



PLANNING COMMISSION AGENDA

Wednesday, January 18, 2023

NOTICE IS HEREBY GIVEN that the Herriman Planning Commission shall assemble for a meeting in the City Council Chambers, located at
5355 WEST HERRIMAN MAIN STREET, HERRIMAN, UTAH

6:00 PM WORK MEETING (Fort Herriman Conference Room)

1. Commission Business

- 1.1. Review of City Council Decisions – Michael Maloy, Planning Director
- 1.2. Review of Agenda Items – Planning Staff
- 1.3. Review and discussion of adopted Planning Commission Rules of Procedure
- 1.4. Land Use Training

2. Adjournment

7:00 PM REGULAR PLANNING COMMISSION MEETING (Council Chambers)

3. Call to Order

- 3.1. Invocation, Thought, Reading and/or Pledge of Allegiance
- 3.2. Roll Call
- 3.3. Conflicts of Interest

4. Administrative Items

Administrative items are reviewed based on standards outlined in the ordinance. Public comment may be taken on relevant and credible evidence regarding the application compliance with the ordinance.

4.1. Discussion and recommendation of proposed technical amendments in the Olympia Master Development Agreement (MDA) regarding the secondary water infrastructure plan, an alternate intersection plan for 12600 South and U-111, additional financing options for the public improvement district, and the amendment process when the Jordan School District is not involved – Blake Thomas, Community Development Director

5. Legislative Items

Legislative items are recommendations to the City Council. Broad public input will be taken and considered on each item. All legislative items recommended at this meeting will be scheduled for a decision at the next available City Council meeting.

**5.1. Consideration of amendments in Title 10 Land Development Code to clarify the intent of existing zoning standards for off-street parking, use and storage of recreational vehicles on private property, double-fencing, property maintenance, and non-substantive technical corrections. (Public Hearing)
Applicant: Herriman City
File No: Z2023-002**

6. Chair and Commission Comments

7. Future Meetings

7.1. Next City Council Meeting: Wednesday, January 25, 2023

7.2. Next Planning Commission Meeting: Wednesday, February 1, 2023

7.3. Next City Council Meeting: Wednesday February 8, 2023

8. Adjournment

In accordance with the Americans with Disabilities Act, Herriman City will make reasonable accommodation for participation in the meeting. Request assistance by contacting Herriman City at (801) 446-5323 and provide at least 48 hours advance notice of the meeting.

ELECTRONIC PARTICIPATION: Members of the Commission may participate electronically via telephone, Skype, or other electronic means during this meeting.

PUBLIC COMMENT POLICY AND PROCEDURE: The purpose of public comment is to allow citizens to address items on the agenda. Citizens requesting to address the Commission will be asked to complete a written comment form and present it to Wendy Thorpe, Deputy City Recorder. In general, the chair will allow an individual three minutes to address the Commission. A spokesperson, recognized as representing a group in attendance, may be allowed up to five minutes. This policy also applies to all public hearings.

I, Wendy Thorpe, certify the foregoing agenda was emailed to at least one newspaper of general circulation within the geographic jurisdiction of the public body, at the principal office of the public body, on the Utah State Public Notice website www.utah.gov/pmn/index.html and on Herriman City's website at www.herriman.org, Posted and dated this 12th day of January, 2023 /s/ Wendy Thorpe, Deputy City Recorder



STAFF REPORT

DATE: January 5, 2023
TO: The Planning Commission
FROM: Michael Maloy, AICP, Planning Director
SUBJECT: Review and discussion of adopted Planning Commission Rules of Procedure

RECOMMENDATION:

Staff recommends the Planning Commission review the attached adopted policy and identify any potential amendments for future consideration (see Attachment A).

ISSUE BEFORE COMMISSION:

Does the Planning Commission recommend drafting amendments to the adopted Planning Commission Rules of Procedure for Herriman City?

BACKGROUND & SUMMARY:

Due to recent changes in the Planning Commission meeting schedule, as well as the periodic joint meeting with the City Council, and the addition of two alternate Commission members, staff recommends the Commission review the adopted policy for potential updates.

DISCUSSION:

Section IX of the attached policy, which is entitled Adoption and Amendment, states:

These Rules of Procedure must be reviewed and approved by the Council before they become effective and may be amended upon approval by the Council.

However, it is appropriate for the Commission to recommend amendments to the Council as needed.

ALTERNATIVES:

The Planning Commission may direct staff to draft recommended amendments that are consistent with City Code. Following the Commission's formal review and recommendation, the policy will be forwarded to the City Council for review and decision.

ATTACHMENTS:

- A. Commission Rules of Procedure
- B. City Code

Attachment A
Commission Rules of Procedure



HERRIMAN PLANNING COMMISSION RULES OF PROCEDURE

These Rules and Procedures (“Rules of Procedure”) shall govern the proceedings of the Herriman Planning Commission (“Commission”) and shall be consistent with applicable provisions of the Utah Code (“Utah Code”) and Herriman Code of Ordinances 2017 (“Herriman Ordinances”).

I. Authority and Duties

The Commission shall act on all planning matters that arise within the jurisdiction of Herriman (“City”) as required or permitted by Utah Code and/or Herriman Ordinances.

II. Membership

Section 1. Appointment of Members and Participation– Regular and alternative Members of the Commission (“Members”) shall be appointed as provided in the Herriman Ordinances. Alternative Members may participate as a Member of the Commission upon the request of the Chair on a rotation basis when a regular Member is absent and the term Members shall also include any alternative Member who is thus participating.

Section 2. Rights of Members– All Members, including the Chair, shall be entitled to one vote on all matters properly brought before the Commission for action. Proxy votes shall not be permitted and Members must be present to vote unless otherwise allowed by a duly adopted policy on electronic meetings.

Section 3. Secretary - City Staff shall serve as secretary of the Planning Commission.

Section 4. Members’ Terms– The terms of regular and alternate Members shall be as set forth in the Herriman Ordinances.

Section 5. Training – Within three (3) months of being first appointed, newly appointed Members should meet with City Staff to review among other things the Rules of Procedure and the General Plan. All new members shall also be required to attend a Land Use 101 training with the Utah League of Cities and Towns within the first 6 months of being appointed.

All Members should attend additional trainings scheduled from time to time by City Staff. This should include a minimum of 4 hours of training each year. Failure to comply with attending any required training may result in removal of the Member from the Commission.

Section 6. Attendance – Members shall regularly attend Commission meetings.

Section 7. Member Responsibilities – As a Member of the Commission, each member shall be responsible to:



1. Read and study the agenda, staff reports, and all attached documents prepared by City Staff so that they are fully informed about each application prior to the scheduled Commission meeting.
2. Act in a courteous and respectful manner to their fellow Members, City Staff, applicant, and the public, during all meetings.
3. Attend Commission meetings, including any Joint Work meetings, and arrive on time.

Section 8. Removal Proceedings – Removal from the Commission shall be as set forth in the Herriman Ordinances.

Section 9. Vacancies – A Member may resign at any time by giving written notice of such resignation to the Mayor, Chair, and City Staff. Resignations shall be recorded in the meeting minutes. Any vacancy during a Member’s term shall be filled as set forth in Herriman Ordinances.

Section 10. Compensation and Reimbursement – Members shall receive compensation for their services and reimbursement for expenses as determined by City Council.

Section 11. Annual Review – The Mayor and Planning Commission Chair may meet annually with each Member for a performance evaluation.

III. Officers

Section 1. Election of Officers – As the first order of business at the first regularly scheduled Commission meeting held in August, the Commission shall hold elections for the positions of Chair and Vice Chair from among regular Members by a majority vote of the Members’ present.

Section 2. Officer Terms - Officers may serve successive terms.

Section 3. Officers Duties

1. The Chair Shall:
 - a. Serve as the Presiding Officer of the Commission
 - b. Implement the Rules of Procedure
 - c. Coordinate with the Supporting Agency staff to provide an agenda for each public meeting, and timely reports and other relevant information to the Commission
 - d. Execute all official documents and letters of the Commission
 - e. Identify and bring before the Commission such policy matters as are within the purview of the Commission
 - f. Conduct Joint Work Meetings with the City Council
2. The Vice Chair Shall:
 - a. Assist the Chair in all necessary capacities
 - b. Assume the duties and responsibilities for the Chair in all instances where the Chair is not available or unable to carry out the duties and responsibilities



3. The Secretary Shall:

- a. Take written minutes, and post all agendas and meeting activities as required by Utah Code. The Secretary in consultation with the Chair shall create the agenda for each meeting and shall send an agenda to the Members of the Commission. Additional items may be placed on the business meeting section of the agenda by Members of the Commission or City Staff as provided below.

Section 4. Chair *pro tempore* – In the absence or incapacity of both the Chair and the Vice Chair for a Commission meeting, the Members present at the meeting shall elect a Chair *pro tempore* to serve as Presiding Officer only for that meeting. Alternate Members shall not serve as Chair *pro tempore*.

IV. Meetings of Members

Section 1. A Quorum shall consist of a majority of its Members and shall be necessary to conduct any business of the Commission.

Section 2. Adherence to City, State, and Federal Law – Except as provided herein, all meetings shall be generally guided by Roberts Rule of Order-Simplified. With respect to matters of interpretation or applicability of these Rules of Procedure, or applicability of the Roberts Rules of Order-Simplified a determination by a majority of the Commission in attendance shall control. All meeting shall adhere to the Utah Open Meetings Act, and the Government Records Access Management Act.

Section 3. Regular Meetings – Meeting locations shall be publicly noticed and held each month. Annual notice of meeting dates shall be noticed as required by Utah Code. In addition, dates and times of the meeting shall be posted as required by Utah Code.

Section 4. Special Meetings – Special meetings may be called by the Chair or City Staff, with the consent of the Chair, at any time, provided that a preferred seventy-two (72) hours' notice (minimum of twenty-four (24) hours' notice) is given to each Member before the meeting is held and notice is given as required by Utah Code.

Section 5. Meeting Cancellation – Notice of cancellation of a meeting shall be posted as required by Utah Code. If a meeting is rescheduled the new meeting time, date, and location shall be posted as required by Utah Code.

V. Subcommittees

The Chair may create subcommittees as deemed necessary. Members of subcommittees shall be Commission Members.

VI. Meeting Notice and Agenda

Section 1. The Planning Commission, through the City Planning Staff, shall, insofar as practical, mail notices of the first meeting at which an application for a conditional use or the first public hearing for a subdivision or zoning amendment is to be considered to all property owners appearing on the latest plat in the Salt Lake County Recorder's Office within a 300-foot radius of the premises affected by the



application. Compliance with this subparagraph shall not be a condition precedent to proper legal notice and no hearing or action taken thereon shall be deemed invalid or illegal because of the failure to mail the notices provided for in this paragraph.

Section 2. Whenever a public hearing is held on any subdivision ordinance change or general plan amendment application, notice shall be published in accordance with Utah law and the requirements of the Herriman City Land Use Regulations.

Section 3. Applicants or interested parties should submit written materials on the Thursday by noon, prior to the scheduled meeting to allow the Planning Commission adequate time to review the materials.

VII. Procedures

A. Business Meeting

Section 1. The Commission shall conduct a business meeting as a component of each regularly scheduled meeting. The City Staff, or the Commission, by a majority vote, may adjust the scheduled time as needed. Members of the public may attend such meetings, but will not participate unless invited to do so by the Chair.

Section 2. The Commission shall review, correct, and approve of the minutes from the previous meeting. Additional items may be added to the business meeting section of the agenda by City Staff, Chair, or the Commission, by a majority vote. The Commission may also discuss and render decisions on policy issues and administrative matters that do not require public input. Special presentations, reports, and updates from the City Staff that do not require a decision may also be made. During a business meeting, there shall be no discussion of an application, request, or approval scheduled for the regular meeting.

B. Meeting Procedures

Section 1. Order – The order of business at the regular meeting shall follow the noticed agenda. The Chair, with the consent of the Commission, by a majority vote, or upon recommendation of City Staff, may consider matters out of the agenda order.

Section 2. Decisions – A matter for decision will be placed before the Commission by motion made by any Member present at the meeting. The Chair shall not make motions before the Commission except in the absence of a response from other Members to an invitation by the Chair that a motion on a pending matter would be in order. Any Member may second a motion. Alternates may make motions and second motions only if they are serving as an acting Member of the Commission at the meeting because of the absence of a regular Member.

Section 3. A majority vote by the present Members in favor of a motion shall carry the motion. No member of the Commission shall be permitted to vote on any question unless the member shall be present when the vote is taken and when the result is announced. No member shall give his/her proxy to any other person.



Section 4. Any member abstaining from a vote may remain seated at the table and participate in the discussion. Reasons for abstention must be stated at the time of the abstention and such reason shall not be considered a conflict of interest.

Section 5. The Chair, or Vice-Chair in the absence of the Chair, shall vote only in case of a tie on rezone, conditional use, and subdivision matters unless his/her presence at the meeting is required to constitute a quorum in which case he/she shall be a voting member on such matters. The Chair shall be a voting member on all other matters before the Planning Commission.

Section 6. Following a seconded motion, the Chair may ask each Member to verbally pronounce their name and vote and shall record each individual vote in the written minutes as an “aye” “yes “or “nay” “no.”

Section 7. No member shall be permitted to change his/her vote after the decision is announced by the Chair.

C. Procedures for Applications

Section 1. Application Public Hearing Procedure

1. Any person or entity may appear in person or be represented by an authorized agent at any meeting of the Commission
2. Unless altered by the Chair, the order of the procedure at a public hearing on an application shall be:
 - a. Presentation of the application by City Staff, including its recommendations and a summary of pertinent written comments and reports concerning the application
 - b. The applicant’s presentation, not to exceed fifteen (15) minutes
 - c. Any group representing the area in which the subject property is located, not to exceed five (5) minutes
 - d. Persons other than the applicant in favor of, or not opposed to, or in opposition to, the application, not to exceed three (3) minutes per person
 - e. Rebuttal by the applicant as necessary to respond to new issues raised by other parties, not to exceed five (5) minutes
 - f. Surrebuttal may be allowed at the discretion of the Chair.

Section 2. Application Public Hearing Rules

1. Each speaker, before talking, shall give his name and if desired his address.



2. Only one speaker is permitted before the Commission at a time.
3. The discussion must be confined to essential points stated in the application bearing on the desirability or undesirability of the application and is not a time for debate regarding the applications.
4. The Chair may cease any presentation or information that has already been presented and acknowledge that it has been noted in the public record.
5. No personal attacks shall be indulged in by either side, and such action shall be sufficient cause for stopping the speaker from proceeding.
6. No applause or public outbursts shall be permitted.
7. The Chair or City Staff may request police support to remove offending individuals who refuse to abide by these rules.

Section 3. Discussion and Vote – After all presentations have been made, the Chair may request or entertain a motion to close the public hearing. Members may continue to discuss the application among the Commission. Following this discussion on the application, a motion must be made and seconded, which may include; Approval, Approval with Conditions, Denial, a Recommendation to the Council (as appropriate), or Continuation of the item with or without date.

Section 4. Decisions – A decision of the Commission on an application shall be documented in writing by the City Staff and shall include reasons for the decision.

VIII. Ethics and Conflicts of Interest

Section 1. Compliance -All Members shall abide by Utah Code and, annually complete any necessary volunteer forms, documents, and training.

Section 2. Voting/ Recusal:—A member of the Commission who has a conflict of interest as defined by Utah Code and/or Herriman Ordinances shall declare the conflict of interest as required by Utah Code and recuse themselves from the agenda item relating to the conflict of interest. The Chair shall announce the recusal for the record. After declaring a conflict of interest, a Planning Commission member shall leave the room and not participate in the discussion and vote on the matter, nor attempt to use his/her influence with other Commissioners before, during or after the meeting.

Section 3. Ex Parte Communications – No member of the Commission shall have any ex parte discussion regarding any administrative land use application or re-zone application pending before the Commission. Ex parte communication means any communication, including but not limited to electronic or social media communication, with interested parties of an administrative land use application or re-zone application pending before the Commission prior to the Commission reaching a final decision. An administrative land use application means any land use application where by Utah Code or Herriman Ordinances the Commission is the final decision-maker. A re-zone land use application means any land use application where by Utah Code or Herriman Ordinance the City Council is the final decision-maker.



IX. Amendments and Adoption

A. Adoption and Amendment Procedure

These Rules of Procedure must be reviewed and approved by the Council before they become effective and may be amended upon approval by the Council.

Approved by the Council this 13th day of December, 2017.

HERRIMAN

Mayor Carman Freeman

ATTEST:

Cindy Quick, Deputy Recorder

Attachment B

City Code

CHAPTER 10-4 DECISION-MAKING BODIES AND OFFICIALS

10-4-1: Purpose

10-4-2: Scope

10-4-3: Definitions

10-4-4: City Council

10-4-5: Planning Commission

10-4-6: Appeal Authority

10-4-7: Community Development Director

10-4-8: Planning Commission Referral

10-4-1: Purpose

The purpose of this chapter is to set forth the authority of decision-making bodies and officials responsible for administering the provisions of this title. (Ord. 2018-20, 5-9-2018)

10-4-2: Scope

The authority of decision-making bodies and officials set forth in this chapter shall apply to the entirety of this title, subject to its various provisions. (Ord. 2018-20, 5-9-2018)

10-4-3: Definitions

Certain words and phrases in this chapter are defined in chapter 3 of this title. (Ord. 2018-20, 5-9-2018)

10-4-4: City Council

- A. Powers Not Enumerated In This Title: See City Council powers and duties set forth in title 1, chapter 6 of this Code.
- B. Powers And Duties Related To This Title: In addition to the powers and duties of the City Council set forth in subsection A of this section, in administering this title the City Council shall have the powers and duties set forth below. Each of such powers and duties shall be exercised pursuant to applicable provisions of this title.
 1. Adopt, modify, or reject a proposed General Plan or any amendment thereto for all or part of the City and its surroundings;
 2. Adopt, modify, or reject proposed amendments to the text of this title and to the zoning map; and
 3. Establish a fee schedule for land use applications required by provisions of this title. (Ord. 2018-20, 5-9-2018)

10-4-5: Planning Commission

- A. Established: Pursuant to the terms of the Municipal Land Use, Development, and Management Act, Utah Code section 10-9a-101, et seq., a Planning Commission is hereby established to exercise the powers and duties specified in this title.
- B. Appointment And Term Of Office: The Planning Commission shall consist of seven (7) persons who shall be appointed by the City Council.
 1. It is the intent of the City Council that the Planning Commission will represent diverse citizen groups, as well as the broad interests of the City as a whole; that membership

should include balanced representation in geographic, professional, neighborhood and community interest; and that a wide range of expertise relating to development of a healthy and well planned community should be sought when appointing commission members. Interests from which expertise might be selected include banking, development, contracting, engineering, geology and seismology, law, ecology, behavioral sciences, historic preservation, architecture, and landscape architecture. It is not, however, intended that Planning Commission members be limited to professionals, but rather, that members represent a cross section of the community.

2. Planning Commission members shall be bona fide City residents and qualified electors of the City.
3. Each Planning Commission member shall be appointed for a term of three (3) years which shall begin upon appointment.
4. Planning Commission members may be reappointed for successive terms.
5. The City Council may remove any member of the Planning Commission whenever it appears that such removal would be in the best interests of the City, as determined by the City Council.
6. Any vacancy occurring on the Planning Commission by reason of death, resignation, or removal shall be promptly filled by the City Council, for the unexpired term of such member.
7. Any vacancy occurring on the Planning Commission by reason of expiration of term shall be promptly filled by the City Council.
8. The City Council, may appoint three (3) alternate Planning Commission members who shall serve terms of one year. The reappointment, removal, and vacancy of alternate Planning Commission members shall be the same as for regular Planning Commission members. Alternate members of the Planning Commission may serve on the Planning Commission in the absence of a Planning Commission member.
9. Members and alternate members of the Planning Commission shall be deemed "volunteers" for purposes of City ordinances, rules, regulations, and policies concerning personnel; provided, however, they shall be included in the definition of "employee" for purposes of the Utah Governmental Immunity Act, Utah Code section 63G-7-101, et seq.
10. Planning Commission and alternate members may be compensated for performing their duties as may be approved by the City Council.

C. Powers And Duties: The Planning Commission shall have the following powers and duties which shall be exercised pursuant to the provisions of this title:

1. Prepare and recommend a General Plan and General Plan amendments to the City Council as provided in section 10-5-7 of this title;
2. Recommend land use regulations to the City Council as provided in section 10-5-8 of this title;
3. Act as a Land Use Authority as provided in this title; and
4. Advise the City Council on matters requested by the Council, including but not limited to, programs for public improvements and the financing thereof.

D. Organization And Procedure: The Planning Commission shall be organized and exercise its powers and duties as follows:

1. The Planning Commission shall select one member as Chair to oversee the proceedings and activities of the Planning Commission and one member as Vice-Chair to act in the absence of the Chair. The Chair and Vice-Chair shall serve for a term of one year and may be reelected for successive terms.
2. The Planning Commission shall adopt policies and procedures, consistent with the provisions of this title and applicable law, to govern the conduct of its meetings, the processing of applications, and for any other purpose considered necessary for the functioning of the Planning Commission. Such policies and procedures shall be approved by the City Council before taking effect.
3. The Planning Commission shall hold regular meetings and any necessary public hearings each month as specified in Title 2 of this Code, in the Herriman Community Center Building located at 5355 W. Herriman Main Street, Herriman, Utah, unless otherwise changed by the Planning Commission as the need may arise and permitted by law.
 - a. All Planning Commission meetings and public hearings shall be held after regular working hours of the City.
 - b. Such meetings and public hearings shall be noticed and held in accordance with the Open and Public Meetings Act, Utah Code section 52-4-1, et seq., and section 10-5-5 of this title.
4. No official business shall be conducted by the Planning Commission unless a quorum of its members is present.
 - a. Four (4) members of the Planning Commission shall constitute a quorum.
 - b. The minimum number of yes votes required for the Planning Commission to take any action shall be the majority of members present, unless otherwise prescribed by law.
5. The Planning Commission shall transmit reports of its official acts to the City Council.
6. Written minutes and a recording of Planning Commission meetings which are required by the Utah Open and Public Meetings Act, Utah Code section 52-4-1, et seq., shall be filed in the Office of the City Recorder. Such records shall be available for public review and access in accordance with the Government Records Access and Management Act, Utah Code section 63G-2-101, et seq.
7. The City and its authorized agents may enter upon any land at reasonable times to make examinations and surveys pertinent to the:
 - a. Preparation of the General Plan; or
 - b. Preparation or enforcement of the provisions of this title. (Ord. 2018-20, 5-9-2018)

HISTORY

Amended by Ord. [2022-45](#) Meeting Schedule for Planning Commission on 12/14/2022

10-4-6: Appeal Authority

- A. Established: Pursuant to the terms of the Municipal Land Use, Development, and Management Act, Utah Code section 10-9a-701, et seq., an Appeal Authority is hereby established.
- B. Appointment And Term Of Office: The Appeal Authority shall consist of one person who shall be appointed by the City Council.

1. The person serving as the Appeal Authority shall be appointed for a term determined by the City Council which shall begin upon appointment.
 2. Such person may be reappointed for successive terms.
 3. Any vacancy occurring on the Appeal Authority shall be promptly filled by the City Council.
 4. A person serving as the Appeal Authority shall be deemed a "volunteer" for purposes of City ordinances, rules, regulations, and policies concerning personnel; provided, however, such person shall be included in the definition of "employee" for purposes of the Utah Governmental Immunity Act, Utah Code section 63G-7-101, et seq.
- C. Powers And Duties: The Appeal Authority shall have the powers and duties given by Utah law, including but not limited to the following, which shall be exercised pursuant to the provisions of this title and applicable State law.
1. The Appeal Authority shall hear and decide:
 - a. Appeals from decisions applying the provisions of this title as provided in section 10-5-24 of this title;
 - b. Appeals from a fee charged in accordance with Utah Code section 10-9a-510; and
 - c. Requests for variances from the terms of this title as provided in section 10-5-21 of this title.
 2. The Appeal Authority:
 - a. Shall:
 - (1) Act in a quasi-judicial manner; and
 - (2) Serve as the final arbiter of issues involving the interpretation or application of the provisions of this title; and
 - b. May not entertain an appeal of a matter in which the Appeal Authority had first acted as the Land Use Authority.
- D. Organization And Procedure: The Appeal Authority shall be organized and exercise its powers and duties as follows.
1. The Appeal Authority shall adopt policies and procedures, consistent with the provisions of this title and applicable law, to govern the conduct of its meetings, the processing of applications, and for any other purposes considered necessary for the functioning of the authority.
 2. Public hearings and meetings of the Appeal Authority shall be held at the call of the authority in the Herriman Community Center Building located at 5355 W. Herriman Main Street, Herriman, Utah, unless otherwise changed by the authority as the need may arise and permitted by law.
 - a. Public hearings and meetings shall be noticed and held in accordance with the Open and Public Meetings Act, Utah Code section 52-4-1, et seq., and section 10-5-5 of this title.
 - b. At the meeting of any matter before the Appeal Authority, the parties affected may appear in person with or without an attorney.

- c. The Appeal Authority shall administer oaths, provide an opportunity for cross examination, and direct the proceedings of the authority in a quasi-judicial manner so that the due process rights of each participant are respected.
 - d. The Appeal Authority shall not have ex parte contacts.
3. The Appeal Authority shall transmit reports of its official acts to the City Council, Planning Commission, and Community Development Director.
 4. Written minutes and a recording of Appeal Authority meetings which are required by the Utah Open and Public Meetings Act, Utah Code section 52-4-1, et seq., shall be filed in the Office of the City Recorder. Such records shall be available for public review and access in accordance with the Government Records and Access Management Act, Utah Code section 63G-2-101, et seq. (Ord. 2018-20, 5-9-2018)

10-4-7: Community Development Director

- A. Appointment: The Community Development Director, or a person designated by the Director, is responsible for administering and enforcing the provisions of this title.
- B. Interpretation: Upon request, the Community Development Director shall make a written interpretation of the text of this title pursuant to section 10-5-23 of this title.
- C. Administrative Duties: The Community Development Director shall accomplish or cause to be accomplished all administrative actions required by this title, including the giving of notice, holding of hearings, preparation of staff reports, and receiving and processing of appeals.
- D. Appeal: Any person adversely affected by a final decision of the Community Development Director made in the exercise of the provisions of this title may appeal that decision to the Appeal Authority as provided in section 10-5-24 of this title. (Ord. 2018-20, 5-9-2018)

10-4-8: Planning Commission Referral

- A. Referral To Staff: The Planning Commission may direct that any matter over which it has jurisdiction be referred to the staff of the Planning Commission for review and preparation of recommendations. Such action shall be taken either by motion of the Planning Commission or pursuant to duly adopted policies and procedures of the Planning Commission. The authority for such referrals may be revoked at any time by motion of the Planning Commission or amendment of its policies and procedures as the case may be.
- B. Appointment Of Hearing Officer: In the event a matter is referred to the Planning Commission staff which requires a public hearing, the City Manager shall appoint a Hearing Officer to conduct the hearing in accordance with applicable requirements of this title.
- C. Review And Recommendation: If a matter is referred to the Planning Commission staff as permitted by this section, the staff shall conform to any instructions or limitations contained in the referral, and subject thereto shall review the referred matter, conduct any necessary hearings, and prepare written recommendations for the Planning Commission.
- D. Decision: Unless the Planning Commission shall otherwise direct, any person who has applied for authorization to develop property under the terms of this title may in writing consent to the staff recommendation and waive further action by the Planning Commission. If the applicant waives further action by the Planning Commission, the staff recommendation shall be deemed approved by the Planning Commission. Thereafter, necessary permits may be issued subject to the terms of this title and any applicable conditions of approval.

E. Limitation: This section shall not apply to any action where the Planning Commission is required by law to take direct action. (Ord. 2018-20, 5-9-2018)



STAFF REPORT

DATE: January 5, 2023

TO: The Planning Commission

FROM: Blake Thomas, Community Development Director

SUBJECT: Discussion and recommendation of proposed technical amendments in the Olympia Master Development Agreement (MDA) regarding the secondary water infrastructure plan, an alternate intersection plan for 12600 South and U-111, additional financing options for the public improvement district, and the amendment process when the Jordan School District is not involved.
File No. M2022-178
Applicant: Olympia Land LLC

RECOMMENDATION:

Staff recommends the Planning Commission consider the proposed amendments and forward a recommendation to the City Council for further review and final decision.

ISSUE BEFORE COMMISSION:

Should the Commission recommend approval of the proposed Olympia MDA amendments?

BACKGROUND/SUMMARY:

The following information was previously presented to the Planning Commission during the December 15, 2022, work meeting.

The Olympia Master Development Agreement with Herriman City was recorded on November 16, 2021. The Olympia project encompasses 933 acres, including 80 acres (with 20 additional acres under contract for a total of 100 acres) owned by the Jordan School District (JSD), who is identified as a “Special Owner” in the MDA. The Master Developer has been actively working with city staff, UDOT, neighboring property owners, and neighboring municipalities to coordinate the design of utilities, roadways. This effort has mainly been focused on determining the alignment of the extension of U-111 into Olympia. The Master Developer has submitted subdivision plans for the first phases on the Olympia Development and they are currently going through the DRC approval process.

The initial efforts for design have resulted in several concerns by the Master Developer and has led them to submit a request to amend the MDA to address those concerns. As per the Olympia MDA, the Planning Commission is obligated to consider the amendment request and make a recommendation to the City Council for review and decision. Whereas the proposed amendments are technical in nature and do not amend the land use plan, no public hearing is required for this amendment (see Attachment A – Draft MDA Amendment). Additional background information related to the Master Developer’s request is provided in the paragraphs below:

Currently, all amendments to the MDA require approval from the JSD regardless if they impact JSD property. The applicant believes this requirement is unnecessary and recommends removal. The Jordan School District Board approved this change at their Board Meeting on December 13, 2022.

Section 2.18 of the MDA requires the Master Developer to install secondary water infrastructure for all areas of the development within water pressure zones 3 and 4. However, the applicant believes the cost-benefit of the requirement is inefficient and requests removal.

Section 2.10 of the MDA contemplates two scenarios regarding the location of the future intersection of 12600 South and U-111, each of which provide guidance on commercial development requirements within the development. However, the prevailing conceptual plan for the location of this intersection was not anticipated within the MDA and warrants amendment.

DISCUSSION:

In summary, the applicant is requesting the following four MDA amendments:

1. Remove the requirement for providing dry secondary water lines in Olympia.
2. Only a portion of the intersection on the 12600 South and U-111 may be within Olympia. This scenario was not contemplated in the current agreement. Staff agrees with the applicant that this new potential scenario needs to be addressed in the MDA.
3. The applicant is exploring new financing options for the PID in addition to the “one-time” contract fee. The proposed amendment would allow the City Council to consider other funding sources for public infrastructure if approved.
4. The applicant wants to add a provision that states MDA amendments that do not involve JSD property do not require school board approval. This would allow future amendments unrelated to school property to move forward without full board approval.

ALTERNATIVES:

The Planning Commission may vote to recommend approval, denial, or modification of each proposed amendment—whether individually or collectively. Following the Planning Commission’s recommendation, staff will forward the proposal to the City Council for further consideration and final decision.

ATTACHMENTS:

- A. Draft MDA Amendment

Attachment A
Draft MDA Amendment

WHEN RECORDED, RETURN TO:

Herriman City Recorder
5355 West Herriman Main Street
Herriman, Utah 84096

DRAFT
10/27/22

AMENDMENT #2

MASTER DEVELOPMENT AGREEMENT

FOR

OLYMPIA

Approved: _____

**SECOND AMENDMENT
TO
THE MASTER DEVELOPMENT AGREEMENT FOR OLYMPIA**

THIS SECOND AMENDMENT TO THE MASTER DEVELOPMENT AGREEMENT FOR OLYMPIA (the “Second Amendment”) is made and entered as of the _____ day of _____ 2022, by and between HERRIMAN CITY, a political subdivision of the State of Utah, by and through its City Council, THE LAST HOLDOUT, L.L.C., a Utah limited liability company, JORDAN SCHOOL DISTRICT, a Utah school district, and OLYMPIA LAND, LLC, a Utah limited liability company.

RECITALS

A. The Parties entered into a Master Development Agreement for Olympia which was recorded on November 16, 2021 as Entry No. 13825061 in the official books and records of the Salt Lake County Recorder (the “MDA”).

B. The Parties entered into a First Amendment for Olympia which was recorded on September 20, 2022 as Entry No. 14018093 in the official books and records of the Salt Lake County Recorder.

C. The Parties desire to further amend the MDA to account for certain changes that have occurred to the proposed Project since the adoption of the MDA.

D. Specifically, the City desires for certain of the Public Infrastructure to be completed in early phases and one time to save costs and increase efficiencies and the City recognizes that the requirement of secondary water for certain areas of the Project no longer makes any practical sense

E. The parties have cooperated in the preparation of this Second Amendment.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the City, Owner and Master Developer and Special Owner hereby agree to the following:

AMENDMENTS

1. **Effect of this Second Amendment.** Other than a specifically amended herein by the First Amendment and this Second Amendment, the MDA shall remain in full force and effect.

2. **Secondary Water.** The provisions of Section 2.18 are hereby deleted. Any reference in the MDA to secondary water is also deemed deleted.

3. **Intersection of 12600 South and U-111 within the Planned Community.** Section 2.10.1 is hereby amended to read:

2.10.1 If at least one quarter (1/4) of the intersection of 12600 South and U-111 is located within the Planned Community, then Master Developer shall develop commercial uses, as permitted by the Design Guidelines, as follows:

4. **Public Infrastructure Financing.** Section 5.3.1 is hereby amended to read:

Security for Public Infrastructure Districts. The Parties hereby acknowledge that the collateral for securing public financing through the Public Infrastructure Districts shall be the One-Time Contract Fee and/or such other security as may be provided by the Governing Documents of the Public Infrastructure Districts. The Parties acknowledge that the One-Time Contract fee contemplated hereunder is not being assessed as an “impact fee” as that term is defined in Utah Code Ann § 11-36a-102(9) (2021).

5. **Special Owner Consent to Amendment.** Section 7.2 is hereby added to read as follows:

7.2. **Special Owner Consent Provision.** Special Owner shall not be required to execute any Amendment to this MDA that does not affect the School District Property.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement by and through their respective, duly authorized representatives as of the day and year first herein above written.

[signatures on following pages]

CITY
Herriman City

NATHAN CHERPESKI, City Manager

ATTEST

JACKIE NOSTROM, City Recorder

CHASE A. ANDRIZZI, City Attorney
Approved as to form and legality

STATE OF UTAH)
 :ss.
COUNTY OF SALT LAKE)

On the _____ day of _____, 2022, NATHAN CHERPESKI personally appeared before me, who being by me duly sworn, did say that they are the City Manager of Herriman City, a political subdivision of the State of Utah, and that the foregoing Master Development Agreement was signed on behalf of the City by authority of its City Council and said City Manager acknowledged to me that the City executed the same for the purposes described therein.

NOTARY PUBLIC

OWNER
The Last Holdout, LLC

Signature: _____

Name: _____

Title: _____

STATE OF UTAH)
 :ss.
COUNTY OF SALT LAKE)

On the ____ day of _____, 2022, _____
personally appeared before me, who being by me duly sworn, did say that they are the
_____ of The Last Holdout, L.L.C, a Utah limited liability
company, and that the foregoing Master Development Agreement was signed on behalf of the Owner by
authority of its governing board and acknowledged to me that the Owner executed the same for the purposes
described therein.

NOTARY PUBLIC

MASTER DEVELOPER
Olympia Land, LLC

RYAN BUTTON, Manager

STATE OF UTAH)
 :ss.
COUNTY OF SALT LAKE)

On the _____ day of _____, 2022, RYAN BUTTON personally appeared before me, who being by me duly sworn, did say that they are the Manager of Olympia Land, LLC, a Utah limited liability company, and that the foregoing Master Development Agreement was signed on behalf of the Master Developer by authority of its governing board and acknowledged to me that the City executed the same for the purposes described therein.

NOTARY PUBLIC

SPECIAL OWNER
Jordan School District

Signature: _____

Name: _____

Title: _____

STATE OF UTAH)
) :ss.
COUNTY OF SALT LAKE)

On the ____ day of _____, 2022, _____
personally appeared before me, who being by me duly sworn, did say that they are the
_____ of Jordan School District, and that the foregoing Master
Development Agreement was signed on behalf of the Owner by authority of its governing board and
acknowledged to me that the Owner executed the same for the purposes described therein.

NOTARY PUBLIC



STAFF REPORT

DATE: January 5, 2023

TO: The Planning Commission

FROM: Michael Maloy, AICP, Planning Director

SUBJECT: Consideration of amendments in Title 10 Land Development Code to clarify the intent of existing zoning standards for off-street parking, use and storage of recreational vehicles on private property, double-fencing, property maintenance, the definition of weeds, and non-substantive corrections. (Public Hearing)

RECOMMENDATION:

Staff recommends the Planning Commission conduct a public hearing and motion to recommend approval to the City Council for further consideration and final decision.

ISSUE BEFORE COMMISSION:

Should the City amend Title 10 of the City Code as proposed?

BACKGROUND & SUMMARY:

Planning Department staff has been meeting with Community Services to discuss various code enforcement issues within the City. Based on these conversations, staff has prepared several minor text amendments in Title 10 Land Development Code that clarify regulatory intent, correct unintended conflicting provisions, and address non-substantive technical errors.

DISCUSSION:

City Code amendments are a legislative matter that requires:

- Public hearing notices posted in three public places (at least) ten days before the hearing, and
- Public hearing notices mailed to all affected entities registered with the City (at least) ten days before the hearing.

Staff completed the public hearing notice requirements on January 6, 2023. Before the publication of this report, staff did not receive any public comments for or against the proposal.

Both State and City Code requires the Planning Commission to conduct a public hearing on the proposal, consider public comment, and make a recommendation to the City Council for further consideration and final decision.

City Code specifies the following standards for text amendments in Title 10:

10-5-8.E Approval Standards: A decision to amend the text of this title or the zoning map is a matter within the legislative discretion of the City Council as described in subsection 10-5-6A of this chapter. In making an amendment, the following factors should be considered:

1. Whether the proposed amendment is consistent with goals, objectives, and policies of the General Plan;

Finding: The Herriman City General Plan recognizes the value of enforcement and the need to review and update zoning regulations to ensure plan implementation and achievement of objectives as demonstrated below:

CC-5: Community Character is reflected by landscaping, trees, and improvements to the City's neighborhoods. Herriman is over 20 years old and some neighborhoods may need a fresh look and infusion of amenities to support the community's evolving/changing population. *Long-term maintenance and enforcement is needed to support community character over time.* (Community Character policy, pg 55, italics added)

Action Item: Review Land Development Code (Subdivision, Zoning) Annually or Biannually. In coordination with the review of the Future Land Use (FLU) Map, Herriman City will review the Land Development Code (either before or after review of the FLU) to ensure compatibility between the vision and the regulations. This will also help the City continue to ensure close coordination with City's technical master plans to support the timing and planning of infrastructure investments.

2. Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property;

Finding: The proposed amendments are minor clarifications or technical corrections that are consistent with the stated intent of the Land Development Code. However, the Planning Commission may consider further amendments to the draft ordinance that broaden or limit existing regulations. However, additional findings may be warranted if the Commission motions to recommend approval of the amendments with modification.

3. The extent to which the proposed amendment may adversely affect adjacent property; and

Finding: The proposed amendments are intended to improve the administration and enforcement of City Code to protect the health, safety, and general welfare of Herriman residents and property owners.

4. The adequacy of facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, stormwater drainage systems, water supplies, and wastewater and refuse collection.

Finding: None of the proposed amendments increase land use intensity or impact public facilities and services. As such, staff finds the proposal complies with this standard of review.

It should be noted that additional text amendments in other titles of City Code that are intended to improve code enforcement in Herriman are also being prepared by the City Attorney for City Council consideration. However, because these amendments are outside the jurisdiction of the Planning Commission, they have not been included.

ALTERNATIVES:

In general, the Planning Commission may consider the following alternatives:

Alternatives	Pros	Cons
Approve proposal as drafted	Approval of the proposal may clarify City Code and improve the administration and enforcement of approved regulations	None identified
Modify proposal	Modification of the proposal may produce unintended consequences	Modification of the proposal may improve the draft
Deny proposal	Denial of the proposal will complete the amendment process and allow staff time to work on other priorities	Denial of the proposal may inhibit improvements in public policy and administrative efficiencies
Continue proposal	Continuing the proposal will allow additional time to consider the impacts and options of the proposal	Continuing the proposal will require additional staff time and prevent staff from working on other objectives of the City

FISCAL IMPACT:

Approval or denial of the proposed Land Development Code amendments will not directly impact the Herriman City Budget.

ATTACHMENTS:

- A. Draft Ordinance

Attachment A
Draft Ordinance

Within the following City Code excerpts, only the text marked by an “underline” or “strike-through” shall be amended if approved by the City Council.

10-3-5: Definitions, Generally

As used in this title, the words and phrases defined in this section shall have the following meanings unless the context clearly indicates a contrary meaning.

WEEDS: Vegetation that is uncultivated, useless, unsightly, or which has become a fire hazard or otherwise determined by the city to be noxious, dangerous, or a nuisance, including, but not limited to, musk thistle (Carduus nutans), poison ivy (Rhus Toxicodendron) and those plants named in the Utah noxious weed act, Utah Code Annotated title 4, as amended.

RECREATIONAL VEHICLE: A vehicle which is: a) built on a single chassis; b) four hundred (400) square feet or less when measured at the largest horizontal projections; c) designed to be self-propelled or permanently towable by a light-duty truck; and d) design primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel, or seasonal use.

10-21-8: Walls Along Collector and Arterial Streets

- A. Applicability: Whenever a lot or parcel is proposed to be developed which abuts a collector street, as identified in the Herriman Master Street Plan, a minimum six-foot (6') high wall shall be installed along the street right-of-way line adjoining the lot or parcel as provided in this section. Whenever a lot or parcel is proposed to be developed which abuts an arterial street, as identified in the Herriman Master Street Plan, a minimum eight-foot (8') high wall shall be installed along the street right-of-way line adjoining the lot or parcel as provided in this section.
 - 1. Exception. The Community Development Director may modify or waive the wall requirement for lots that were recognized as legal by the city upon annexation or have been approved by the city since incorporation.
- B. Materials: A wall located on the right-of-way line of an identified collector or arterial street shall be constructed of masonry or precast concrete in a style and color consistent with existing walls already installed along the length of the street. If no wall has been constructed along the street, the wall shall have a style and color consistent with other walls in the vicinity.
- C. Mountain View Corridor Noise Walls: Any development abutting the Mountain View Corridor shall include construction of a noise wall along the corridor right-of-way line if the Utah Department of Transportation determines such wall is necessary pursuant to an environmental study. (Ord. 2017-54, 12-13-2017)

10-21-11: Double Fencing

- A. Double fences shall be prohibited except for the following:
1. When located adjacent to an existing agricultural or animal use. This exception means that owners who wish to construct a fence may need to tie their fence into an existing fence located on an adjacent lot or parcel unless the fence is not deemed a double fence as defined in chapter 3 of this title.
 2. Lots located directly adjacent to school district property. (Ord. 2017-54, 12-13-2017)
 3. When an adjacent property owner is unwilling to allow the removal and replacement of an existing fence located on or near a common property line, the Community Development Director may permit double fencing that is required to mitigate reasonably anticipated detrimental impacts from incompatible land uses as defined within this title.

10-21-12 Fence Maintenance:

Following the release of any improvement completion assurance for the construction of a fence, the abutting property owner shall maintain the fence in good condition unless the city specifically agrees to maintain the fence. All fences must be maintained in good condition and free from damage, breaks, or missing parts.

10-24-4: Parking Design Guidelines:

- A. General Considerations: Parking lot design should include a useful pedestrian circulation system, adequate turning radii, an efficient traffic movement pattern, a pleasant appearance, convenient parking locations, efficient drainage, and integration of parking with the character of the site and proposed development.
- B. Covered Spaces: The design of covered parking structures should be compatible with the overall design and character of the project where the structures are located.
- C. Emergency Vehicle Access: Access for emergency vehicles should be integrated into the design of the project.
- D. Loading And Unloading Areas: Pedestrian drop-off locations should be incorporated within overall circulation patterns and should be convenient and safe for pedestrians.
- E. Parking Location: Parking areas should be located as follows:
1. In office use projects, twenty-five percent (25%) of the required parking spaces should be provided within two hundred feet (200') of the building served, and the balance within four hundred feet (400').
 2. In commercial and industrial use projects, required parking spaces should be located within one hundred fifty feet (150') of the building served.

3. In multiple-residential projects, required parking spaces should be arranged to provide at least one parking space per unit within one hundred feet (100') of the dwelling units they are intended to serve.
4. In single-family residential projects, required off-street parking shall be provided within or on:
 - i. An enclosed garage or covered carport that is attached to or detached from the dwelling,
 - ii. An uncovered parking space located within a side or rear yard of a dwelling that complies with the standards of this chapter.
 - iii. An approved driveway from a public or private right of way that leads directly to an approved garage, carport, or approved parking space.

10-24-7: Parking Location

- F. Recreational Vehicle Parking in Agricultural and Residential Zones: In agricultural and residential zones, no boat or recreational vehicle shall be parked in a front yard for longer than seven (7) consecutive days. Storage of a recreational vehicle shall be within a side or rear yard of a dwelling on an approved parking surface. No portion of a recreational vehicle, including a trailer, may encroach into a public or private right-of-way.

10-24-10: Parking Lot Design and Construction

- J. Paving: Unless expressly provided otherwise in this title, every parking space and lot required by this title shall be:
1. Paved with asphalt, concrete, or some other all-weather surfacing material in accordance with City specifications;
 2. Maintained to eliminate dust or mud; and
 3. Graded and drained to dispose of all surface water. Such surface water drainage shall not cross a public sidewalk.

10-27-7 Signs Allowed

Signs allowed, by zones, shall be as shown in chart 10-27 of this section.

Illumination may be built into or attached to signs listed above when:

1. Lighting is allowed in the specific zone;
2. Development occupies more than 500 feet of continuous frontage on the street the sign will face, and the sign is more than 200 feet from a lot where an illuminated sign is not permitted.

3. Flat signs ~~faeing~~ that face a dwelling or dwellings on adjacent ~~properties~~ property ~~may not cannot~~ be illuminated. (~~properties~~ Property divided by a public streets or right-of-way ~~are is~~ not adjacent).

C-1 Zone				
Flat	15% of wall area	None	Building wall	Illumination may be built into or attached to signs, unless exposed to a dwelling on adjacent property or a residential zone boundary, in which case it may be allowed with conditional use approval. <u>Property separated by a public street or right-of-way is not adjacent.</u>

C-2 Zone				
Flat or wall	20% of wall area	None	Building wall	Illumination may be built into or attached to signs, unless exposed to a dwelling on adjacent property or a residential zone boundary, in which case it may be allowed with conditional use approval. <u>Property separated by a public street or right-of-way is not adjacent.</u>

MU-2 Zone				
Flat or wall	20% of wall area	None	Building wall	Illumination may be built into or attached to signs, unless exposed to a dwelling on adjacent property or a residential zone boundary, in which case it may be allowed with conditional use approval. <u>Property separated by a public street or right-of-way is not adjacent.</u>

10-29-34: Outdoor Lighting

- A. General Provisions: Outdoor lighting fixtures shall be arranged to direct light away from adjoining residential property.
1. Lighting fixtures mounted on utility poles shall be fully shielded, cut-off type fixtures that will not allow light dispersion or direct glare to shine above a ninety-degree (90°) horizontal plane from the base of the fixture.
 2. Detached lighting of signs, buildings, and displays shall be directed downward. Uplighting shall be prohibited except as allowed in landscaped areas as part of an approved site plan, conditional use permit, or other plan or permit.
 3. Electrical service to outdoor lighting fixtures shall be underground unless fixtures are mounted directly on utility poles.

4. Glare. Light sources shall be arranged, hooded, or otherwise controlled to deflect light (both direct and reflected) away from adjoining property or public rights-of-way. No light source shall be visible from beyond any property line, whether from exterior lighting, high-temperature processing, combustion, welding, or another source.
 - a. Safety hazard. Any artificial light source which creates glare observable within the normal range of vision from any public walk or thoroughfare under normal weather conditions is considered a safety hazard and is prohibited.
 - b. Nuisance. Any artificial light source which creates glare observable within the normal range of vision, under normal weather conditions, from any property other than the property where the light source is located is considered a nuisance and is prohibited.
- B. Exemptions: The following types of outdoor lighting shall be exempt from the provisions of this section:
1. Holiday lighting during ~~the months of~~ November, December, and January, provided such lighting does not create dangerous glare on adjacent streets or property;
 2. Temporary lighting for temporary uses approved as part of a temporary use permit pursuant to section 10-5-14 of this title;
 3. Lighting associated with agricultural operations;
 4. Construction or emergency lighting, provided such lighting is temporary and is discontinued when the need for such lighting ends; and
 5. Roadway lighting.

10-29-51: Internal Accessory Dwelling Unit Regulation

- I. Business License Required. To ensure city code compliance, promote regular property maintenance, and report on moderate-income housing as required by Utah State Code, the property owner must obtain an annual business license from the city before renting the internal ADU.

10-29-53: Use of Recreational Vehicles As A Residence:

No mobile home or recreational vehicle shall be used as a temporary or permanent dwelling unit at any time in any zone as provided in this title.

10-31-10: Landscape and Other Standards

- A. Variety: Landscaping shall consist of a variety of trees, shrubs, flowers, and other planted material, and shall be primarily comprised of water-wise landscaping applications of ground covers, rock, and mulch.
- B. Water Efficiency: All new landscaping and revisions to existing landscape shall incorporate water-efficient landscape materials.
- C. Public Rights-of-Way Minimum: A minimum of fifteen feet (15') width of landscaping will be required along all public rights-of-way. Except every one hundred ~~feet~~ feet (100'), a frontage car display area of no more than twenty feet (20') long may narrow the landscaping width down to ~~eight~~ two feet (~~8~~2'). A minimum of five feet (5') width of landscaping will be required for all as rear and side yard landscaped areas.