

HIGHLAND CITY COUNCIL

DATE: TUESDAY, JUNE 16, 2009

PLACE: HIGHLAND CITY BUILDING,
5400 WEST CIVIC CENTER DRIVE

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.

1. **CALL TO ORDER**
2. **INVOCATION:** Brian Braithwaite
3. **PLEDGE OF ALLEGIANCE:** Kathryn Schramm
4. **APPEARANCES**

Time has been set aside for the public to express their ideas, concerns and comments on items not on the agenda. Please limit your remarks to two minutes.

(Times shown to the left in red are estimated and may not be accurate)

5. CONSENT CALENDAR

- 7:10 5.1 Adoption of an Ordinance Repealing Ordinance 1998-04 and Adopting Certain Uniform Codes as Adopted by the State of Utah - [Barry Edwards](#)
- 5.2 Adoption of an Ordinance Approving Final Amendments to the Highland City Fiscal Year 2008-2009 Annual Budget - [Lynn Ruff](#)

6. PUBLIC HEARINGS/ PRESENTATIONS

- 7:15 6.1 Tree Commission Presentation - [Kristi Vick](#) - (10 min.)

7. ACTION ITEMS

- 7:25 7.1 Adoption of an Ordinance Enacting and Administering the Fiscal Year 2009-2010 Highland City Annual Budget - [Barry Edwards](#) - (15 min.)
- 7:40 7.2 Adoption of a Resolution Setting the FY2009-2010 Certified Tax Rate - [Barry Edwards](#) - (10 min.)
- 7:50 7.3 Adoption of an Ordinance Enacting Paragraph 12 of Section 3-4302: Conditional Uses of the C-1 Zone in the Highland City Development Code to Permit Temporary Outdoor Sales Events - [Lonnie Crowell/Barry Edwards](#) - (10 min.)
- 8:00 7.4 Adoption of an Ordinance Amending Chapter 5.04: Business Licenses of the Highland City Municipal Code for the Purpose of Permitting and Licensing Temporary Outdoor Sales Events



and Setting a Fee - [Barry Edwards/Gina Peterson](#) - (10 min.)

8. FUTURE BUSINESS

- 8:10 8.1 Proposed Ordinance Amending Sections 3-4747(9): Landscaping (Town Center Overlay Urban Subdivision (Highland Village)) and 3-4767(9) Landscaping (Town Center Transitional Housing Overlay (Coventry)) within the Highland City Development Code - [Lonnie Crowell/Barry Edwards](#) - (10 min.)
- 8:20 8.2 Proposed Ordinance Adding 10-102(12) 'Common Household' to Section 10-102: Definitions within the Highland City Development Code - [Lonnie Crowell/Barry Edwards](#) - (10 min.)
- 8:30 8.3 Faye Mounteer Water - [David Church](#) - (5 min.)

9. INFORMATION

- 8:35 9.1 Report on the Public Safety District, Fire & EMS - [Brian Brunson](#) - (10 min.)

10. OTHER BUSINESS

- 8:45 10.1 Communication Items - City Council
- 9:00 10.2 Other Business - [Mayor Jay W. Franson](#)

11. ADJOURNMENT

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 5.1: Adoption of an Ordinance Repealing Ordinance 1998-04 and Adopting Certain Uniform Codes as Adopted by the State of Utah

- Consent items are routine decision items that are approved by “consent”.
- The Mayor will state the consent calendar is now being considered.
- If any council member objects to any consent item, they should simply state which item.
- The item is then removed from the consent calendar and will be discussed as a decision item later in the meeting.
- If there are no objections raised, the Mayor will state that all consent items have been approved per the stated Action on the background sheet.
- The Mayor will move to the next agenda item.

Motion Recommended by Staff:

City Council move to adopt an Ordinance Repealing Ordinance 1998-04 and Adopting Certain Uniform Codes as Adopted by the State of Utah

Background Statement:

The State of Utah has mandatory construction standards for building construction which are amended to adopt the International Residential Code (I.R.C.) and the International Building Code (I.B.C.) and related codes such as the mechanical code, fire code, etc. Each local municipal entity is required to implement and adhere to the Codes and under the I.R.C. and I.B.C., and the City is required to separately impose fees and charges for issuing permits required under the related, revised, and incorporated Codes.

From time to time the City needs to adopt a new ordinance to adhere to the updated codes. This ordinance is a minor housekeeping item and no building permit fees are changing at this time.

Sponsor:

Highland City

Legal Authority:

Utah State Code

Fiscal Impact:

N/A

List of Attachments:

- Proposed Ordinance

ORDINANCE NO. O-2009-

**AN ORDINANCE OF HIGHLAND CITY, UTAH, ADOPTING CERTAIN
UNIFORM CODES AS ADOPTED BY THE STATE OF UTAH**

PREAMBLE

The City Council of Highland City (the “City”) finds that the State of Utah mandatory construction standards for building construction have been amended to adopt the International Residential Code (I.R.C.) and the International Building Code (I.B.C.) and related codes which are incorporated by reference (the “Codes”) and revised and amended by the State of Utah and each local municipal entity is required to implement and adhere to the Codes and under the I.R.C. and I.B.C., and the City is required to separately impose fees and charges for issuing permits required under the related, revised, and incorporated Codes.

The fees and charges required for building permit applications under the former Uniform Building Code in place and used by Highland City at the date of this Ordinance are fair and reasonable and should be continued.

BE IT ORDAINED by the City Council of Highland City, Utah:

1. Ordinance 1998-04 is hereby repealed in its entirety.
2. The 2006 Edition of the International Building Code (I.B.C.) promulgated by the International Code Council, the amendments adopted under the Rules enacted by the State of Utah together with standards incorporated into the I.B.C. by reference, including but not limited to:
 - a. The 2006 Edition of the International Residential Code (I.R.C.) promulgated by the International Code Council,
 - b. The 2006 Edition of the International Existing Building Code (I.E.B.C) promulgated by the International Code Council,
 - c. The 2006 Edition of the International Energy Conservation Code (I.E.C.C.) promulgated by the International Code Council,
 - d. The 2006 Edition of the International Plumbing Code (I.P.C.) promulgated by the International Code Council,
 - e. The 2006 Edition of the International Fire Code (I.F.C.) promulgated by the International Code Council, and
 - f. The 2006 Edition of the International Mechanical Code (I.M.C.),
 - g. Together with all applicable standards set forth in the 2008 National Electrical Code (N.E.C.)

ATTACHMENT

as revised, amended, and adopted by the State of Utah are hereby enacted by Highland City.

3. Each application for all permits required under the Codes which are adopted by reference as set forth more specifically above, shall be accompanied by an application fee in the amount set forth more specifically in the City's fee schedule, shall be paid by the permit applicant and collected by the City prior to the issuance of the permit for which the application is filed.
4. Except as provided above, this Ordinance amends all prior ordinances and resolutions in conflict herewith, but does not amend, modify, or repeal any requirements in place for permits pending at the date of this Ordinance or for fees or charges required for applications, permits or services, damage deposits, or for any other purpose by the Consolidated Fee Schedule of Highland City.
5. This Ordinance shall take effect immediately upon its posting or publication as required by law.

ADOPTED by the City Council of Highland City, Utah, this 16th day of June, 2009.

HIGHLAND CITY, UTAH

Jay W. Franson, Mayor

ATTEST:

Gina Peterson, City Recorder

ATTACHMENT

Item 5.2: Adoption of an Ordinance Approving Final Amendments to the Highland City Fiscal Year 2008-2009 Annual Budget

- Consent items are routine decision items that are approved by “consent”.
- The Mayor will state the consent calendar is now being considered.
- If any council member objects to any consent item, they should simply state which item.
- The item is then removed from the consent calendar and will be discussed as a decision item later in the meeting.
- If there are no objections raised, the Mayor will state that all consent items have been approved per the stated Action on the background sheet.
- The Mayor will move to the next agenda item.

Motion Recommended by Staff:

City Council move to adopt an Ordinance Approving Final Amendments to the Highland City Fiscal Year 2008-2009 Annual Budget.

Background Statement:

Some revenue accounts as well as various expenditure accounts including transfers need to be adjusted to insure that the budgeted amounts agree with the actual revenue and expenditures. Because development has slowed and varies, revenues need to be decreased. Some accounts need to be amended for decreases and increases in expenditures.

Sponsor:

Highland City

Legal Authority:

UCA 10-5-110

Fiscal Impact:

See attached budget sheets for detailed fiscal impact

List of Attachments:

- Proposed Ordinance
- Summary of Changes

ORDINANCE NO. O-2009-**

**AN ORDINANCE MAKING AMENDMENTS TO THE
HIGHLAND CITY FISCAL YEAR 2008-2009 ANNUAL BUDGET
(FINAL AMENDMENT)**

PREAMBLE

WHEREAS, the City Council of Highland City, Utah finds that it is in the public interest to amend the budget for fiscal year 2008-2009, to define final budget adjustments; and

WHEREAS, The City Council finds that procedures for the amendments pursuant to Section 10-6-127 of the Utah State Code Annotated have been followed including a public hearing if budgetary funds are increasing.

Be it ordained by the City Council of Highland City:

1. The City Council finds that the all required notices have been given and that a public hearing has been conducted, public comment received and considered and that the Council may consider and amend the budget of Highland City as follows:
2. "FISCAL YEAR" means that year which began on the first day of July 2008, and ends on the last day of June 2009.
3. APPROPRIATIONS. The Budget set and adopted by the City for the fiscal year is hereby amended and re-enacted with respect to the specific items set forth on Exhibit "A" hereto. From the effective date of this budget ordinance, as outlined in the attached Exhibit "A," the several amounts stated therein as proposed expenditures, shall be appropriated for the several objects and purposes therein named.
4. This is the final budget amendment for fiscal year 2008-2009 pursuant to Sections 10-6-127 & 128 of Utah State Code Annotated.
5. This Ordinance amending the budget of Highland City is effective immediately and shall be effective for the Fiscal Year 2008-2009.

Adopted by the City Council of Highland City this 16th day of June, 2009.

HIGHLAND CITY, UTAH

ATTEST:

Jay W. Franson

Gina Peterson, City Recorder

ATTACHMENT

Highland City Final Budget Adjustments FY 08-09

General Fund Revenue

Acct #	Description	Budget	Adjustment	Amended Budget
103130	Sales Taxes	1,675,000	-125,000	1,550,000
103112	Library Property Taxes	212,528	-24,000	188,528
103120	Delinquent Prior Year Taxes	60,000	53,256	113,256
103160	Utility Franchise Taxes	548,000	60,000	608,000
103161	Phone Tax	225,000	-10,000	215,000
103221	Building Permits	120,000	-20,000	100,000
103222	Building Plan Check Fees	45,000	-10,000	35,000
103510	Highland Fines	180,000	20,000	200,000
103710	Cemetary Lot Sales	125,000	55,000	180,000
103891	Miscellaneous Revenue	740,000	40,000	780,000
	Total Revenue	3,930,528	39,256	3,969,784

General Fund Expenditures

Court				
104230	Alpine Fine Reimbursement	40,000	15,000	55,000
104233	Education-Court	3000	-1,000	2,000
Administrative				
104333	Education	15,000	-10,000	5,000
104334	Building Maintenance	40,000	-10,000	30,000
Finance Dept				
104623	Travel	5,500	-4,000	1,500
105070	Capital Outlay-Equipment	3,000	-3,000	0
Recorder				
104723	Travel	5,000	-3,000	2,000
Treasurer				
104823	Travel	1,500	-1,000	500
104874	Capital Outlay-Equipment	6,000	-6,000	0
104931	Attorney	20,000	12,000	32,000
105131	Appeal Authority	3,750	-3,000	750
Planning & Zoning				
105233	Legal Services	2,500	-2,500	0
105234	Engineer	4,500	-4,500	0
Education & Promotion				
105328	Online code	1,800	-1,800	0
105329	Building Dedication	20,000	-9,300	10,700
Building Inspection				
105823	Travel	3,500	-2,000	1,500
105824	Office Supplies & Postage	6,000	-4,000	2,000
105825	Fuel Exp Vehicle	4,800	-3,000	1,800
105831	Professional & Technical	10,000	-8,000	2,000
105874	Capital Outlay-Equipment	4,500	-3,500	1,000

ATTACHMENT

HIGHLAND CITY COUNCIL AGENDA

Streets & Roads			0	
106011	Salaries & Wages inc OT	235,170	10,000	245,170
106013	Employee benefits	96,455	21,000	117,455
106027	Utilities Street Lights	85,000	-10,000	75,000
106034	Professional & Technical	10,000	-5,000	5,000
Engineer				
106634	Fuel & Oil	8,500	-2,500	6,000
106635	Travel & Training	6,500	-2,500	4,000
Parks & Recreation				
107011	Salaries & Wages inc OT	105,400	10,000	115,400
107013	Benefits	46,550	5,000	51,550
107024	Playground Eq	25,000	-24,000	1,000
107031	Park Maintenance Contract	190,000	65,000	255,000
107035	Travel & Training	3,000	-2,000	1,000
107048	Restroom Maintenance	10,000	-5,000	5,000
107075	Spec Proj-Adventure Learning Park	15,000	-9,000	6,000
City Events				
107258	Fling Golf Tounament	7,000	-2,000	5,000
107260	Welcome Committee	2,000	-1,000	1,000

Net Expenditure Adjustments	1,045,925	-4,600	1,041,325
Net Gen Fund Bal	2,884,603	43,856	2,928,459

Open Space Special Revenue Fund

Open Space Expenditures				
204362	Property Maintenance	360,000	110,000	470,000
Net Expenditure Adjustments		360,000	110,000	470,000

Sewer Fund

Sewer Fund Expenditures				
524042	Collection and Disposal	415,000	145,000	560,000
Net Expenditure Adjustments		415,000	145,000	560,000

PI Fund/Culinary

Revenue				
533390	Sundry Revenues	-	1,000,000	1,000,000
	Revenue from Gravel Extraction			
Total Revenues		-	1,000,000	1,000,000

ATTACHMENT

Item 6.1: Tree Commission Presentation

Summary Statement:

Report and information regarding the recent activities of the Highland City Tree Commission

Sponsor:

Highland City

Staff Presentation:

Kristi Vick, Tree Commission Chairman

Item 7.1: Adoption of an Ordinance Enacting and Administering the Fiscal Year 2009-2010 Highland City Annual Budget

Motion Recommended by Staff:

City Council move to adopt an ordinance enacting and administering the Fiscal Year 2009-2010 Highland City Annual Budget with amendments.

Sponsor:

Highland City

Staff Presentation:

Barry Edwards, City Administrator

Recommendation:

Staff recommends review and discussion of proposed amendments and approval of the 2009-2010 fiscal year budget.

Findings:

The City Council may use findings to Approve or Not Approve this application

Pursuant to Utah Code the council must be presented with a tentative budget and hold a public hearing on the proposed budget. The city council has the opportunity to review, consider, amend or revise the tentative budget.

Background:

City Council was presented with the Fiscal Year 2009-2010 Tentative Budget at the first council meeting in May 2009 pursuant to the State Code. A public hearing was held on the tentative budget June 2, 2009. City Council then held a work session to discuss the details of the budget on June 10, 2009.

This tentative budget has been available for public inspection and is currently posted on the city's web site for public review.

Legal Authority:

UCA 10-5-108 & 10-5-107

Fiscal Impact:

List of Attachments:

- Proposed Ordinance
- Proposed Amendments as discussed at the June 10, 2009 Work Session

DRAFT

ORDINANCE NO. 2009-**

**AN ORDINANCE ENACTING AND ADMINISTERING
THE FISCAL YEAR 2009-2010 HIGHLAND CITY ANNUAL BUDGET**

WHEREAS, it is deemed desirable and to the best interest of the City of Highland, Utah, to enact its annual budget for both operations and capital outlay.

NOW, THEREFORE, THE MAYOR AND CITY COUNCIL OF THE CITY OF HIGHLAND, DOES ORDAIN AS FOLLOWS:

**ARTICLE I
DEFINITIONS**

SECTION 1. "BUDGET YEAR" means the fiscal year for which a budget is made.

SECTION 2. "FISCAL YEAR" means that year which begins on the first day of July 2009, and ends on the last day of June 2010.

**ARTICLE II
BUDGET ESTABLISHES APPROPRIATIONS**

SECTION 1. APPROPRIATIONS.

From the effective date of the budget, as outlined in the attached Exhibit "A," the several amounts stated therein as proposed expenditures, shall be and become appropriated to the several objects and purposes therein named.

SECTION 2. ANTICIPATED REVENUES.

Anticipated revenues shall include revenue from all sources, including grants and loans and shall be classified in accordance with the chart of accounts of the municipality.

SECTION 3. FUND BALANCE.

The fund balance shall be available for emergency appropriation by the City Council.

SECTION 4. ANTICIPATED SURPLUS FROM MUNICIPAL UTILITY OR ENTERPRISE FUNDS.

The anticipated revenue and proposed expenditures of each utility or other public service enterprise owned or operated by the city is stated in a separate section of the budget (See attached Exhibit "A"); and as to each such utility, an anticipated surplus, if legally available for general purposes and to the extent such surplus is to be used to support budget operations, is stated as an item of revenue in the budget.

**ARTICLE III
ADMINISTRATION OF BUDGET, FINANCIAL CONTROL**

SECTION 1. APPROVAL OF EXPENDITURES.

The City Administrator shall have charge of the administration of the financial affairs of the city and to that end shall supervise and be responsible for the disbursement of all monies and have control over all expenditures to insure that appropriations are not exceeded. He shall exercise financial budgetary control over each office, department, and agency and shall cause separate accounts to be kept for the items of appropriation contained in the budget.

DRAFT

SECTION 2. COST OF LIVING

The City Administrator is directed to adjust the Salary Plan pursuant to Personnel Policy and Procedures Section XIV ¶ 7 by 1% effective July 1, 2009.

SECTION 3. SEWER FEES

The City Administrator is directed to increase the Sewer Fee by 30.0% effective July 1, 2009.

SECTION 4. REPORTS

The City Administrator shall periodically report to the governing body on the status of the budget.

ARTICLE IV
SEVERABILITY

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or application of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

ARTICLE V

This Ordinance is hereby adopted on June 16, 2009, and shall become effective July 1, 2009 for the Fiscal Year 2009-2010.

HIGHLAND CITY, UTAH

ATTEST:

Jay W. Franson

Gina Peterson, City Recorder

Proposed Budget Corrections

Page #	GL Acct. #	Current	Corrections
24	10-50-30	Public Relations	Special Programs
25	10-51-33	\$0	\$1,000
34	10-60-17	\$11,500	\$1,150
37	10-70-34	\$1,500	\$7,500
37	10-70-39	\$10,000	\$0
37	10-70-48	\$0	\$10,000
41	10-72-62	Welcome Committee	Welcome Brochure
44	20-43-25	\$380,000	\$500
44	20-43-62	\$0	\$380,000
45	30-30-90	\$117,000	\$200,000
45	30-30-92	\$230,000	\$147,000
49	40-90-10	\$200,000	\$147,000
50	41-33-60	\$1,000,000	\$4,000,000
51	40-40-61	\$1,000,000	\$4,000,000
61	53-37-20	\$533,895	\$18,340
61	53-38-95	\$0	\$533,895
67	55-39-50	Develper Contributions	Municipal Contributions

ATTACHMENT

Highland City Personnel

	Position	Current Pay
1	Assistant Librarian	\$29,120.00
2	Building Inspector	\$56,201.60
3	City Administrator ^{1,2}	\$117,249.60
4	City Recorder	\$59,592.00
5	City Treasurer	\$58,947.20
6	Community Devevelopment Secretary	\$32,032.00
7	Community Devevelopment Director ³	\$74,380.80
8	Community Enhancement	\$38,022.40
9	Court Clerk	\$34,257.60
10	Engineering Director	\$68,972.80
11	Engineering Inspector	\$44,054.40
12	Engineering Inspector	\$44,012.80
13	Executive Secretary	\$42,556.80
14	Finance Secretary	\$44,387.20
15	Finance Director	\$71,281.60
16	Librarian Assistant 3 @ \$7,488.00	\$22,464.00
17	Library Director	\$49,961.60
18	Maintenance Worker	\$45,219.20
19	Maintenance Worker	\$36,212.80
20	Maintenance Worker	\$34,964.80
21	Maintenance Worker 2 @ \$27,872.00	\$55,744.00
22	Maintenance Workers 2 @ \$27,060.80	\$54,121.60
23	Maintenance Workers (2 vacant)	\$0
24	Municipal Judge	\$24,376.00
25	Office Coordinator	\$32,406.40
26	Operation & Maintenance Dir.	\$68,702.40
27	Parks Superintendent	\$38,708.80
28	Planner / Code Enforcement	\$43,555.20
29	Pressurized Irr Foreman (Vacant)	\$0
30	Public Works Secretary	\$30,825.60
31	Public Works Director ⁴	\$96,449.60
32	Seasonal Hires 5 @ \$9.00 hr. June thru August	
33	Sign Enforcement (pt)	\$3,500.00
34	Streets Foreman	\$51,500.80
35	Streets Superintendent	\$63,627.20
36	Water Superintendent	\$57,553.60
Total Employee Pay (not including seasonal workers)		\$1,624,962.40

¹ Partially Reimbursed by PSD

³ Car Allowance \$400/month

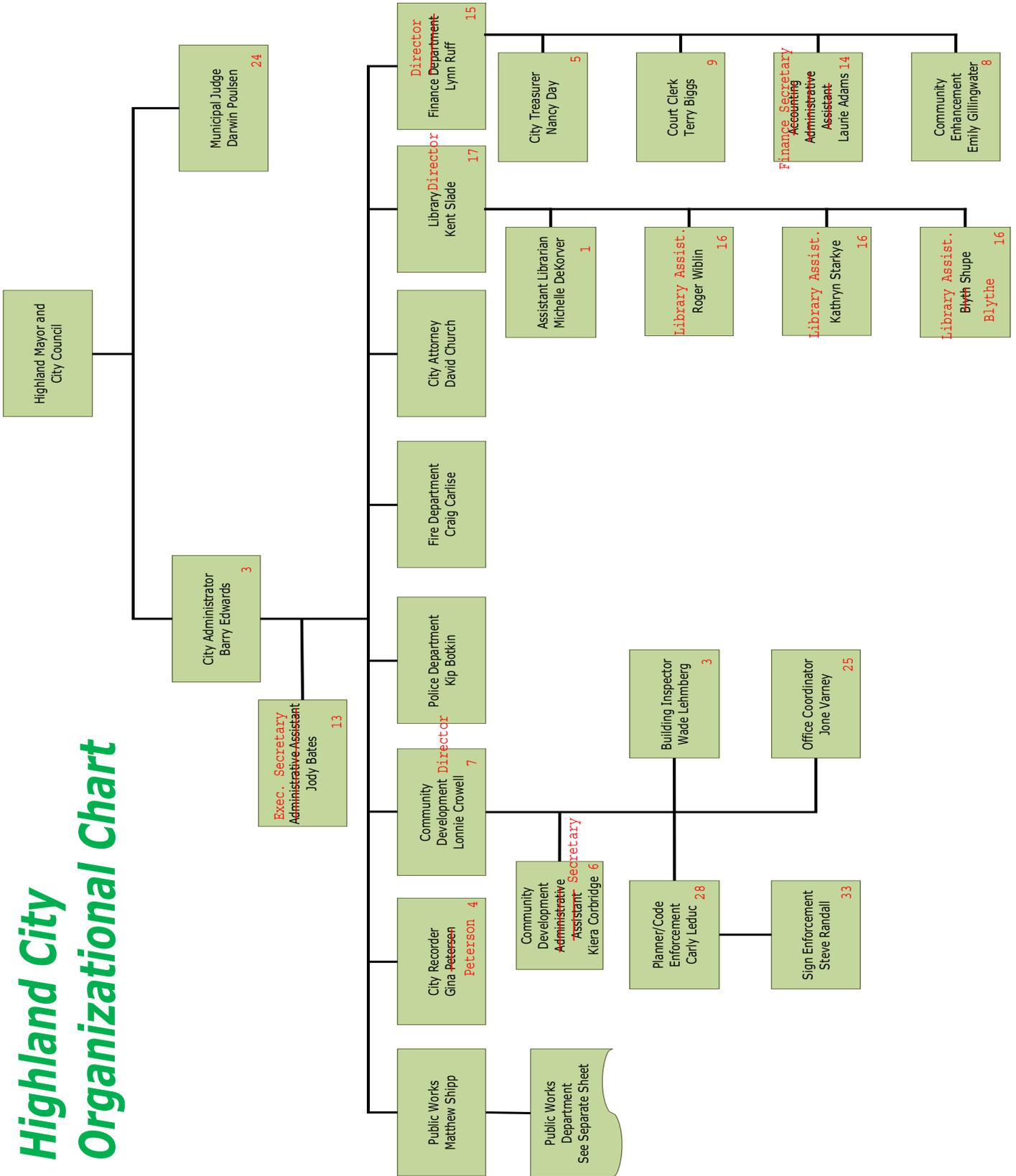
² Car Allowance \$500/month

⁴ Car Allowance \$700/month

Benefits average approximately 40% of Salary

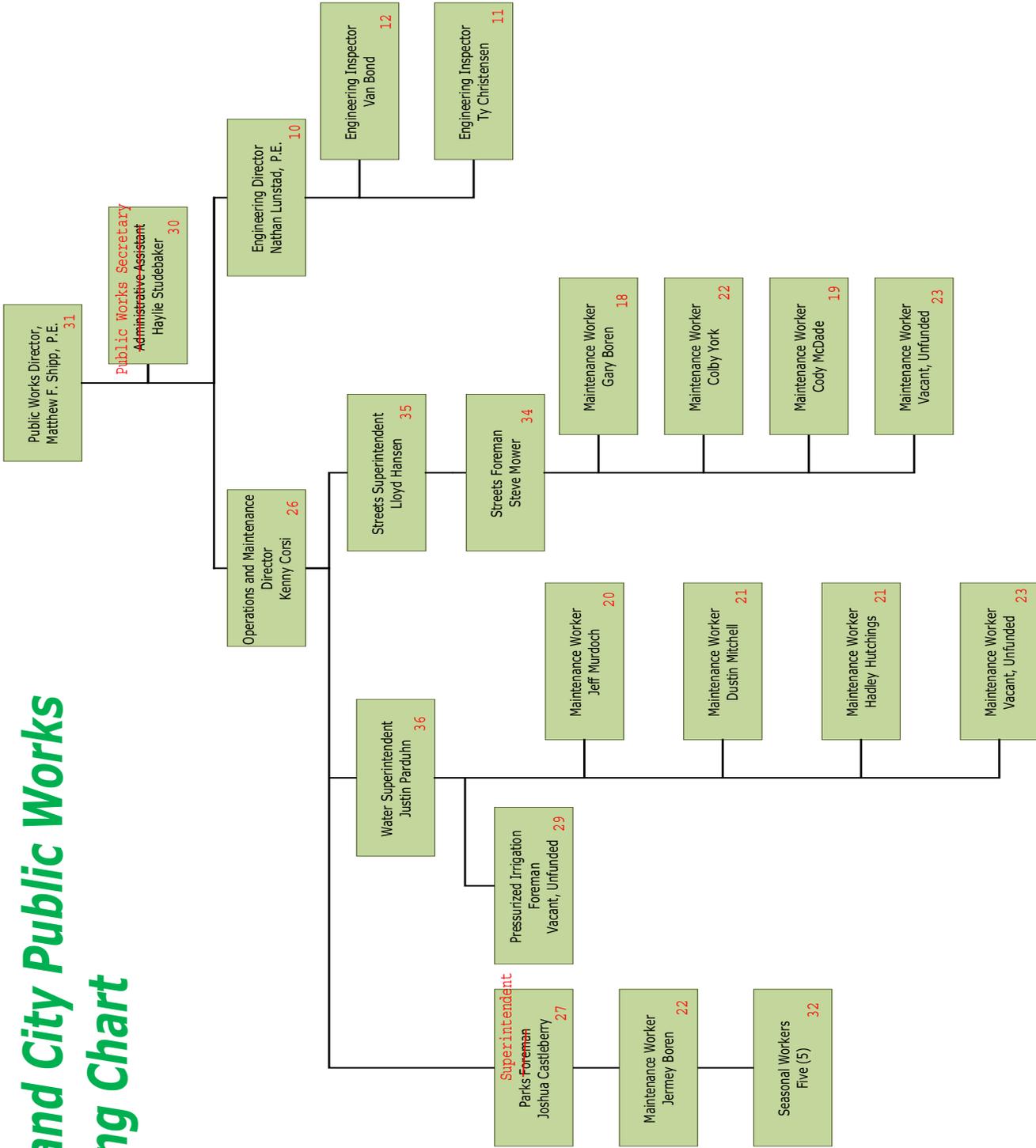
ATTACHMENT

Highland City Organizational Chart



ATTACHMENT

Highland City Public Works Staffing Chart



Item 7.2: Adoption of a Resolution Setting the FY 2009-2010 Certified Tax Rate

Motion Recommended by Staff:

City Council move to adopt a Resolution Setting the FY 2009-2010 Certified Tax Rate

Sponsor:

Highland City

Staff Presentation:

Barry Edwards

Findings:

The City Council may use findings to Approve or Not Approve this application

Background:

Utah County provides a proposed annual certified tax rate for adoption by the City Council. At the time of printing the County has not provided the proposed tax rate, however it will be available for the meeting. The certified tax rate for FY 2009 was .001565.

The City Council may adopt the rate presented by the County, or may adopt a smaller rate, however in order for a higher rate to be adopted a Truth-in-Taxation hearing must be held. The county has not provided the information on the rate at the time of publication.

Legal Authority:

Fiscal Impact:

List of Attachments:

- Proposed Resolution

RESOLUTION NO. 2009-**

**A RESOLUTION OF HIGHLAND CITY, UTAH
ADOPTING THE FY 2009-2010 CERTIFIED TAX RATE**

BE IT HEREBY RESOLVED by the City Council of Highland:

That a tax rate of ********* is hereby levied on all taxable property lying within the corporate limits of the City of Highland for the fiscal year July 1, 2009 through June 30, 2010 for the purpose of providing for a General Fund for the City of Highland, Utah, a municipal corporation, in the State of Utah.

AND BE IT FURTHER RESOLVED that the City Recorder is hereby directed to send a copy of this resolution to the County Auditor of Utah County so that this levy can be placed on the tax rolls and collected according to law.

PASSED by the City Council this 16th day of June, 2009.

Mayor Jay W. Franson, Highland City

ATTEST:

Gina Peterson, Highland City Recorder

ATTACHMENT

Item 7.3: Adoption of an Ordinance Enacting Paragraph 12 of Section 3-4302: Conditional Uses of the C-1 Zone in the Highland City Development Code to Permit Temporary Outdoor Sales Events

Motion Recommended by Staff:

City Council move to Adopt an Ordinance Enacting Paragraph 12 of Section 3-4302: Conditional Uses of the C-1 Zone in the Highland City Development Code to Permit Temporary Outdoor Sales Events

Sponsor:

Highland City

Staff Presentation:

Lonnie Crowell, Community Development Director;
Barry Edwards, City Administrator to present

Recommendation:

That the Council adopt the ordinance as indicated above with amendments to the Planning Commission recommendation per staff's edits for the reasons identified in this staff report.

Findings:

The City Council 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 and 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 may increase the potential for the success of commercial areas while providing a reason for residents of Highland to visit these areas 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.

Staff is concerned about limiting the total use to 120 days for all of the commercial in the C-1 Zone as recommended by the Planning Commission for various reasons as follows:

1. There are several different property owners within the C-1 Zone which includes the Lone Peak

Shopping Center and Kountry Korner who will be forced to fight for the available days similar to the existing temporary sign ordinance which is unsuccessful and difficult for the businesses who wish to take advantage of that opportunity; and

2. There are several uses that could use the entire 120 days as proposed leaving very little available time for other seasonal uses such as produce, pumpkins, and Christmas tree sales.

Staff has suggested a similar option limiting the time period for each property owner (instead of “the C-1 Zone”) **within** the C-1 Zone which would be somewhat consistent with the Planning Commission’s recommendation. This would allow for additional use due to the equity concern between land owners but would not limit the opportunity for one proposed use. Proposed text was added by staff since the Council meeting on May 19, 2009 to provide some restriction on time consistent with the Planning Commission’s recommendation while providing for users such as a snow cone shack during the three month summer period. The proposed ordinance is flexible and would allow each business to conduct an outdoor sale three times per year as desired. This proposal would allow Kohler’s the opportunity to conduct temporary outdoor sales only three (3) times per year which may not be consistent with this company’s business model in other cities. The Council may determine that more/less time is needed. Determining the best situation for each business while providing an equitable retail market environment has been the most difficult to determine during this process.

Another concern of staff was in regard to the recommendation under 3-4302:(12)(c)(i)A which severely limited the types of uses that could obtain this permit and actually denies existing uses within the C-1 Zone from taking advantage of this opportunity. Staff recommends that the probable uses be defined simply for the uses that already exist within the C-1 Zone. The Planning Commission concerns were related to different outdoor sales year-round that could include anything (tires, etc.) If the Council determines that the Planning Commission recommendation is preferred, staff would propose adding the following items to the list of permitted uses for the temporary outdoor sales events:

food, clothing, furniture, sporting goods, yard care products, lawn equipment and building hardware.

On June 9, 2009 the Planning Commission held a public hearing for the remaining retail zones in Highland recommending Code Amendments for the CR Zone and Town Center Overlay to be consistent with this proposal. There were additional comments and suggestions from the Planning Commission which staff has included in this proposed ordinance to be consistent with those comments. One concern that was discussed by the Planning Commission and not addressed was temporary signage for these temporary uses. It was Staff’s intent to simply regulate the signs with these uses consistent with the underlying zone (number of signs on the temporary structure limited to a size consistent with the underlying zone. For example; a small snow cone shack may have 1 sign on 2 sides of the structure less than 5% of the square footage of that side of the temporary building and attached to the building). If the Council determines that temporary signs are in the best interest of Highland then these would also apply.

Legal Authority:

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

List of Attachments:

- Proposed Ordinance
- Planning Commission motion, May 12, 2009

DRAFT

ORDINANCE NO. O-2009-

**AN ORDINANCE OF HIGHLAND CITY, UTAH
ENACTING PARAGRAPH 12 OF SECTION 3-4302: CONDITIONAL USES OF
THE C-1 ZONE IN THE HIGHLAND CITY DEVELOPMENT CODE TO
PERMIT TEMPORARY OUTDOOR SALES EVENTS**

PREAMBLE

The C-1 zone was established to promote retail sales locations and retail sales locations create a sales tax base for the community. Sales tax is necessary for the financial viability of the community

The City Council of Highland City finds that adding temporary outdoor sales events will encourage residents to shop in Highland City and will provide a significantly positive result for the success of the C-1 zone businesses

The City Council also believes this could provide a potentially significant positive tax base for Highland City.

BE IT ORDAINED by the City Council of Highland City, Utah:

Section 1. All of the required public notices and other prerequisites to the amendments of the Development Code have been completed as required by law.

Section 2. Paragraph 12 of Section 3-4302: Conditional Uses of the Highland City Development Code is hereby enacted as set forth on Exhibit "A".

Section 3. This Ordinance shall take effect immediately upon its first posting or publication.

ADOPTED by the City Council of Highland City, Utah, this 16th day of June, 2009.

HIGHLAND CITY, UTAH

Jay W. Franson, Mayor

ATTEST:

ATTACHMENT

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 a 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) A temporary outdoor sales event permit shall expire after a period of one (1) year; and
 - (i) Temporary outdoor sales events shall only occur for a period of thirty (30) consecutive days per event.
 - (ii) Temporary outdoor sales events shall only occur three (3) times per year per business; and
 - (c) 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 as follows:
 - (i) Temporary outdoor sales events shall be limited to existing previously approved businesses within Highland City and may also include; seasonal produce, fireworks, shaved ice, Navajo tacos, Christmas trees or similar.
 - (ii) 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
 - (d) 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) Long term outdoor inventory storage shall not be permitted as part of this permit or use; and
 - (ii) It is not the intent of this ordinance to create permanent outdoor storage facilities which are prohibited by other ordinances within this Code, and
 - (e) 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
 - (f) Temporary outdoor sales events shall not operate between the hours of 12:00 a.m. and 6:00 a.m. and shall not exceed six days per week, and
 - (g) 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. 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.
 6. 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.
 - (ii) If a proposed use or product for sale is not conducting business consistent with the existing permitted or conditional uses allowed within the underlying zone where the temporary sales event is occurring or creating detrimental effects defined above, the City Zoning Administrator shall revoke the temporary outdoor sales event permit and the owner/temporary business shall immediately cease to operate.
 - (h) A business/property owner who has obtained a temporary outdoor sales event permit and a Highland City business license shall not be required to obtain a Conditional Use Permit.

Proposed Code Amendment

ATTACHMENT

The colors on the following edit show the draft from the beginning of the process as follows, however the recommended ordinance is as shown on the preceding page:

Blue - Proposed ordinance per Planning Commission & original draft on May 12, 2009. **Red-strikeout** - Planning Commission's recommended deletions on May 12, 2009. **Purple** - Planning Commission's recommended additions on May 12, 2009. **Green** - Staff's recommended additions per the Planning Commission recommendations on May 12, 2009. **Green-strikeout** - Staff's recommended text to be moved to another location in the ordinance following Planning Commission's recommendations on May 12, 2009. **Orange-strikeout** - Staff's recommended deletions contrary to the Planning Commission recommendations on May 12, 2009. **Pink** - Planning Commission's recommendations on June 9, 2009 for remaining retail zones. **Staff has recommended and will be recommending that the remaining two retail zones be consistent with this approval and that this proposed ordinance be consistent with these recent Planning Commission comments.** **Pink-strikeout** - Planning Commission's recommended deletions on June 9, 2009 for remaining retail zones. **Light Green** - Staff's recommended addition following the Planning Commission meeting on June 9, 2009.

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 a 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) A temporary outdoor sales event permit shall expire after a period of one (1) year; and
 - (i) Temporary outdoor sales events shall only occur for a period of thirty (30) consecutive days per event.
 - (ii) Temporary outdoor sales events shall only occur three (3) times per year per business; and
 - (c) 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 as follows:
 - (d) A temporary outdoor sales event permit shall expire after a period of one (1) year; and
 - (i) Temporary outdoor sales events shall only occur five (5) times per year per business; and Uses shall be limited to existing previously approved businesses within Highland City and may also include; seasonal produce, fireworks, shaved ice, Navajo tacos, Christmas trees or similar.
 - (ii) 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
 - (iii) Temporary outdoor sales events shall only occur for a total cumulative period of one hundred twenty (120) days per year for all businesses within the C-1 Zone.
 - (e) 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
 - (f) 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 Long term outdoor inventory storage shall not be permitted as part of this permit or use; and
 - (ii) It is not the intent of this ordinance to create permanent outdoor storage facilities which are prohibited by other ordinances within this Code, and
 - (g) 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 shall not exceed six days per week; and
 - (h) Temporary outdoor sales events shall not operate between the hours of 12:00 a.m. and 6:00 a.m.
 - (i) 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 conducting business consistent with the existing permitted or conditional uses allowed within the underlying zone where the temporary sales event is occurring or creating detrimental effects defined above, the City Zoning Administrator shall revoke the temporary outdoor sales event permit and the owner/temporary business shall immediately cease to operate.
 - (j) A business/property owner who has obtained a temporary outdoor sales event permit and a Highland City business license shall not be required to obtain a Conditional Use Permit.

ATTACHMENT

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Jennifer Tucker opened the public hearing at 7:07 pm and hearing no public comment closed the public hearing.

The Commissioners addressed items of clarification.

A Commissioner suggested regulating the vendors' signage. Lonnie Crowell noted that not all vendors may fit within the same standards.

Commissioners expressed concern that residents may arrange permanent "sidewalk sales" or that businesses may extend their business onto the sidewalk and parking lot. Several Commissioners observed that the property owners have the power to regulate the number of sales permitted.

A Commissioner suggested adding an additional subsection that limits the number of events and specifies a time frame. It was also suggested that subsection (12)(b) be added to specify uses.

Commissioners made typographical corrections.

MOTION: Roger Dixon moved to recommend that City Council amend Article 4.2 C-1 Zone, Section 3-4302: Conditional Uses with typographical corrections and per the following recommendations:

- 1. Addition of 3-4302(12)(b)(i) to specify uses, such as: seasonal produce, fireworks, shaved ice, Navajo tacos, Christmas trees, etc.; and,
- 2. Addition of 3-4302(12)(i) Temporary outdoor sales events shall not exceed 5 separate events per year per business and the total of these events shall not exceed 120 days.

Seconded by Tony Peckson.

Highland City Planning Commission

- 2 -

May 12, 2009

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Those voting aye: Abe Day, Don Blohm, Roger Dixon, Tony Peckson, Jennifer Tucker. Those voting nay: Melissa Wright. The motion passed with a majority vote of 5:1.

Melissa Wright stated she voted against the motion because she doesn't agree with limiting the time frame to 120 days; she would like to see the time frame be one year.

Highland City Planning Commission

- 3 -

May 12, 2009

ATTACHMENT

Item 7.4: Adoption of an Ordinance Amending Chapter 5.04: Business Licenses of the Highland City Municipal Code for the purpose of permitting and licensing temporary outdoor sales events and setting a fee

Motion Recommended by Staff:

City Council move to Adopt an Ordinance Amending Chapter 5.04: Business Licenses of the Highland City Municipal Code for the purpose of permitting and licensing temporary outdoor sales events

Sponsor:

Highland City

Staff Presentation:

Barry Edwards, City Administrator

Findings:

The City Council may use findings to Approve or Not Approve this application

Background:

If the City Council chooses to allow outdoor retail sales, the Municipal Code will need to be amended to align with the Development Code. Currently, Section 5.04.190 prohibits outdoor retail sales. This section is proposed to be amended as follows (additions in red):

5.04.190 Outdoor Retail Sales. No product shall be stored, displayed, or offered for sale on the outside of any building, including but not limited to salt bags, firewood, landscaping bark, nursery plants, fireworks, and Christmas trees except at merchant association special sidewalk sales approved in advance by the City **or temporary outdoor retail sales events as outlined in the Development Code.**

5.04.200 Application and Licensing for Temporary Outdoor Retail Sales.

A. Application for licensing of Temporary Outdoor Retail Sales shall be made in writing to the Recorder. The application will show:

- 1.** The name of the person or entity desiring a license;
- 2.** The type of temporary sales to be offered;
- 3.** The temporary location where business is to be carried on;
- 4.** The period of time for which the license is desired to be issued;
- 5.** Valid authorization for use of the property from the legal property owner.
- 6.** A valid Utah State Sales Tax identification number
- 7.** The City Recorder shall forward each business license application to the Community

Development department for review. The Community Development designee will consider the application and consult with the building inspector and fire department (if applicable in the opinion of the Community Development designee) and forward a recommendation to the City Administrator or the Mayor. The City Administrator or the Mayor will approve or disapprove the application as provided in Section 5.04.070 of this chapter. Any applicant not satisfied with the decision of the City Administrator or Mayor may appeal within thirty days to the City Council for their review and decision.

It is proposed that the business license officer (City Recorder) handle the licensing of the temporary sales and that a \$25 application/license fee be charged per entity. The enacting ordinance reflects this fee.

Legal Authority:

N/A

Fiscal Impact:

Revenues generated from licensing fees. Expenditures related to additional staff time to process applications.

List of Attachments:

- Enacting Ordinance

DRAFT

ORDINANCE NO. O-2009-_____

**AN ORDINANCE OF HIGHLAND CITY, UTAH
AMENDING CHAPTER 5.04: BUSINESS LICENSES OF THE HIGHLAND CITY
MUNICIPAL CODE FOR THE PURPOSE OF PERMITTING AND LICENSING
TEMPORARY OUTDOOR SALES EVENTS AND SETTING A FEE**

PREAMBLE

The City Council of Highland City finds that adding temporary outdoor sales events will encourage residents to shop in Highland City and will provide a significantly positive result for the success of the C-1 zone businesses

Ordinance O-2009-** was enacted to allow for temporary outdoor sales in the C-1 zone and the business licensing section of the Municipal Code should be amended to reflect these changes.

BE IT ORDAINED by the City Council of Highland City, Utah:

Section 1. Section 5.04.190 Outdoor Retail Sales of the Highland City Municipal Code is hereby amended as set forth on Exhibit “A”.

Section 2. Section 5.04.200 Application and Licensing for Temporary Outdoor Retail Sales of the Highland City Municipal Code is hereby enacted as set forth on Exhibit “A”.

Section 3. Paragraph G under Section IV. Business License Fees of the Highland City Consolidated Fee Schedule is hereby set forth as follows:

G. Temporary Outdoor Retail Sales \$25

Section 4. This Ordinance shall take effect immediately upon its first posting or publication.

ADOPTED by the City Council of Highland City, Utah, this 16th day of June, 2009.

HIGHLAND CITY, UTAH

Jay W. Franson, Mayor

ATTEST:

Gina Peterson, City Recorder

ATTACHMENT

Item 8.1: Proposed Ordinance Amending Sections 3-4747(9): Landscaping (Town Center Overlay Urban Subdivision (Highland Village)) and 3-4767(9) Landscaping (Town Center Transitional Housing Overlay (Coventry)) within the Highland City Development Code

Summary Statement:

There have been some concerns from residents of one of the Town Center residential overlays regarding the landscaping that immediately surrounds the building units (not the common area as defined in the ordinance). The existing ordinance does not permit additional landscaping, enhancement or variation in the adopted site landscaping plan by either the developer, homeowner, or Home Owner's Association (HOA) unless a Code Amendment takes place. Staff believes this portion of the text referenced the common area and believes the homeowner or HOA should be able to install landscaping that exceeds and/or improves the minimum (adopted landscaping plan) immediately surrounding each unit as originally adopted.

Sponsor:

Highland City

Staff Presentation:

Lonnie Crowell, Community Development Director;
Barry Edwards, City Administrator to present

Background:

The ordinances pertaining to landscaping requirements in the Town Center Overlay Urban Zone (TCOU - Highland Village) and the Town Center Transitional Housing Overlay Zone (TCTHO - Coventry) were written so that the landscaping plans could not be altered in any way (can not be improved, added to, enhanced) unless the plan that was attached to the adopted ordinance was amended. Staff would like to amend these ordinances so that the landscaping could be enhanced within the 'personal landscaping area' surrounding the homes by the developer, HOA, or homeowner.

Staff was recently informed of a situation within the Coventry TCTHO Subdivision regarding the landscaping and the lack of maintenance associated with several plants. After reviewing the ordinance (which was nearly photocopied from the original Highland Village TCOU ordinance text) it became obvious that the ordinance was very limiting with regard to improving or enhancing the landscaping as originally approved. The ordinance basically states that all of the landscaping cannot be altered at all from the landscaping plan that was submitted with the ordinance when it was adopted. It is staff's interpretation that the intent was to not allow the 'common area' (defined in the next paragraph) to be encroached upon by the homeowners but left open landscaped common ground as originally approved. In addition, the 'private area' landscaping (defined in the next paragraph) should be flexible enough to allow the landscaping to be enhanced and improved above the plan that was submitted with the approved ordinance. The current ordinance does not allow this to occur.

Both developments have two (2) separate and distinctly different landscaping areas. The first area is the landscaping that is immediately adjacent to and surrounding each main structure. This is referred to as 'private area'. The second is the common area which is comprised of all of the remaining property within the development except that area that is used for the building, road, driveway and private area. Highland Village

is slightly different because there is a building pad area defined on the plat as approved while Coventry defines each building by shape.

The Planning Commission reviewed this ordinance on May 26, 2009 and unanimously agreed that the text should be amended. On June 9, 2009 the Planning Commission held a legally noticed public hearing and recommended the Council adopt an ordinance that would allow a resident/HOA/developer to install landscaping around each unit (not common area) that exceeded the originally approved landscaping plan without requiring a Code Amendment (see attached recommended ordinance).

Proposed Action:

That the Council consider this ordinance and make any recommendations to staff prior to this ordinance's adoption at a future Council meeting.

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:

- Existing addendum "C" for each zone as adopted
- Aerial of subdivisions
- Photos of existing landscaping

ARTICLE 4.7.4

Article 4.7.4 Adopted: 3-4-03 (Amended: 6/7/05)

TOWN CENTER OVERLAY URBAN SUBDIVISION

3-4741: Town Center Overlay Urban Subdivision

3-4742: Permitted Uses

3-4743: Area and Width Requirements

3-4744: Location Requirements

3-4745: Building Elevation

3-4746: Size of Dwellings

3-4747: Special Provisions

3-4748: Conditional Uses

3-4747: Special Provisions (Amended: 6/7/05, 5/20/08)

Special provisions shall apply in the Town Center Overlay Urban Subdivision in order to protect its essential characteristics:

- (9) **Landscaping.** It shall be the responsibility of the developer of the subdivision to install the landscaping and shall post a performance bond for all landscaping per Chapter 6, Guarantee of Performance, in this Code. In order to protect the landscaping, landscaping may be deferred until such time as final inspection on the dwelling structure. All landscaping shall be **originally** installed in accordance with irrigation, landscaping and amenities plan incorporated into addendum "C". **This development shall include two separately defined landscaping areas which shall be classified as "common area" and "personal space". It is the responsibility of Homeowners Association to maintain all common areas before and after landscaping is installed.**
 - (a) **The "personal space" shall be defined as the area immediately surrounding each unit as illustrated in addendum "C" (plan L2.1 and L2.2).**
 - (i) **No unit builder or homeowner can remove any landscaping item from the 'personal space' area surrounding each building unless that landscaping item is replaced with, at minimum, a landscaping item of equal aesthetic value.**
 - (ii) **A unit builder or homeowner may add to and/or enhance the landscaping items within their 'personal space' surrounding each unit with landscaping that is aesthetically equal to or an improvement above the originally approved landscaping plan, following approval from the Home Owners Association.**
 - (b) **The "common area" shall be the entire area of the development excluding the main dwelling unit, the 'personal space', and any improved hard surface as illustrated in addendum "C" (plan L1).**
 - (i) **No unit builder or homeowner can remove, alter, or add any item to the "common ~~or private space area~~" without first amending addendum "C" (plan L1). ~~It is the responsibility of Homeowners Association to maintain all common areas before and after landscaping is installed.~~**

Proposed Ordinance Amendment

ARTICLE 4.7.6

Adopted: 8/2/05

TOWN CENTER TRANSITIONAL HOUSING OVERLAY

3-4761: Town Center Transitional Housing Overlay Subdivision

3-4762: Permitted Uses

3-4763: Area and Width Requirements

3-4764: Location Requirements

3-4765: Building Elevation

3-4767: Special Provisions

3-4768: Conditional Uses

3-4767: Special Provisions (Amended 5/20/08). Special provisions shall apply in the Town Center Overlay Urban Subdivision in order to protect its essential characteristics:

- (9) **Landscaping.** It shall be the responsibility of the developer of the subdivision to install the landscaping and shall post a performance bond for all landscaping per Chapter 6, Guarantee of Performance, in this Code. In order to protect the landscaping, landscaping may be deferred until such time as final inspection on the dwelling structure. All landscaping shall be **originally** installed in accordance with irrigation, landscaping and amenities plan incorporated into addendum "C". **This development shall include two separately defined landscaping areas which shall be classified as "common area" and "personal space". It is the responsibility of Homeowners Association to maintain all common areas before and after landscaping is installed.**
 - (a) **The "personal space" shall be defined as the area immediately surrounding each unit as illustrated in addendum "C" (plan L-2).**
 - (i) **No unit builder or homeowner can remove any landscaping item from the 'personal space' area surrounding each building unless that landscaping item is replaced with, at minimum, a landscaping item of equal aesthetic value.**
 - (ii) **A unit builder or homeowner may add to and/or enhance the landscaping items within their 'personal space' surrounding each unit with landscaping that is aesthetically equal to or an improvement above the originally approved landscaping plan, following approval from the Home Owners Association.**
 - (b) **The "common area" shall be the entire area of the development excluding the main dwelling unit, the 'personal space', and any improved hard surface as illustrated in addendum "C" (plan L-1).**
 - (i) **No unit builder or homeowner can remove, alter, or add any item to the "common ~~or private~~ space area" without first amending addendum "C" (plan L-1). ~~It is the responsibility of Homeowners Association to maintain all common areas before and after landscaping is installed.~~**

Proposed Ordinance Amendment

Adopted Addendum "C" TCOU Zone ~ 2003

HIGHLAND VILLAGE

TYPICAL IRRIGATION DESIGN

SCALE: 1/8" = 1'-0"

DATE: 1/17/03

PROJECT NO: 03-001

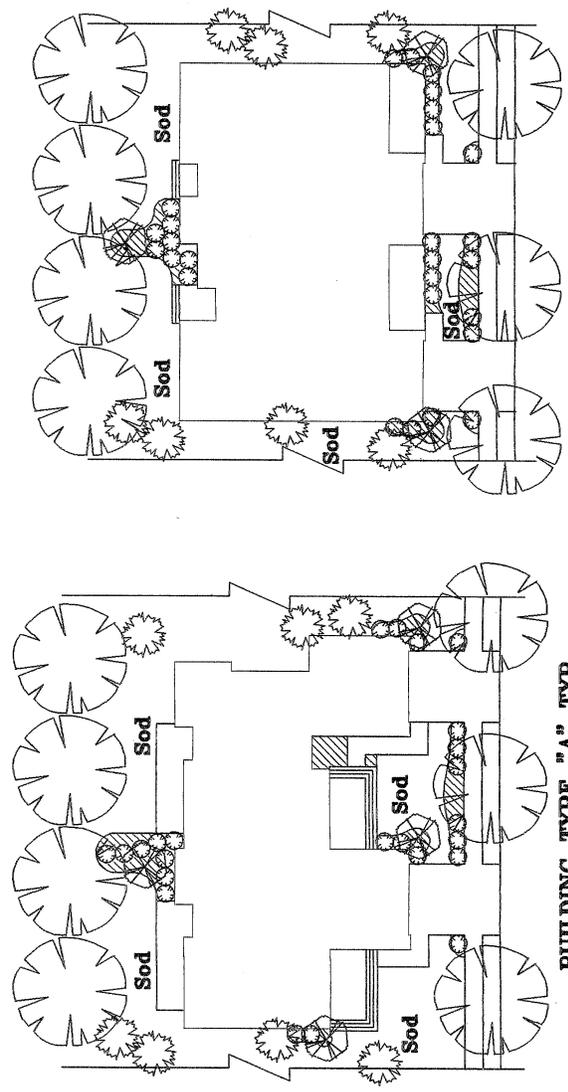
SHEET NO: 12.1

IRRIGATION PLAN

PLANT SCHEDULE

KEY	BOTANICAL NAME	COMMON NAME	SIZE	REMARKS	SPACING
EVERGREEN TREES:					
○	PICEA PINGENS	COLORADO SPRUCE	5 Gallon	Cont.	4' O.C.
○	PICEA PINGENS	COLORADO SPRUCE	5 Gallon	Cont.	4' O.C.
○	PRUNUS CALLERYANA BRADFORD	BRADFORD PEAR	1/2 @ 1-3/4" x 1/2 @ 2-1/2"	B&B	Per Plan
○	ACER PLATANOIDES	NORWAY MAPLE	1/2 @ 1-3/4" x 1/2 @ 2-1/2"	B&B	Per Plan
○	PRUNUS CALLERYANA CLEVELAND	CLEVELAND PEAR	1/2 @ 1-1/4" x 1/2 @ 1-1/2" x 1/2 @ 1-3/4"	B&B	Per Plan
○	MALUS SNOW	SNOW CRAB	1/2 @ 1-1/4" x 1/2 @ 1-1/2" x 1/2 @ 1-3/4"	B&B	Per Plan
SHRUBS:					
○	CORNUS ALBA	VARIEGATED DOGWOOD	5 Gallon	Cont.	4' O.C.
○	MANTONIA AGRIPODIUM	OREGON GRAPE	5 Gallon	Cont.	4' O.C.
○	ELDIANTHUS ALATUS TOMPACTA	DWARF BURNING BUSH	5 Gallon	Cont.	4' O.C.
○	SPIREA BUNALDA	ANTHONY WATERER SPIREA	5 Gallon	Cont.	4' O.C.
○	BERGERS ATROPURPUREA	CRIMSON PYGMY BAKBERRY	5 Gallon	Cont.	4' O.C.
○	ELDIANTHUS JAPONICA GRADIFOLIA	EVERGREEN ELDIANTHUS	5 Gallon	Cont.	4' O.C.
○	ACER PALMATUM	JAPANESE MAPLE	10 Gallon	Cont.	4' O.C.
○	ACER CHINALE	AMUR MAPLE	10 Gallon	Multiple stems	4' O.C.
GROUND COVERS:					
○	MARONIA REPENS	CREeping MARIONA	1 Gallon	Cont.	18" O.C.
○	VINCA MINOR	PERWINKLE	1 Gallon	Cont.	18" O.C.
○	POA PRATENSIS MIX	KENTUCKY BLUEGRASS MIX	2' - 4' SOD		Per Plan

*2.25 TREES PER UNIT



BUILDING TYPE "B" TYP.

BUILDING TYPE "A" TYP.

IRRIGATION PLAN
SCALE: 1/8" = 1'-0"

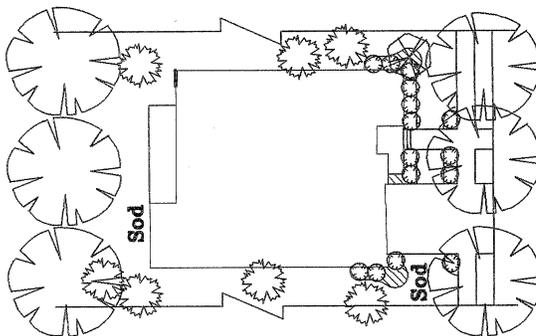
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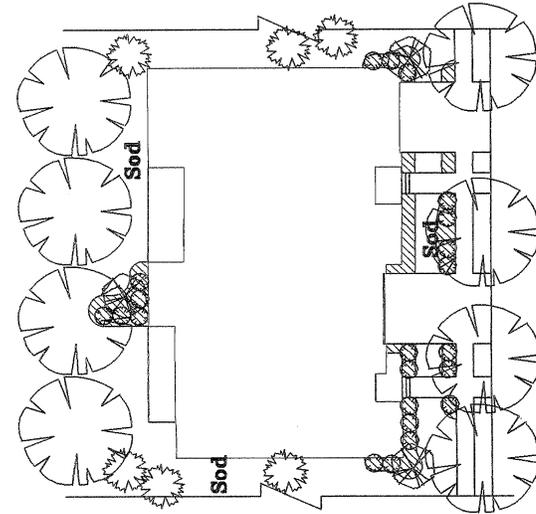
MEMBER: 2009
HIGHLAND VILLAGE

TYPICAL IRRIGATION DESIGN

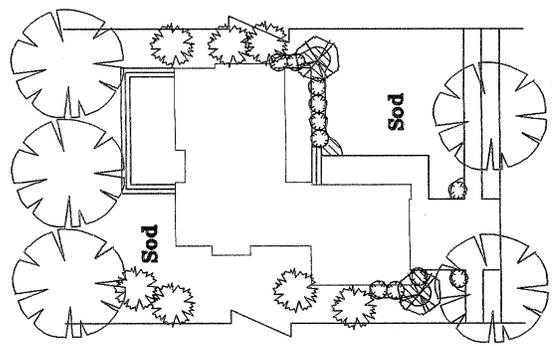
IRRIGATION PLAN
L2.2



BUILDING TYPE "D" TYP.



BUILDING TYPE "C" TYP.



BUILDING TYPE "E" TYP.

PLANT SCHEDULE		KEY	COMMON NAME	SIZE	REMARKS	SPACING
EVERGREEN TREES:	BOTANICAL NAME	KEY	COMMON NAME	SIZE	REMARKS	SPACING
PICEA PUNGENS	PICEA PUNGENS	EVERGREEN TREES:	COLORADO SPRUCE	COLORADO SPRUCE	B&B	Per Plan
PICEA PUNGENS	PICEA PUNGENS	SHADE TREES:	COLORADO SPRUCE	COLORADO SPRUCE	B&B	Per Plan
PRADERIE PEAR	PRADERIE PEAR	PICTUS CALLERYANA BROADLEAF	PRADERIE PEAR	11/8 @ 1-3/4" @ 2' @ 2-1/2"	B&B	Per Plan
NORWAY MAPLE	NORWAY MAPLE	ACER PLATANOIDES	NORWAY MAPLE	11/8 @ 1-3/4" @ 2' @ 2-1/2"	B&B	Per Plan
CLEVELAND PEAR	CLEVELAND PEAR	PICTUS CALLERYANA CLEVELAND	CLEVELAND PEAR	11/8 @ 1-1/4" @ 1-1/2" @ 1-1/2" @ 1-3/4"	B&B	Per Plan
SHUN GRAP	SHUN GRAP	MAULIP SNOW	SHUN GRAP	11/8 @ 1-1/4" @ 1-1/2" @ 1-1/2" @ 1-3/4"	B&B	Per Plan
VARIATED DOGWOOD	VARIATED DOGWOOD	CORALIS ALBA	VARIATED DOGWOOD	5 Gallon	Cont.	4' O.C.
OREGON GRAPE	OREGON GRAPE	MAHONIA REPENS	OREGON GRAPE	5 Gallon	Cont.	4' O.C.
DWARF BURNING BUSH	DWARF BURNING BUSH	MAHONIA REPENS	DWARF BURNING BUSH	5 Gallon	Cont.	4' O.C.
ANTHONY WATERER SPREA	ANTHONY WATERER SPREA	EUONYMUS ALTUS COMPACTA	ANTHONY WATERER SPREA	5 Gallon	Cont.	4' O.C.
CHALMERS PEGAWY PARSECY	CHALMERS PEGAWY PARSECY	SPREA BURNING BUSH	CHALMERS PEGAWY PARSECY	5 Gallon	Cont.	4' O.C.
EREGREEN ELDONIUMS	EREGREEN ELDONIUMS	PERDIS ATRORUPUREA	EREGREEN ELDONIUMS	5 Gallon	Cont.	4' O.C.
JAPANESE MAPLE	JAPANESE MAPLE	EUONYMUS JAPONICA GRADIFOLIA	JAPANESE MAPLE	10 Gallon	Cont.	4' O.C.
PAKISTANI MAPLE	PAKISTANI MAPLE	ACER PALMATTUM	PAKISTANI MAPLE	10 Gallon	Multiple Spec	4' O.C.
MAHONIA REPENS	MAHONIA REPENS	GROUND COVERS:	MAHONIA REPENS	1 Gallon	Cont.	18" O.C.
VINCA MINOR	VINCA MINOR	MAHONIA REPENS	VINCA MINOR	1 Gallon	Cont.	18" O.C.
PERENNIAL	PERENNIAL	ROCKS & GRASSES:	PERENNIAL	2' x 4'		Per Plan
KENTUCKY BLUEGRASS MIX	KENTUCKY BLUEGRASS MIX	BOULDER	KENTUCKY BLUEGRASS MIX	5'0"		Per Plan

PLANTING PLAN
SCALE 1"=30'

ATTACHMENT

Adopted Addendum "C" TCOU Zone ~ 2003

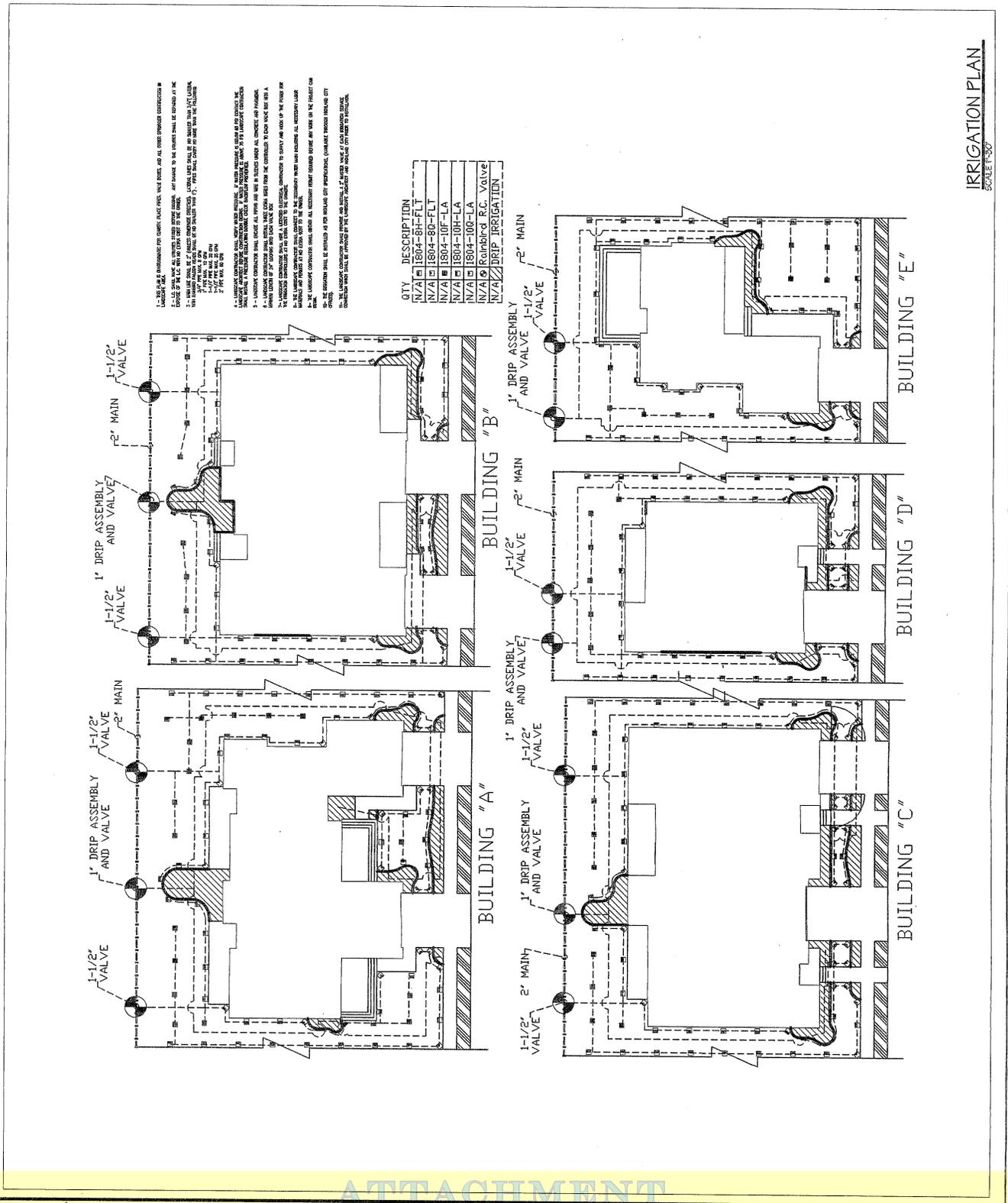
HIGHLAND VILLAGE
RESIDENTIAL DEVELOPMENT

TYPICAL IRRIGATION DESIGN

DATE: 06/10/03
BY: [Signature]

SCALE: 1"=10'

IRRIGATION PLAN
L2.3



ATTACHMENT

**Item 4: Town Center Transitional Housing Overlay – Code Amendment
(Site Plan, Architecture, Landscaping, Code)**

LANDSCAPING

PLANTING LEGEND:

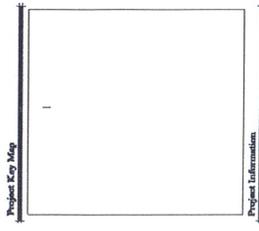
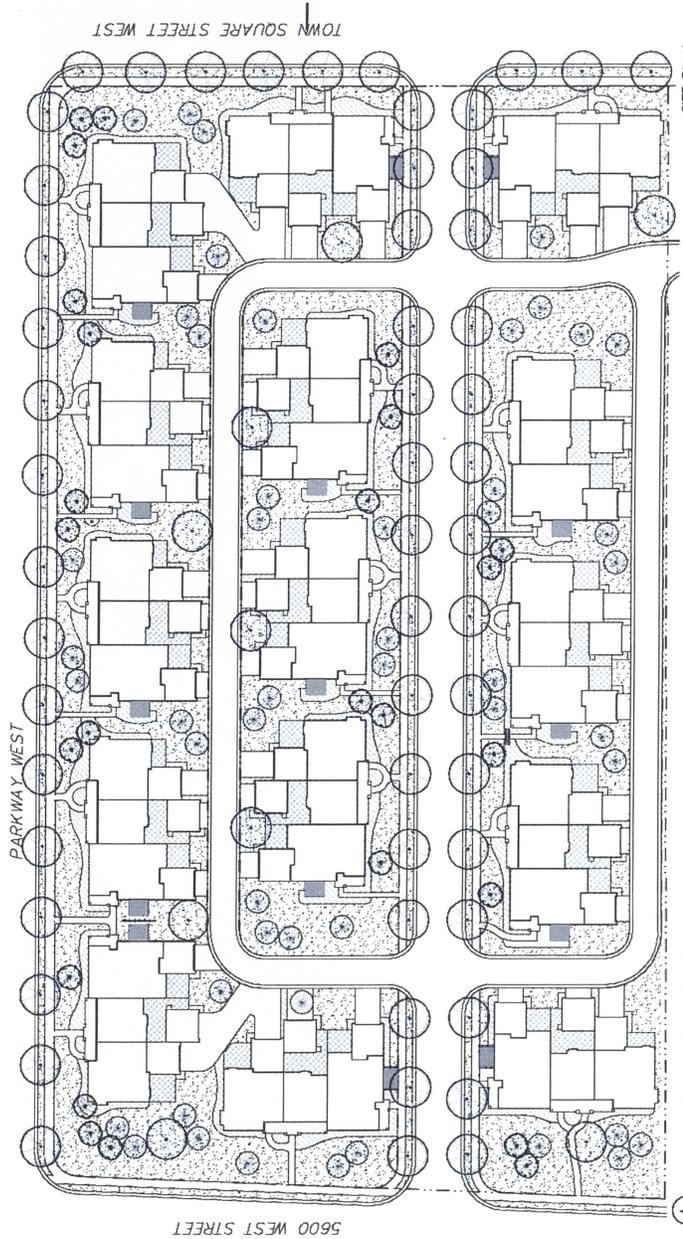
SYMBOL	QUANTITY	SCIENTIFIC NAME	COMMON NAME	SIZE	SPACING
[Symbol]	33	<i>Rosa wichuraiana</i> "Crane Veil"	Crane Veil Rose	2" Col.	As Shown
	30	<i>Abies truncatum</i> & <i>A. balsamifera</i>	Northwestern Spruce	2" Col.	As Shown
		<i>Thuja occidentalis</i>	Green Veil Yew	2" Col.	As Shown
[Symbol]	18	<i>Pyrus calleryana</i> "Redspire"	Red Spire Pear	2" Col.	As Shown
	9	<i>Syringa reticulata</i>	Japanese Tree Lilac	2" Col.	As Shown
[Symbol]	49	<i>Pinus nigra</i>	Australian Pine	6-7" Tall	As Shown
	-	TURF AREAS <i>Veronica Blue Grass Sod</i>		Seed	N.A.

SITE LEGEND:

[Symbol]	Planting Beds
[Symbol]	Patio
[Symbol]	Private Backyards



Highland Town Center
An Owner Occupied Housing Development
Trophy Homes



Project Information
Drawn By: KRB
Date of Plot: May 11, 2006 - 2:06pm
Checked By: STB
Landscape Architect: Noted

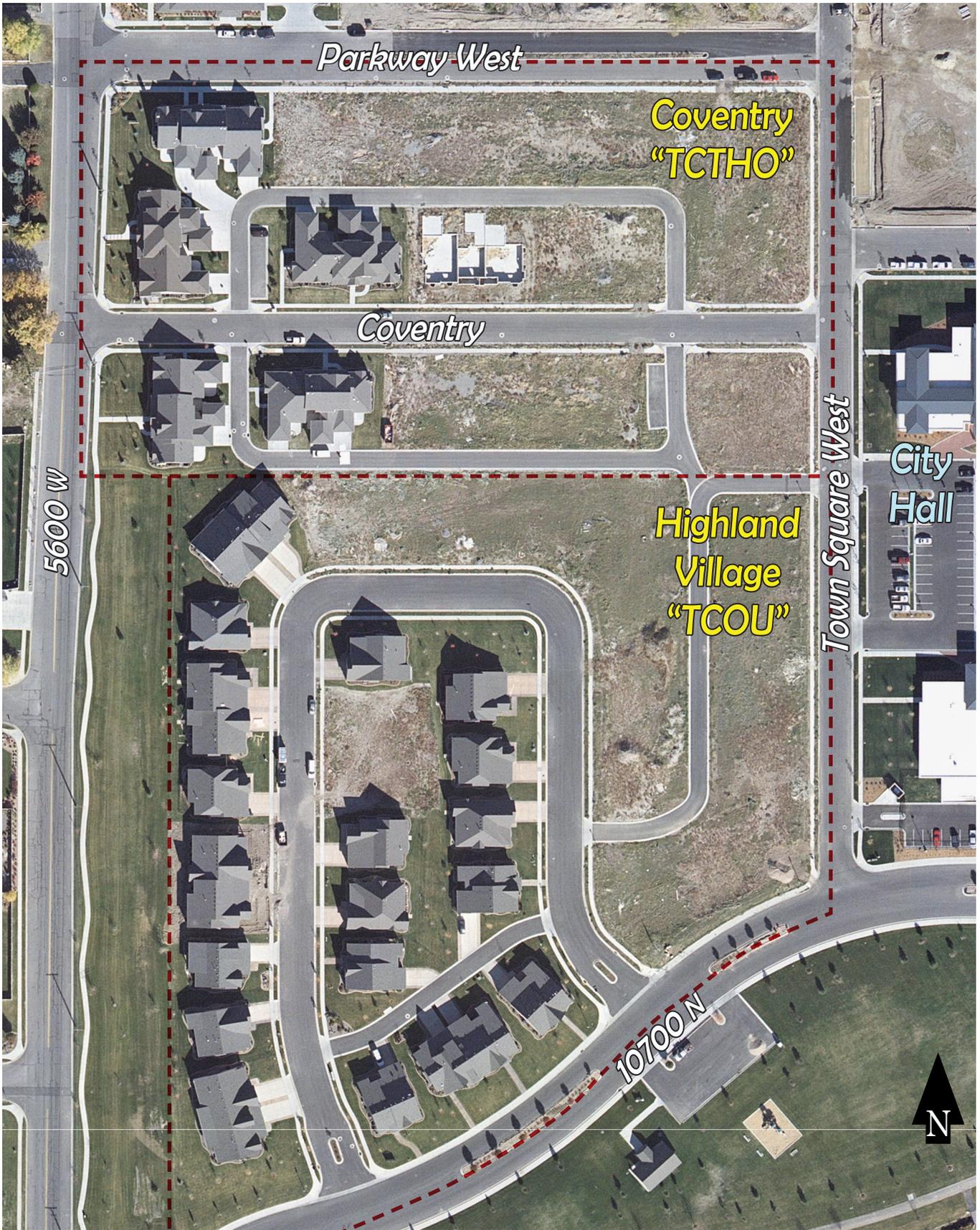


Landscape Plan

Sheet Number
L-1

SITE PLAN
SCALE: 1"=20'

Aerial of Both Properties ~ taken Oct. 2005



ATTACHMENT



Before

After

ATTACHM

Item 8.2: Proposed Ordinance Adding 10-102(12) ‘Common Household’ to Section 10-102: Definitions within the Highland City Development Code

Summary Statement:

A definition of “Common Household” is necessary for staff to make several determinations when reviewing building permits for new homes as well as remodels/additions. The definition of this has not been defined previously but has been administratively defined and enforced. Staff feels that it is necessary at this time to have this defined for implementation purposes.

Sponsor:

Highland City

Staff Presentation:

Lonnie Crowell, Community Development Director;
Barry Edwards, City Administrator 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 during a remodel/addition based upon relation. Recent approvals for a basement apartment indicated to staff that requirements for related individuals were very inconsistent with the basement apartment requirements. In addition the current ordinances permit a homeowner to divide their home into several subunits if the residents are related. A common household definition will help in regulating single family homes while potentially limiting future unintentional apartments.

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...*

This definition was created by the Planning Commission and included several Planning Commission meetings of which the Planning Commission discussed this item at length and also included a worksheet where the Planning Commissioners shared their concerns regarding a proposed definition. Several concerns were discussed including separate living areas for family members, separate exterior access for family members, and similar.

Comments from the previous Planning Commission meeting by the Planning Commissioners and staff resulted in the following possibility where **green bold** was a recommended final addition by the Planning Commission on May 26, 2009 and ~~red-strikeout~~ was a recommended final deletion on May 12, 2009:

PROPOSED DEFINITION/ CODE AMENDMENT:

10-102: Definitions

- 12) **Common Household - Living quarters in which the occupants share:**
1. **Living and eating areas**
 2. **Laundry facilities**
 3. **Primary access from outside the building**
 4. ~~Unobstructed~~ **Access to all rooms within the building**

Proposed Action:

That the Council review this proposed definition and provide staff with any recommendations/comments prior to Council action on this item.

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 Ordinance (see above)
- Planning Commission DRAFT minutes from May 26, 2009

Brent-what are the time constraints? Before winter? If we fast track this, what is the time period? Dark green-the big concern is that we can only serve portions of the city without this project. Brent-can you make one time exceptions for one time of facts? No. recommendation off the interpretation of the code.

Don-why can't you put this one underground? Light green- financial expense for a vault of that size. Has to ask AF council. Don-would the cost make one of the other locations more viable? Possible.

Jennifer Tucker opened the public hearing at 7:43 pm. [7:43:19 PM](#)

Janet Wadsworth, a resident in Pheasant Hollow, would not like to have any options for the road to be off. One thing considered is putting the pipe under the road which would make a it a bigger deal because the station would be there. (Murdock canal will be piped)

Jennifer Tucker closed the public hearing at 7:45 pm. [7:45:51 PM](#)

[7:46:30 PM](#)

Brent Wallace moved to recommend that the City Council NOT grant the Conditional Use Permit for a below-grade pressurized irrigation filter station as submitted with the additional conditions because it does not meet the requirement of "underground". It is the consensus of the Planning Commission that underground means covered. Seconded by Don Blohm. The motion passed with a unanimous vote.

Item 4: Define "Common Household" ~ Public Hearing and Recommendation

Carly LeDuc explained that "Common Household", as found in the Highland City Development Code, is an important term when evaluating building permits and illegal apartments; however, it is too vague of a term for Code Enforcement to successfully assess the situation. Staff feels that having a definition clarifying this term will help with enforcement process.

Staff and Commissioners discussed typographical corrections to the draft presented.

Jennifer Tucker opened the public hearing at 7:51 pm and hearing no public comment closed the public hearing.

Roger Dixon moved to recommend that the City Council the addition of the definition of "Common Household" to Section 10-102, 12: Definitions as follows:

Common Household - Living quarters in which the occupants share common:

- a. Living and eating areas**
- b. Laundry facilities**
- c. Primary access from outside the building**
- d. Access to all rooms within the building**

Seconded by Melissa Wright. The motion passed with a unanimous vote.

Item 8.3: Faye Mounter Water

Summary Statement:

Sponsor:

Highland City

Staff Presentation:

David Church, City Attorney

Background:

Information to be presented by the City Attorney at the Council Meeting.

Item 9.1: Report on the Public Safety District, Fire & EMS

Summary Statement:

Report and update on the Lone Peak Public Safety District, Fire & Ems

Sponsor:

Highland City

Staff Presentation:

Brian Brunson, City Council Member

Item 10.1: Communication Items

Summary Statement:

Communication of upcoming items and concerns by the Highland City Council

Item 10.2: Other Business

Summary Statement:

Mayor Jay W. Franson may address the City Council