residential zone if the following applies:
 - (i) **Lot Size Number.** ~~A maximum of one (1) GMSS shall be permitted on a lot that is at least 20,000 square feet in size~~ Each homeowner may install one (1) Ground Mount Solar Energy System on their lot based upon the size of the lot as follows:
 - A. Lots 20,000 square feet or less may have one (1) above ground alternative energy facility installed on that property; and
 - B. Lots between 20,000 – 40,000 square feet may have two (2) above ground alternative energy facilities installed on that property; and
 - C. A property owner may install one (1) additional above ground alternative energy facility for each additional acre above 40,000 s.f.
 - (ii) **Rear Yard.** All GMSES shall not be located within the minimum front yard setback of any lot, nor within the minimum side yard setback facing a street on a corner lot, nor on the roof of a residential structure; and

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- (iii) **Height.** The height of the system is not to exceed twenty-two feet (22') in height at its maximum peak; and
 - (iv) **Setbacks.** In all cases the minimum setback shall be no less than **ten feet from a property line, and** one-hundred ten percent (110%) of the height of the solar **tower facility** from all ~~surrounding property lines,~~ overhead utility lines and existing structures on any property surrounding the proposed tower location; and
 - (v) **Density.** The GMSES shall be considered an accessory structure when determining the size ~~and density~~ within a residential lot. **The GMSES combined with any accessory structures** ~~and~~ shall not exceed five percent (5%) of the size of the lot ~~or less than the square footage of the main floor living area of the primary dwelling unit whichever is smaller.~~
- (d) **Small Wind Energy Conversion Systems (SWECS).** A SWECS shall be any wind tower and wind generator ~~less than forty-five feet (45') in height~~ that is specifically constructed as an individual utility as **specifically defined above in this ordinance.** A small wind energy conversion system (SWECS) shall not be permitted that is designed without an automatic braking, governing, or managing system for the purpose of preventing uncontrolled rotation, overspeeding, and excessive pressure on the tower structure, rotator blades, and turbine components. The following regulations shall apply to all small wind energy conversion systems:
- (i) **Lot Size Number.** ~~A maximum of one (1) SWECS shall be permitted on a lot that is at least 20,000 square feet in size~~ **Each homeowner may install one (1) Small Wind Energy Conversion System on their lot.**
 - A. **Lots 20,000 square feet or less may have one (1) above ground alternative energy facility installed on that property; and**
 - B. **Lots between 20,000 – 40,000 square feet may have two (2) above ground alternative energy facilities installed on that property; and**
 - C. **A property owner may install one (1) additional above ground alternative energy facility for each additional acre above 40,000 s.f.**
 - (ii) **Setbacks.** Except as provided for in this ordinance, any portion of the SWECS shall be set back a distance **no less than ten feet (10') from a property line, and equal to** one hundred ten percent (110%) of the tower height plus the turbine blade length from all ~~property lines and a distance equal to one hundred fifty percent (150%) of the tower height plus the turbine blade length from any dwelling on an adjacent property~~ **overhead utility lines and existing structures on any property surrounding the proposed tower location.**
 - A. ~~SWECS that do not meet the minimum setback requirements defined above shall be required to obtain a Conditional Use Permit. In no case shall the SWECS be closer than one hundred ten percent (110%) from an adjacent residential structure.~~
 - (iii) **Location.** Any part of the SWECS shall not be located within the minimum front yard setback of any lot, nor within the minimum side yard setback facing a street on a corner lot, nor on the roof of a residential structure.
 - (iv) **Height.** ~~The maximum height of small wind energy system (including the tower and or blades) shall not exceed the height of the existing home.~~ **A SWECS may not exceed a total of fifty-five feet (55') in height from grade to the highest point of the facility including the generator and turbine blades.**
 - A. ~~Small wind energy systems proposed to be over the height of the home feet will require approval from the Planning Commission as part of the Conditional Use Permit and shall in no case exceed forty-five (45) feet in height.~~

- B. The minimum distance between the ground and any protruding blades utilized on a small wind energy system shall be 15 feet as measured at the lowest point of the arc of the blades.
- (v) **Material.** SWECS towers shall maintain either a galvanized steel finish or a finish in a color approved by the **Home Owner's Association/Architectural Approval Board of the subdivision the property is located in (if one exists) Planning Commission as part of the conditional use**, and shall not be artificially lighted unless required by the FAA.
- (vi) **Noise.** SWECS shall not exceed sixty (60) decibels as measured at the closest property line except during short term severe wind events. A manufacturer's sound report shall be required with an application for a small wind energy system.
- ~~(vii) **Building Permit.** All SWECS shall be required to include the following information:~~
 - ~~A. All SWECS applications and plans shall be stamped by an engineer identifying each specific site indicating that the tower will withstand a minimum of a 130 m.p.h. wind load; and~~
 - ~~B. The engineer shall be present during installation and verify in writing that the construction of the wind tower meets or exceeds the minimum wind load and/or requirements as indicated within the submitted plans; and~~
 - ~~C. Manufacturer specifications for components and installation shall be required with each application; and~~
 - ~~D. Net metering locations and connection details; and~~
 - ~~E. The application shall include a detailed site plan showing the location of the proposed wind tower and elevations; and~~
 - ~~F. SWECS must comply with applicable Federal Aviation Administration (FAA) regulations; and~~
 - ~~G. All other information required to be submitted and inspected by the current International Building Code related to the specific alternative energy facility proposed.~~
- (e) **Roof Mount Wind System.** Roof mount wind energy conversion systems are prohibited in residential zones but are permitted in commercial zones on a flat roof **however each facility shall be set back a minimum of five (5') feet from the roofline.**
- (f) ~~Conditional Use Permit Requirements for Alternative Energy. If the minimum standards defined above can not be met and it is indicated in this ordinance that a Conditional Use Permit application is available, the Planning Commission and City Council may require additional conditions (in addition to those conditions defined in Chapter 4, Conditional Use in this Code) as follows:~~
 - ~~(i) Additional landscaping along an affected property line that is adequate enough to mitigate any visual or other impact created by the new facility; and~~
 - ~~(ii) Painting, coloring, and other agreed upon method of concealing the material the pole is constructed from to mitigate any visual or other impact created by the new facility; and~~
 - ~~(iii) Increased engineering stability and construction requirements exceeding the above specifications may be included if it is proven that the requirements above are not adequate for a specific location.~~

Proposed Ordinance - edits removed

3-622: Public, Private, and Individual Utilities. (Amended: 11/11/03, 4/20/04, 8/6/04) The following objects that are placed upon an individual lot for the sole purpose of serving that individual property are exempt from locating within a Public Utility Zone:

- (1) **Above-Ground.** Any above ground device or structure of a culinary water, irrigation, reservoir, or private utility system not owned or operated by Highland City or controlled on Highland City owned property, which is intended to regulate the function of a storage device or distribution line or which receives or transmits a signal, shall only be located within the Public Utility Zone (Article 3-4.10 in this Code) and shall be required to obtain a Conditional Use Permit prior to installation. Any above ground device or structure of a culinary water, irrigation, reservoir, or other utility system owned or operated by Highland City or other similar municipal public utility controlled on property owned by Highland City, which is intended to regulate the function of a storage device or distribution line or which receives or transmits a signal, shall be required to first obtain a Conditional Use Permit prior to installation.
 - (a) **Exception.** The replacement or repair of existing above ground transmission power lines or distribution power lines require a Conditional Use Permit but are not required to be within a Public Utility Zone. All new distribution power lines (less than 34 kV) which may be constructed shall be installed under-ground. Emergency replacement of power poles and or lines does not require compliance with this section of the code. It shall be a requirement that replacement power lines and poles shall be placed in a location that is consistent with the transportation element of the Highland City General Plan, unless the City Council determines that placement in said location is not in the best interest of the City. This exception does not apply to telecommunication facilities (Municipal Code; Chapter 13.44).
- (2) **Under-Ground.** Any landscape or structure removed during installation of an under-ground utility or utility system shall be restored to original condition or replaced accordingly. The replacement or repair of existing under ground utilities shall not be required to be within a Public Utility Zone however the installation of any new facilities shall be required to first obtain a Conditional Use Permit prior to construction.
- (3) **Individual Utilities.** Individual utilities that are placed upon an individual lot for the sole purpose of serving that individual property and not for creating profit or for commercial purposes are not required to obtain a Conditional Use Permit. Individual Utilities are not permitted to locate within a Public Utility Zone. Individual utilities include:
 - (a) **Lot Improvements.** Utility, irrigation, and sewer lines associated with individual building permits connecting individual residences or commercial users to an existing distribution line.
 - (b) **Antennas.** (including: single user transmitters, receivers, antenna facilities and other types of installation used for the provision of personal wireless services, personal Satellite dish receiving antennas eighteen inches or less in diameter, personal television broadcast receiving antennas, personal radio broadcast receiving antennas, personal amateur radio antennas used for receiving and transmitting)
 - (c) **Location.** Antennas shall be located only on a roof or in rear or side yards unless such restriction precludes reception of an acceptable quality signal (the City does not enforce subdivision requirements which may require additional restrictions on the placement of personal antennas). In such case such antennas may be placed anywhere on the lot except within a public utility easement. Proof of the inability to receive an acceptable quality signal shall be provided to the Zoning Administrator upon request.
 - (d) **Height.** The vertical apex of the receiving device shall not exceed the greater of the Zone Height Limit or twenty (20) feet in height from ground level.
- (4) **Alternative Energy Conversion Systems.** Individual alternative energy conversion systems that are placed upon an individual lot for the sole purpose of serving that individual property and not for creating profit or for commercial purposes are not required to obtain a Conditional Use Permit and not required to locate within a Public Utility Zone. Individual alternative energy conversion systems include:
 - (a) **General Requirements.**

Proposed Ordinance - edits removed

- (i) **Safety.** There shall be sufficient safety measures in place established by the property owner to prevent any alternative energy towers from becoming a climbing hazard or from twisting or falling over due to natural events.
 - A. **Emergency Procedure Sign.** Procedures for emergency shutdown of power generation units shall be established and posted prominently and permanently within three (3) feet of the meter panel.
 - B. **Existing Power Line Facility.** The applicant shall obtain approval from the local power company indicating that the proposed location for the tower(s) will not interfere with existing electric utility facilities.
- (ii) **Net Metering.** Net metering or interconnect systems shall meet any cost or regulation required by the local power company's guidelines.
- (iii) **Trees.** It is not recommended that trees are removed or destroyed for the purposes of better access for alternative energy.
- (iv) **Guy Wires.** Alternative Energy Facilities shall not use guy wires or other similar peripheral supporting devices in order to provide structural support but shall be installed upon one independent pole that is adequately engineered to support that system.
- (v) **Building Permit.** All Ground Mounted Alternative Energy Facilities (GMAEF) shall be required to include the following information:
 - A. All GMAEF applications and plans shall be stamped by an engineer identifying each specific site indicating that the tower will withstand a minimum of a 100 m.p.h. wind load; and
 - B. The engineer shall be present during installation and verify in writing that the construction of the tower meets or exceeds the minimum wind load and/or requirements as indicated within the submitted plans; and
 - C. Manufacturer specifications for components and installation shall be required with each application; and
 - D. Net metering locations and connection details; and
 - E. The application shall include a detailed site plan showing the location of the proposed tower with elevations; and
 - F. GMAEF must comply with applicable Federal Aviation Administration (FAA) regulations; and
 - G. All other information required to be submitted and inspected by the current International Building Code related to the specific alternative energy facility proposed.
- (vi) **Abandonment.** If an alternative energy facility is not functional, operational or maintained for a period of one (1) year then the owner shall have the facility immediately removed from the property.
- (b) **Roof Mount Solar Energy System.** A roof mounted solar system may be installed upon the roof of the primary structure or an accessory structure within any zone.
 - (i) **Sloped Roof.** On a sloped surface, in no instance shall any part of the system extend beyond the lower or upper roofline. Panels shall not exceed more than one (1') foot in height measured from the finished roof to the top of the panel.
 - (ii) **Flat Roof.** On a flat surface, panels shall be set back a minimum of five (5') feet from the roofline.
- (c) **Ground Mount Solar Energy System (GMSES).** Ground mounted solar systems are permitted within all commercial zones and only permitted within a residential zone if the following applies:
 - (i) **Number.** Each homeowner may install one (1) Ground Mount Solar Energy System on their lot based upon the size of the lot as follows:
 - A. Lots 20,000 square feet or less may have one (1) above ground alternative

Proposed Ordinance - edits removed

- B. Lots between 20,000 – 40,000 square feet may have two (2) above ground alternative energy facilities installed on that property; and
- C. A property owner may install one (1) additional above ground alternative energy facility for each additional acre above 40,000 s.f.
- (ii) **Rear Yard.** All GMSES shall not be located within the minimum front yard setback of any lot, nor within the minimum side yard setback facing a street on a corner lot, nor on the roof of a residential structure; and
- (iii) **Height.** The height of the system is not to exceed twenty-two feet (22') in height at its maximum peak; and
- (iv) **Setbacks.** In all cases the minimum setback shall be no less than ten feet from a property line, and one-hundred ten percent (110%) of the height of the solar facility from all overhead utility lines and existing structures on any property surrounding the proposed tower location; and
- (v) **Density.** The GMSES shall be considered an accessory structure when determining the size within a residential lot. The GMSES combined with any accessory structures shall not exceed five percent (5%) of the size of the lot.
- (d) **Small Wind Energy Conversion Systems (SWECS).** A SWECS shall be any wind tower and wind generator that is specifically constructed as an individual utility as specifically defined in this ordinance. A small wind energy conversion system (SWECS) shall not be permitted that is designed without an automatic braking, governing, or managing system for the purpose of preventing uncontrolled rotation, overspeeding, and excessive pressure on the tower structure, rotator blades, and turbine components. The following regulations shall apply to all small wind energy conversion systems:
 - (i) **Number.** Each homeowner may install one (1) Small Wind Energy Conversion System on their lot.
 - A. Lots 20,000 square feet or less may have one (1) above ground alternative energy facility installed on that property; and
 - B. Lots between 20,000 – 40,000 square feet may have two (2) above ground alternative energy facilities installed on that property; and
 - C. A property owner may install one (1) additional above ground alternative energy facility for each additional acre above 40,000 s.f.
 - (ii) **Setbacks.** Except as provided for in this ordinance, any portion of the SWECS shall be set back a distance no less than ten feet (10') from a property line, and one hundred ten percent (110%) of the tower height plus the turbine blade length from all overhead utility lines and existing structures on any property surrounding the proposed tower location.
 - (iii) **Location.** Any part of the SWECS shall not be located within the minimum front yard setback of any lot, nor within the minimum side yard setback facing a street on a corner lot, nor on the roof of a residential structure.
 - (iv) **Height.** A SWECS may not exceed a total of fifty-five feet (55') in height from grade to the highest point of the facility including the generator and turbine blades.
 - A. The minimum distance between the ground and any protruding blades utilized on a small wind energy system shall be 15 feet as measured at the lowest point of the arc of the blades.
 - (v) **Material.** SWECS towers shall maintain either a galvanized steel finish or a finish in a color approved by the Home Owner's Association/Architectural Approval Board of the subdivision the property is located in (if one exists) and shall not be artificially lighted unless required by the FAA.
 - (vi) **Noise.** SWECS shall not exceed sixty (60) decibels as measured at the closest property line except during short term severe wind events. A manufacturer's sound report shall be required with an application for a small wind energy system.

ATTACHMENT

Item 6: Define “Common Household” ~ Reminder

Summary Statement:

Staff would like the Planning Commission to define Common Household for building review purposes.

Sponsor:

Highland City

Staff Presentation:

Carly LeDuc, Planner to present

Background:

There is a “gray area” when referring to the definition of Common Household. The term is found under the definition section of family in the development code. In the past, staff has defined it as sharing a common home facility, either kitchen or laundry. Staff has also concluded that sharing a Common Household incorporates both parties accessing the home through the main entrance. Staff is not proposing to amend the definition of a family but simply to create consistency or be given direction with the construction of a home or separation of a home based upon relation. A common household definition will help in regulating single family homes not separate dwelling units.

Existing Family definition:

- (20) **Family** -- An individual or two or more persons related by blood, marriage, or adoption, living together in a single dwelling unit and maintaining a **common household**. A family may include two, but not more than two, non-related persons living with the residing family. The term “family” shall not be construed to mean a group of non-related individuals, a fraternity, club or institutional group.

This definition is important when building plans for additions to homes are submitted or when evaluating a possible illegal apartment. The term “Common Household” is too vague to successfully access these types of situations. Staff feels that having defined language clarifying this term will help in day to day processes.

A resident provided the following information which suggested simply that the home is not separated by a wall: *My husband is working as a census enumerator and trainer, and said that the household definition was an important one for his work. He said the census defines a separate household as one having an entire separate wall, thought that was a nice simple definition...*

Comments during and following the Planning Commission meeting by the Planning Commissioners and staff resulted in the following possibility:

10-102: Definitions

- 12) **Common Household** - Common living quarters in which the occupants live and eat in common areas, share common laundry facilities, share common unobstructed access to all of the living quarters within the building and share a common access from outside of the building which provides access to all living quarters within the building.

Proposed Action:

The Planning Commission completed a questionnaire that was provided by staff at the last Planning Commission meeting. Results of the questionnaire are reflected in the ordinance and the questionnaire

summary. A public hearing will be held prior to the Planning Commission making a recommendation to the City Council as required by state law.

Legal Authority:

- Utah Code; 10-9a-502, 503
- Highland City Development Code (HCDC) Chapter 9, Amendments to Title and Zone Map

Fiscal Impact:

- N/A

List of Attachments:

- "Common Household" questionnaire summary

COMMON HOUSEHOLD QUESTIONNAIRE SUMMARY

IS IT YOUR OPINION THAT A HOMEOWNER SHOULD BE ABLE TO SEPARATE THEIR HOME BY A SOLID WALL INTO SEVERAL UNITS (MORE THAN 1) FOR THE PURPOSE OF HOUSING THEIR RELATIVES?

YES ||

NO ||

Planning Commission Comments:

1. I would think a “mother-in-law” space would be ok. I would discourage a home being divided into several units.
2. Allow two units only.
3. Should be a limit (no more than three) on how many units can be in the home.

IS IT YOUR OPINION THAT A RELATIVE OR DEPENDENT, UNDER THE CURRENT FAMILY DEFINITION, SHOULD BE GIVEN SEPARATE ACCESS INTO THE HOME SUCH AS AN OUTSIDE STAIRCASE?

YES ||

NO ||

Planning Commission Comments:

1. It is my opinion that they could be given separate access, but a shared main entrance is a must.
2. It should be an option - not required.

IS IT YOUR OPINION THAT IN ORDER FOR A “FAMILY” TO BE CONSIDERED A COMMON HOUSEHOLD UNDER THE CURRENT “FAMILY” DEFINITION AND CONSISTENT WITH THE OTHER ORDINANCES IN HIGHLAND THAT EVERYONE WITHIN THE HOME SHARE THE FOLLOWING FACILITIES:

DINNER/KITCHEN:	YES		NO
LAUNDRY:	YES		NO
BASEMENT:	YES		NO
TOP FLOOR (FOR 2 STORY):	YES		NO
MAIN FLOOR:	YES		NO

Other Planning Commission Comments:

1. Under the current definition, I think a common household reflects access to all parts of the home. A common mailing address and mailbox might also be considered. Also a common utility meter.

ATTACHMENT

