



HIGHLAND CITY

HIGHLAND CITY PLANNING COMMISSION AGENDA

Tuesday, July 26, 2022

***amended July 25, 2022**

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

VIRTUAL PARTICIPATION



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



Email comments prior to meeting: planningcommission@highlandcity.org

7:00 PM REGULAR SESSION

Call to Order – Jerry Abbott, Chair

Invocation – Commissioner Audrey Moore

Pledge of Allegiance – Commissioner Claude Jones

1. SWEARING IN NEW PLANNING COMMISSIONERS

Stephannie Cottle, City Recorder, will issue the Oath of Office to Trent Thayn as a new Commissioner, and Chris Dayton as a new Commissioner Alternate.

2. UNSCHEDULED PUBLIC APPEARANCES

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

3. CONSENT ITEMS

Items on the consent agenda are of a routine nature or have been previously studied by the Planning Commission. They are intended to be acted upon in one motion. Commissioners may pull items from consent if they would like them considered separately.

- a. **Approval of Meeting Minutes** *Administrative*
Regular Planning Commission Meeting – June 28, 2022

4. **MINOR SUBDIVISION FINAL PLAT: HHC HIGHLAND** *Administrative – Kellie Smith, Planner & GIS Analyst*

The Planning Commission will hold a public hearing to consider a request Holmes Homes Custom LLC for approval of a proposed 2-lot subdivision located at approximately 6386 W and 6390 W 10400 N. The Planning Commission will take appropriate action.

5. **PUBLIC HEARING: TEXT AMENDMENT – DEFINITION OF MAIN DWELLING** *Legislative – Kellie Smith, Planner & GIS Analyst*

The Planning Commission will hold a public hearing to consider a proposal by Highland City Staff to amend Section 10-102 Definitions to revise the definition of a Main Dwelling and what constitutes attached to or part of a Main Dwelling as compared to accessory structures. The Planning Commission will take appropriate action.

6. **PUBLIC HEARING: TEXT AMENDMENT - NEWSPAPER NOTICING**

Legislative - Kellie Smith, Planner & GIS Analyst

The Planning Commission will hold a public hearing to consider a proposal by Highland City Staff to amend several sections of the Development Code relating to removing newspaper noticing requirements for public hearings. The Planning Commission will take appropriate action.

7. **PLANNING COMMISSION AND STAFF COMMUNICATION ITEMS**

The Planning Commission may discuss and receive updates on City events, projects, and issues from the Planning Commissioners and city staff. Topics discussed will be informational only. No final action will be taken on communication items.

a. **Future Meetings**

- August 2, City Council 7:00 pm, City Hall
- August 16, City Council, 7:00 pm, City Hall
- August 23, Planning Commission, 7:00 pm, City Hall
- September 6, City Council, 7:00 pm, City Hall

b. **Change Master Plan to Mandate Xeriscaping & Remove Grass - Commissioners Jerry Abbott & Christopher Howden**

c. **Definition of Grade Across City Code - Commissioners Jerry Abbott & Christopher Howden**

d. **Definition of Setback Across City Code - Commissioners Jerry Abbott & Christopher Howden**

Legislative: An action of a legislative body to adopt laws or policies.

Administrative: An action reviewing an application for compliance with adopted laws and policies.

ADJOURNMENT

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

ELECTRONIC PARTICIPATION

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

CERTIFICATE OF POSTING

I, Kellie Smith, the Planning Coordinator, certify that the foregoing agenda was posted at the principal office of the public body, at the Lone Peak Fire Station and Lone Peak Police Station, on the Utah State website (<http://pmn.utah.gov>), and on Highland City's website (www.highlandcity.org).

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

Posted and dated this amended agenda 25th day of July, 2022..

Kellie Smith, Planning Coordinator

THE PUBLIC IS INVITED TO PARTICIPATE IN ALL PLANNING COMMISSION MEETINGS.



HIGHLAND CITY

HIGHLAND CITY PLANNING COMMISSION MINUTES

Tuesday, June 28, 2022

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

Waiting Formal Approval

VIRTUAL PARTICIPATION



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



Email comments prior to meeting: planningcommission@highlandcity.org

7:05 PM REGULAR SESSION

Call to Order – Jerry Abbott, Chair

Invocation – Commissioner Jay Roundy

Pledge of Allegiance – Commissioner Trent Thayn

The meeting was called to order by Planning Commission Chair Jerry Abbott as a regular session at 7:05 PM. The meeting agenda was posted on the *Utah State Public Meeting Website* at least 24 hours prior to the meeting. The prayer was offered by Commissioner Jay Roundy and those in attendance were led in the Pledge of Allegiance by Commissioner Trent Thayn.

PRESIDING: Commissioner Jerry Abbott

COMMISSIONERS

PRESENT: Jerry Abbott, Christopher Howden, Claude Jones, Audrey Moore, Jay Roundy, and Trent Thayn

CITY STAFF PRESENT: City Administrator/Community Development Director Nathan Crane, City Attorney Rob Patterson, City Planner and GIS Specialist Kellie Smith, Planning Commission Secretary Heather White

OTHERS PRESENT: Jon Hart, see attached Attendance sheets

1. UNSCHEDULED PUBLIC APPEARANCES

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

None was offered.

2. **CONSENT ITEMS**

Items on the consent agenda are of a routine nature or have been previously studied by the Planning Commission. They are intended to be acted upon in one motion. Commissioners may pull items from consent if they would like them considered separately.

a. **Approval of Meeting Minutes** *Administrative* Regular Planning Commission Meeting – February 22, 2022

Commissioner Howden MOVED to approve the minutes for the February 22, 2022 Planning Commission meeting. Commissioner Moore SECONDED the motion. All present were in favor. None were opposed. The motion carried unanimously.

3. **PUBLIC HEARING: CONDITIONAL USE PERMIT – ANGELA JOHNSON SCULPTURES** *Administrative – Kellie Smith, Planner & GIS Analyst*

The Planning Commission will hold a public hearing to consider a request by Angela Johnson for approval of a Conditional Use Permit for an art gallery in the R-1-40 Zone located at approximately 6233 W 10150 N. The Planning Commission will take appropriate action.

Ms. Smith explained that the applicant was working on a sculpture project that would eventually be moved to Thanksgiving Point. The city received complaints regarding tours held at the resident's home. Complaints included car lights at the back of the property, frequency of tours, and the number of people attending the tours. As a result of the complaints, city staff met with the applicant to try to remedy the situation. They considered the definition for a home occupation, but it conflicted with what they were doing. She mentioned that the sculptures and tours were happening in a detached building approximately 175 ft away from the main dwelling. She reviewed the current layout of the property. Ms. Smith mentioned that the applicant originally applied for a home occupation license. As part of that application a radius notice was sent to neighbors. Six letters were received with concerns regarding lack of privacy, parking, frequency of tours, and employees. Ms. Smith reviewed the code for conditional use permits. She said the applicant was requesting a conditional use permit approval for an art gallery in a detached garage on the back of the residential property.

Commissioner Roundy wondered what would happen if the owner sold, rented, or transferred the property to a nonprofit or someone else. Mr. Patterson explained that the draft included an expiration of the conditional use permit if there was any change of ownership. It was stated that the applicant lived on the property.

Commissioner Abbott opened the public hearing at 7:20 PM and called for public comment.

Resident Thomas Butler said he lived directly across the street from the applicant. He was not opposed to the applicant or her talent. He said Ms. Johnson's rights were valid as long as they did not negatively impact the rights of her neighbors. He said if she was forthright about the use of the property it could have been done in a legal way. He thought that establishing a commercial use in a residential zone was problematic for most people. He was not opposed to Ms. Johnson creating and storing the sculptures on her property. He said the tours were the problem. He wondered who defined what a public or private tour was and thought "friends and family" was a marketing gimmick. He said that public vs private and friends vs. visitors were indistinguishable by neighbors. He said neighbors had been impacted for months by the illegal use and she was holding three or more tours per day sometimes seven days per week. Mr. Butler suggested displaying the statues at city hall or the library. If that wasn't possible, he suggested repainting the address on the curb with reflective paint, posting

the address prominently on the mailbox on both sides, installing a light on the barn, restricting commercial signage, and restricting parking on the street.

Mike Gosar mentioned that Ms. Johnson had been doing the sculptures and tours for three years. He talked about statues along fences that effected the privacy of neighbors. He said he was not against the art, but the use of the property. He said there needed to be limitations if the use was approved. He said Ms. Johnson was negatively impacting the neighbors. He talked about the precedent that approving this conditional use might set for the rest of the city. He thought the work on the property needed to be done differently than it had been for the last three years. He said people pulled into his driveway quite often because they couldn't find Ms. Johnson's house.

Resident Brett Folkman, chairman of the nonprofit, explained that previous comments were based on the situation six months ago when multiple tours were held each day for large groups. He talked about the number of recent tours and group size. He agreed that the larger tours would be upsetting to neighbors. Mr. Folkman talked about the privacy fence on the property and said Ms. Johnson was fine with stipulations including a 2024 expiration date. He said big tours were no longer held. He said tours now were for potential donors who needed to be in the studio to see the sculptures. He said they were not selling anything and that the tours needed to be very scheduled.

Resident Mindy Stevens said she loved the project and everything about it, but voiced concern with the number of kids on the street. She was concerned about the traffic and the 20 kids, three with special needs, along the road. She mentioned that there were over 300 statues with frequent trucks transporting them.

Resident Kelly Reimschitssel thought "studio" would have been a more appropriate name than "gallery". He voiced concern regarding the exposure/traffic on the street. He said he was supportive of Ms. Johnson's work, grateful for it and had no problem with it. He was also concerned with the precedent that an approval might set moving forward. He said he wanted to maintain the quiet rural residential feel of the area.

Resident John Stevens said he loved the project but was opposed to what was going on. He had concern about the mistruths of 100 statues. He said Ms. Johnson previously approached him about being the chair for the project and he turned her down because of the amount of money that needed to be raised, the number of people that needed to visit, and the number of items that needed to be done in order to make it happen. He talked about the amount of money that was needed and did not want Highland to be known as the place where rich people could get conditional use permits. He said it was not a religious issue and needed to be based on the merits of the conditional use permit. He voiced concern regarding the 20 children that played in the neighborhood and said it was not a road that was built for traffic.

Resident Lynne Butler said she lived across the street from Ms. Johnson and voiced concern regarding how the situation was misrepresented. She said that just because it wasn't on the calendar didn't mean it wasn't happening. She talked about the number of tours and people going to Ms. Johnson's studio. Ms. Butler said she loved the project but did not love what seemed to be misrepresentation. She asked the Commissioners to define the difference between a public and private tour, define who were friends and family, and asked that people park in the back. Ms. Butler talked about people not being about to find Ms. Johnson's house. She said Ms. Johnson needed to do something to mitigate the effect on neighbors.

Resident K. Schramm said she was not directly affected by the applicant, but fully supported the concerns of the neighbors. Ms. Schramm said she spoke to Ms. Johnson who promised to not have tours. Ms. Schramm thought the use should be called a studio. Ms. Smith explained that it would have been a different process that would have taken a couple of months and was not a consideration at the time. Ms. Johnson encouraged the commissioners to talk to Ms. Johnson.

Resident Machel Bateman lived directly east of the applicant. She had no problems with Ms. Johnson or the studio but did have a problem with the business. She said she had been directly impacted by the number of cars and invasive people. She did not want Ms. Johnson to be able to hold tours. She spoke to the number of tours that were being held every day of the week.

Commissioner Abbott asked for additional comments. Hearing none, he closed the public hearing at 7:52 PM and asked for comments from the Commissioners.

Commissioner Roundy wondered if the sculptures could be viewed online so tours would not be needed. Mr. Folkman said a brochure would not be effective. He mentioned that there were 211 clay figures, and the final collection would include 100 larger than life sculptures. He said a lot of misinformation had been shared. He explained that the project could not be lifted and relocated.

The Commissioners considered the proper use for the area. They talked about the difference between a studio and a gallery. Mr. Patterson explained that there was no current definition in city code that differentiated between an art studio or art gallery. He said a studio seemed to have a teaching element to it, art gallery did not. He said the city was attempting to regulate the visits to the property for viewing, but not the creation of the art. Ms. Smith explained that a nonprofit organization would still be classified as a business. She pointed out that they needed donations to continue the project.

Commissioner Abbott wondered if ADA rules applied to the property. Mr. Patterson said the Commissioners could add a stipulation to the conditional use permit pertaining to ADA rules. The Commissioners discussed parking regulations.

Commissioner Moore wondered who wouldn't be a donor when everyone was charge \$10 for a tour. She said if the nature of the charity was to collect donations to accomplish the work, donations were taken from everyone, but that caused it to be a business and created a conflict between studio and gallery. Mr. Folkman said they had not charge for tours since April.

Commissioner Thayne wondered if it was a business or an expensive hobby. Mr. Folkman said it was a nonprofit that would be donating the sculptures to Thanksgiving Point. Mr. Patterson said nonprofits were considered businesses in city code.

Commissioner Jones wondered if Ms. Johnson intended to stay at the current location. Mr. Folkman said there was no way to move the studio.

The Commissioners discussed the number of volunteers at the studio each day. They discussed reasonable number of visits from protentional donors. They discussed what could be regulated and enforced.

Mr. Folkman said the tours for people who donate \$1,000 or \$5,000 had stopped. He said they were fine stipulating large donors who wanted to see the project before donating to the charity. He was struggling with the traffic issue based on other home businesses or other residents inviting friends over. He thought what they were asking for was no different than what residents already did with at-home businesses or having a lot of people at their home all the time. Commissioner Abbott didn't think the differences could be compared. He pointed out that a big pool party was an approved use, but Ms. Johnson's use was not.

Commissioner Thayne wondered how to enforce stipulations regarding friends and nonfriends and how neighbors would be notified of scheduled tours. Mr. Folkman suggested that he create a Google calendar for the neighbors to see when tours were held.

The Planning Commission talked about enforcing stipulations for a conditional use permit and revoking the permit if stipulations were not met. They also talked about business license enforcement. They talked about how to define a tour and if cars should be limited instead.

Commissioner Thayn wondered if Ms. Johnson's personal rights of inviting friends/family to her house would be potentially restricted due to stipulations of a conditional use permit. Commissioner Abbott thought Ms. Johnson was open to the stipulations that they were discussing. He said she had a right to have personal friends/family to her house. He suggested that she might let her neighbors know about large personal gatherings. Mr. Folkman suggested that he meet with neighbors most impacted to see if they could reach a solution.

Commissioner Abbott called for a motion.

Commissioner Thayn MOVED to approve the conditional use permit for an art gallery at property for the creation and storing of artwork with the condition that no tours be allowed.

Mr. Folkman questioned whether or not a business license was needed if no tours were permitted because the nonprofit organization had nothing to do with Ms. Johnson's property. Mr. Patterson explained that a business license was still required since contributions were solicited for things happening on the property.

Commissioner Moore talked about the series "Chosen" and the preliminary work online to gather contributions for the project. She didn't understand why Ms. Johnson couldn't do something similar. Mr. Folkman said they had two videos that were beautifully done, but no contributions had been received through it.

Commissioner Roundy seconded the motion.

The vote was recorded as follows:

Commissioner Jerry Abbott	No
Commissioner Tracy Hill	Absent
Commissioner Christopher Howden	Yes
Commissioner Claude Jones	No
Commissioner Audrey Moore	No
Commissioner Jay Roundy	Yes
Commissioner Trent Thayn	Yes

Motion failed 3:3

Commissioner Abbott explained that he liked the motion except he thought she should be allowed to have tours. Commissioner Howden explained that he agreed with the motion because of the lack of clarity with "tours".

Commissioner Jones MOVED to recommend approval of the conditional use permit for Angela Johnson Sculptures subject to the following stipulations:

- 1. The site shall comply with the site plan and elevations received January 5, 2022.*
- 2. The structure and site be updated to follow ADA requirements. These improvements shall be reviewed and approved by the City Building Official.*
- 3. The proposed use apply for a Highland City business license.*
- 4. A fire inspection be required as part of the business license application process.*

5. *Due to the unique circumstances of this use, the conditional use permit shall expire when the property is sold to a new owner or the structures associated with the conditional use are converted to another use. The conditional use permit expires end of July 2024.*
6. *Maximum of two cars per tour, maximum of two tours per week, tours must be concluded by 7:00 PM.*

Commissioner Moore **SECONDED** the motion.

The vote was recorded as follows:

Commissioner Jerry Abbott	Yes
Commissioner Tracy Hill	Absent
Commissioner Christopher Howden	No
Commissioner Claude Jones	Yes
Commissioner Audrey Moore	Yes
Commissioner Jay Roundy	No
Commissioner Trent Thayn	No

Motion failed 3:3

Commissioner Thayn and Commissioner Roundy explained that they were concerned about the harmony of the neighborhood and traffic. Commissioner Howden mentioned the pattern of noncompliance but thought the solution could be accomplished individually. Commissioner Roundy thought the tours and the impact to the neighbors was the biggest issue. Commissioner Abbott thought the city might restrict this landowner more than other at-home businesses that had more cars. He thought the bigger tours held previously were the nuisance. He thought there were other uses within a residential area that had more than two cars show up at a time. Commissioner Moore thought this was an exception because Ms. Johnson was aware of the noncompliance but did it anyway. Commissioner Roundy agreed that a conditional use permit could be revoked if there was a violation of terms.

Commissioner Abbott called for a short recess at 9:13 PM.

Commissioner Abbott called the meeting to order at 9:20 PM.

Mr. Folkman explained that he and residents had come to an agreement during the break regarding stipulations.

Commissioner Jones MOVED to recommend approval of the conditional use permit for Angela Johnson Sculptures subject to the following five (5) stipulations recommended by staff and an additional stipulation agreed upon by Mr. Folkman and neighboring residents:

1. *The site shall comply with the site plan and elevations received January 5, 2022.*
2. *The structure and site be updated to follow ADA requirements. These improvements shall be reviewed and approved by the City Building Official.*
3. *The proposed use apply for a Highland City business license.*
4. *A fire inspection be required as part of the business license application process.*
5. *Due to the unique circumstances of this use, the conditional use permit shall expire when the property is sold to a new owner or the structures associated with the conditional use are converted to another use. The conditional use permit expires end of July 2024.*
6. *Maximum of two donor automobiles per visit. No buses. No more than seven tours per month. Two tours can conclude by 8:00 PM, all others will conclude by 7:00 PM. If tours are held at dusk or after dark,*

attendees will park on the cement pad and not on gravel. New house numbers will be painted on the curb and put on mailbox. Lighted house numbers must be visible.

Ms. Smith reminded the Commissioners and residents that the Highland Municipal Code did not allow businesses to be open on Sundays.

Commissioner Moore SECONDED the motion.

The vote was recorded as follows:

<i>Commissioner Jerry Abbott</i>	<i>Yes</i>
<i>Commissioner Tracy Hill</i>	<i>Absent</i>
<i>Commissioner Christopher Howden</i>	<i>Yes</i>
<i>Commissioner Claude Jones</i>	<i>Yes</i>
<i>Commissioner Audrey Moore</i>	<i>Yes</i>
<i>Commissioner Jay Roundy</i>	<i>Yes</i>
<i>Commissioner Trent Thayn</i>	<i>Yes</i>

Motion carried 6:0

4. PUBLIC HEARING: TEXT AMENDMENT - POOL STRUCTURES *Legislative - Kellie Smith, Planner & GIS Analyst*

The Planning Commission will hold a public hearing to consider a request by Robert Ghent to amend Section 3-4111 Swimming Pool regarding permanent structures that enclose or cover pools. The Planning Commission will take appropriate action.

Ms. Smith said the applicant submitted a building permit application for an accessory structure over his existing pool. The permit was denied because of the size of the structure. She reviewed the details of the current requested text amendment.

Commissioner Abbott opened the public hearing at 9:35 PM and called for public comment. Seeing no one in attendance, he closed the public hearing at 9:35 PM.

The Planning Commission discussed the potential impact on smaller lots and the possibility of unattractive enclosures. They determined that they were not prepared to address specific design criteria for pool enclosures.

Commissioner Moore MOVED that the Planning Commission recommend denial of case TA-22-09 a request for a text amendment to Section 3-4111 Swimming Pools based on the following findings:

- 1. Planning Commission will not specify material needed for pool coverage.*
- 2. Planning Commission does not want to make pool enclosures square footage not count as a percentage of accessory buildings.*

Commissioner Thayn SECONDED the motion.

The vote was recorded as follows:

<i>Commissioner Jerry Abbott</i>	<i>Yes</i>
<i>Commissioner Tracy Hill</i>	<i>Absent</i>

Commissioner Christopher Howden	Yes
Commissioner Claude Jones	Yes
Commissioner Audrey Moore	Yes
Commissioner Jay Roundy	Yes
Commissioner Trent Thayn	Yes

Motion carried 6:0

5. PUBLIC HEARING: TEXT AMENDMENT – REMNANT PARCELS *Legislative – Kellie Smith, Planner & GIS Analyst*

The Planning Commission will hold a public hearing to consider a request by Highland City Staff to amend Chapter 5 Subdivisions in the Development Code relating to remnant parcels. The Planning Commission will take appropriate action.

Commissioner Abbott opened the public hearing at 9:45 PM and called for public comment. Seeing no one in attendance, he closed the public hearing at 9:45 PM.

Ms. Smith reviewed the details of the proposed text amendment. She explained that the city's goal was to provide reasonable road and utility access to all properties. She said remnant parcels needed a plan as part of a preliminary plat to ensure appropriate infrastructure was planned for. She said the city was trying to eliminate remnant parcels. The Planning Commission reviewed the proposed changes.

Commissioner Roundy MOVED that the Planning Commission accept the findings and recommend approval of the proposed amendment to Chapter 5 Subdivisions relating to remnant parcels.

Commissioner Jones SECONDED the motion.

The vote was recorded as follows:

Commissioner Jerry Abbott	Yes
Commissioner Tracy Hill	Absent
Commissioner Christopher Howden	Yes
Commissioner Claude Jones	Yes
Commissioner Audrey Moore	Yes
Commissioner Jay Roundy	Yes
Commissioner Trent Thayn	Yes

Motion carried 6:0

6. PUBLIC HEARING: TEXT AMENDMENT – HOME OCCUPATIONS *Legislative – Kellie Smith, Planner & GIS Analyst*

The Planning Commission will hold a public hearing to consider a request by Highland City Staff to amend Section 3-614 Home Occupations to allow for a home occupation in every residential unit. The Planning Commission will take appropriate action.

Commissioner Abbott opened the public hearing at 10:04 PM and asked for public comment. Seeing no one in attendance, he closed the public hearing at 10:04 PM.

Ms. Smith explained that the amendment would allow home occupations in any residential unit.

Commissioner Howden MOVED that the Planning Commission accept the findings and recommend approval of the proposed amendment to Sections 3-614 and 3-4716 relating to home occupation licenses.

Commissioner Roundy SECONDED the motion.

The vote was recorded as follows:

<i>Commissioner Jerry Abbott</i>	<i>Yes</i>
<i>Commissioner Tracy Hill</i>	<i>Absent</i>
<i>Commissioner Christopher Howden</i>	<i>Yes</i>
<i>Commissioner Claude Jones</i>	<i>Yes</i>
<i>Commissioner Audrey Moore</i>	<i>Yes</i>
<i>Commissioner Jay Roundy</i>	<i>Yes</i>
<i>Commissioner Trent Thayn</i>	<i>Yes</i>

Motion carried 6:0

7. PUBLIC HEARING: TEXT AMENDMENT - FRACTIONAL NUMBERS

Legislative - Kellie Smith, Planner & GIS Analyst

The Planning Commission will hold a public hearing to consider a request by Highland City Staff to amend Section 3-4103 Area and Width Requirements to address a discrepancy in the Development Code relating to the number of allowable lots in residential zones. The Planning Commission will take appropriate action.

Commissioner Abbott opened the public hearing at 10:05 PM and asked for public comment. Seeing no one in attendance, he closed the public hearing at 10:05 PM.

Ms. Smith explained that there was a discrepancy in code. After discussing different scenarios, the Planning Commission agreed that rounding down was the best option.

Commissioner Thayn MOVED that the Planning Commission accept the findings and recommend APPROVAL of the proposed amendment to Section 3-4103 Area and Width Requirements.

Commissioner Roundy SECONDED the motion.

The vote was recorded as follows:

<i>Commissioner Jerry Abbott</i>	<i>Yes</i>
<i>Commissioner Tracy Hill</i>	<i>Absent</i>
<i>Commissioner Christopher Howden</i>	<i>Yes</i>

Commissioner Claude Jones	Yes
Commissioner Audrey Moore	Yes
Commissioner Jay Roundy	Yes
Commissioner Trent Thayn	Yes

Motion carried 6:0

8. PUBLIC HEARING: TEXT AMENDMENT - LOT COMBINATION/PLAT AMENDMENTS *Legislative - Kellie Smith, Planner & GIS Analyst*

The Planning Commission will hold a public hearing to consider a request by Highland City Staff to amend Article 5-10 Adjusting Property Boundaries; Amending a Recorded Plat to simplify the approval process for the combining of lots or parcels. The Planning Commission will take appropriate action.

Commissioner Abbott opened the public hearing at 10:07 PM and asked for public comment. Seeing no one in attendance, he closed the public hearing at 10:07 PM.

Ms. Smith reviewed the proposed amendment and explained that it would simplify the process for combining lots with the same property owner. She said it would only lower density.

Commissioner Howden MOVED that the Planning Commission accept the findings and recommend approval of the proposed amendment to Article 5-10 Adjusting Property Boundaries; Amending A Recorded Plat relating to the combining of lots or parcels.

Commissioner Jones SECONDED the motion.

The vote was recorded as follows:

Commissioner Jerry Abbott	Yes
Commissioner Tracy Hill	Absent
Commissioner Christopher Howden	Yes
Commissioner Claude Jones	Yes
Commissioner Audrey Moore	Yes
Commissioner Jay Roundy	Yes
Commissioner Trent Thayn	Yes

Motion carried 6:0

9. PUBLIC HEARING: TEXT AMENDMENT - SETBACK ENCROACHMENT *Legislative - Kellie Smith, Planner & GIS Analyst*

The Planning Commission will hold a public hearing to consider a request by Highland City Staff to amend Sections 3-4104, 3-4204, and 3-4254 Location Requirements relating to encroachments into setbacks for main dwellings in residential zones. The Planning Commission will take appropriate action.

Commissioner Abbott opened the public hearing at 10:11 PM and asked for public comment. Seeing no one in attendance, he closed the public hearing at 10:11 PM.

Ms. Smith explained that there was some confusion regarding setbacks and where they should be measured from. She reviewed the changes and said the proposed amendment included cantilevers and bay, bow or box windows needing to meet building setbacks. She said the proposed definition was stricter than current code but allowed for a small setback encroachment to allow for things such as outdoor stairs and small cantilevers. She said it would not include the roof overhang but would include support posts.

Commissioner Howden mentioned that there were lots within the city with a property line that extended into the street. He said some residents had built right to the sidewalk. The Planning Commission discussed options for measuring setbacks.

Commissioner Howden MOVED that the Planning Commission accept the findings and recommend approval of the proposed amendment to the setback requirements in the R-1-40, R-1-30, and R-1-20 zones with the following stipulation:

- 1. City code be amended to include the provision that any setbacks are the shortest distance between the property line and back of asphalt, back of curb, or back of sidewalk, whichever is closest.*

Commissioner Thayn SECONDED the motion.

The vote was recorded as follows:

<i>Commissioner Jerry Abbott</i>	<i>Yes</i>
<i>Commissioner Tracy Hill</i>	<i>Absent</i>
<i>Commissioner Christopher Howden</i>	<i>Yes</i>
<i>Commissioner Claude Jones</i>	<i>Yes</i>
<i>Commissioner Audrey Moore</i>	<i>Yes</i>
<i>Commissioner Jay Roundy</i>	<i>Yes</i>
<i>Commissioner Trent Thayn</i>	<i>Yes</i>

Motion carried 6:0

10. PUBLIC HEARING: TEXT AMENDMENT - RETAINING WALLS *Legislative - Kellie Smith, Planner & GIS Analyst*

The Planning Commission will hold a public hearing to consider a request by Highland City Staff to amend Section 3-612 Fences, Retaining Walls, Theme and Screen Walls to address retaining walls for daylight basements and window wells. The Planning Commission will take appropriate action.

Commissioner Abbott opened the public hearing at 10:20 PM and asked for public comment. Seeing no one in attendance, he closed the public hearing at 10:20 PM.

Ms. Smith explained that the city received many requests for retaining wall permits adjacent to daylight basements or window wells. She explained that retaining walls for daylight basements and window wells faced the homeowners only and were not visible from the street or adjacent properties. The amendment proposed a

maximum height of 11 ft. She said more homeowners were wanting rock retaining walls around their daylight basements rather than an extension of their foundation wall.

The Planning Commission discussed whether or not it was safe. Ms. Smith explained that 11 ft foundation walls were still allowed without the amendment. Commissioner Howden did not like the 11 ft height. Commissioner Thayn liked that the rock wall would have to be engineered.

Commissioner Jones MOVED that the Planning Commission accept the findings and recommend approval of the proposed amendment to Section 3-612 Fences, Retaining Walls, Theme and Screen Walls relating to the daylight basements and window wells.

Commissioner Roundy SECONDED the motion.

The vote was recorded as follows:

<i>Commissioner Jerry Abbott</i>	<i>No</i>
<i>Commissioner Tracy Hill</i>	<i>Absent</i>
<i>Commissioner Christopher Howden</i>	<i>Yes</i>
<i>Commissioner Claude Jones</i>	<i>Yes</i>
<i>Commissioner Audrey Moore</i>	<i>Yes</i>
<i>Commissioner Jay Roundy</i>	<i>Yes</i>
<i>Commissioner Trent Thayn</i>	<i>Yes</i>

Motion carried 5:1

Commissioner Howden was very concerned with safety and a possible 11 ft drop. Staff said they would have more information regarding safety and railing requirements as part of the discussion with the council.

11. PLANNING COMMISSION AND STAFF COMMUNICATION ITEMS

The Planning Commission may discuss and receive updates on City events, projects, and issues from the Planning Commissioners and city staff. Topics discussed will be informational only. No final action will be taken on communication items.

a. Future Meetings

- July 5, City Council 7:00 pm, City Hall
- July 19 City Council, 7:00 pm, City Hall
- July 26, Planning Commission, 7:00 pm, City Hall
- August 2, City Council, 7:00 pm, City Hall

ADJOURNMENT

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

The meeting adjourned at 10:35 PM.

I, Heather White, Planning Commission Secretary, hereby certify that the foregoing minutes represent a true, accurate and complete record of the meeting held on June 28, 2022. The document constitutes the official minutes for the Highland City Planning Commission Meeting.

/s/Heather White
Planning Commission Secretary

DRAFT



PLANNING COMMISSION AGENDA REPORT ITEM #4

DATE: July 26, 2022
TO: Planning Commission
FROM: Kellie Smith
Planner and GIS Analyst
SUBJECT: MINOR SUBDIVISION FINAL PLAT: HHC Highland
TYPE: ADMINISTRATIVE: The City Council is the Land Use Authority for Final Plats and is subject to Section 5-4-315 of the Highland City Development Code. Final plat amendments are an administrative process.

PURPOSE:

The Planning Commission will hold a public hearing to consider a request Holmes Homes Custom LLC for approval of a proposed 2-lot subdivision located at approximately 6386 W and 6390 W 10400 N. The Planning Commission will take appropriate action.

BACKGROUND:

The property is 2.49 acres and is located at approximately 6386 W and 6390 W 10400 N. The property is designated as Low Density Residential on the General Plan Land Use Map and the site is zoned R-1-40. The property is not in a recorded subdivision.

A 2-lot subdivision is classified as a minor subdivision in the Development Code. The Minor Subdivision Option's intent is to allow for small subdivisions to be processed as quickly as possible. Minor subdivisions include developments of three or fewer lots. In this process, the preliminary and final plats, required for most subdivisions, are simplified and combined.

The Minor Subdivision Option found in Section 5-4-300 of the Development Code requires a public hearing at the Planning Commission meeting, a recommendation from the Planning Commission, and approval from the City Council.

SUMMARY OF THE REQUEST:

1. The applicant is requesting approval of a 2-lot subdivision to split the property into two (2) 1.25-acre parcels.
2. Access to the site will be from 10400 North.

3. Parkway detail will be required. A 20' landscape easement is included on the final plat. The theme wall along parkway detail will not be required as the homes will front the collector street.

CITIZEN PARTICIPATION:

Notice of the public hearing to be held at Planning Commission was posted on the state and city websites July 14, 2022. Notification letters were also mailed to all property owners within 500 feet of the proposed site on July 14, 2022. No written correspondence has been received.

STAFF REVIEW:

- The General Plan designation for this property is Low Density Residential. It is zoned R-1-40. The surrounding properties are all zoned R-1-40. The proposed subdivision is in conformance with the General Plan and compatible with the surrounding uses.
- Easements allow City and Utility companies, if applicable, to access the easement. No buildings or other permanent structures are allowed to be placed on an easement.
- A 20' landscape easement was required to have the required 29' parkway detail along 10400 N. Nine (9) feet of the parkway detail will be in right-of-way that has already been dedicated to the City.
 - Everything south of the sidewalk shows xeriscaping with significant plant coverage. North of the sidewalk shows grass.
- The property includes easements with Jordan Valley Water Conservancy District (JVWCD), the United States Bureau of Reclamation (USBR), and Central Utah Water Conservancy District (CUWCD). A stipulation has been added to ensure that all comments from all three entities are addressed in the recorded plat.
- The standard ten (10) foot public utility easements have been included on the plat.
 - JVWCD, ,USBR, and CUWCD do not allow public utility easements (PUE) inside their easements. These PUEs will be removed.

FINDINGS:

The proposed Preliminary/Final Plat appears to meet the following findings:

- The plat meets the requirements of the Development Code.
- The plat is consistent with the General Plan.

RECOMMENDATION AND PROPOSED MOTION:

The Planning Commission should hold a public hearing, accept the findings, and recommend approval of the proposed plat with the following stipulations:

1. The recorded plat conforms to the final plat date stamped July 5, 2022, except as modified by these stipulations.

2. The civil construction plans shall meet all requirements as determined by the City Engineer.
3. All public improvements shall be installed as required by the City Engineer.
4. The plat shall meet all requirements as determined by the Jordan Valley Water Conservancy District (JVWCD), the United States Bureau of Reclamation (USBR), and Central Utah Water Conservancy District (CUWCD).

I move that the Planning Commission accept the findings and recommend **APPROVAL** of the HHC Highland subdivision plat subject to the four (4) stipulations recommended by staff.

ALTERNATIVE MOTION:

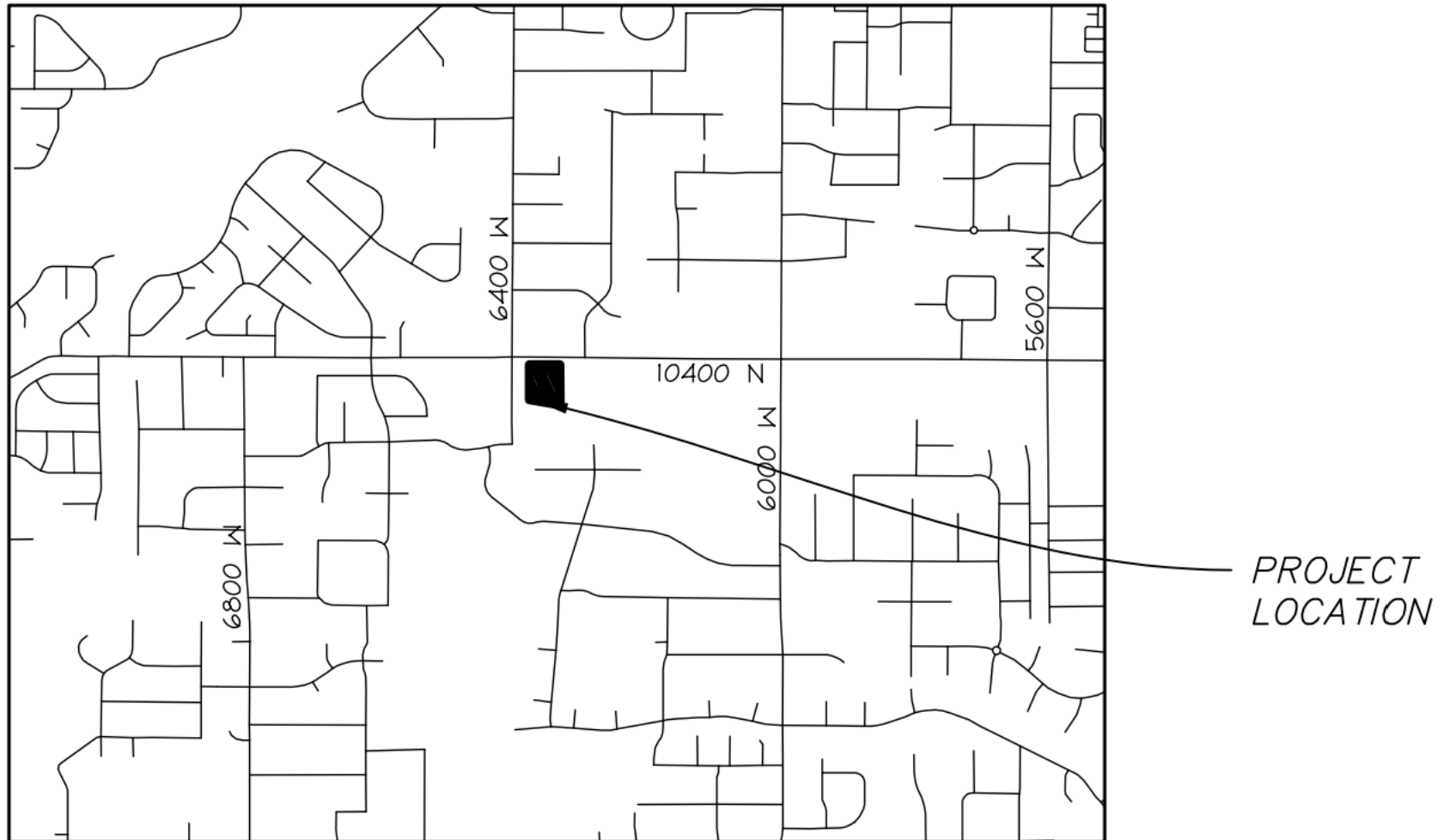
I move that the Planning Commission recommend **DENIAL** of the HHC Highland subdivision plat based on the following findings (The Commission will need to draft appropriate findings).

FISCAL IMPACT:

This action will not have a financial impact on this fiscal year's budget expenditure.

ATTACHMENTS:

1. Vicinity Map
2. Project Narrative
3. Proposed Plat
4. Landscape Plan



VICINITY MAP

Project Narrative for HHC Highland
6386 West & 6390 West 10400 North ST Highland UT

Holmes Homes Inc. is seeking to subdivide the 2.49-acre Parcel (12:006:0052) into two 1.25-acre parcels. As these lots are located in a mature neighborhood, the community design and themes will be consistent with the area and City's municipal code. The pedestrian plan will match the City's required meandering sidewalk for the Right of Ways (ROW) for Parkway roads. The landscaping within the front ROW will be consistent with the City's municipal code and will be lawn and vegetation, as depicted in the landscaping plan.

ATTACHMENT #3:
SURVEYOR'S CERTIFICATE

I, Eric D. Robins, do hereby certify that I am a Professional Land Surveyor, and that I hold License No. 5152671 in accordance with the Professional Engineers and Land Surveyors Licensing Act found in Title 58, Chapter 22 of the Utah Code. I further certify by authority of the owners, I have made a survey of the tract of land shown on this plat and described below, and have subdivided said tract of land into lots, and easements and the same has been correctly surveyed and staked on the ground as shown on this plat and that this plat is true and correct

BOUNDARY DESCRIPTION

A parcel of land situated in the Northwest Quarter of Section 2, Township 5 South, Range 1 East, Salt Lake Base and Meridian, said parcel being more particularly described as follows:

Beginning at a point on the South Right-of-Way Line of 10400 North Street, said point lies North 89°59'12" East 164.100 feet along the Section Line and South 00°00'48" East 33.000 feet from the Northwest Corner of Section 2, Township 5 South, Range 1 East, Salt Lake Base and Meridian and running thence along said 10400 North Street North 89°59'12" East 298.000 feet; thence South 00°00'48" East 389.180 feet; thence North 80°49'48" West 301.869 feet; thence North 00°00'48" West 341.003 feet to the point of beginning.

Property contains 2.498 acres.

Eric D. Robins
Professional Land Surveyor
Utah Certificate No. 5152671

Date

OWNER'S DEDICATION

We, all of the undersigned owners of all the property described in the Surveyor's Certificate hereon and shown on this map, have caused the same to be subdivided into lots, blocks, streets and easements and do hereby dedicate the streets and other public areas as indicated hereon for perpetual use of the public, the public utility easements to all providers, public or private, and the irrigation easements to all lot owners, and their successors and assigns in perpetuity. In witness whereof ___ have hereunto set ___ this ___ day of ___, A.D. 20__.

ACKNOWLEDGMENT

STATE OF UTAH } S.S.
County of Utah

On this day of ___, 20___, personally appeared before me the signers of the foregoing dedication who duly acknowledge to me that they did execute the same.

I certify under PENALTY OF PERJURY under the laws of the State of Utah that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Notary Public Full Name: _____

Commission Number: _____

My commission expires: _____

A Notary Public Commissioned In Utah

APPROVAL BY LEGISLATIVE BODY

The Department of Public Works and Engineering of Highland City, County of Utah, approves this subdivision and hereby accepts the Dedication of all streets, easements, and other parcels of land intended for the public purpose of the perpetual use of the public. This ___, day of ___, A.D. 20__.

Approved by Mayor _____

Approved _____ Attest _____
City Engineer Clerk-Recorder
(see seal below) (see seal below)

LEIN HOLDER CONSENT

The undersigned beneficiary hereby consents to the recording of this plat for the herein described property and the dedications provided herein.

HIGHLAND CITY ATTORNEY

Approved as to form this ___, day of ___, 20___, _____
Highland City Attorney

PLANNING COMMISSION APPROVAL

Approved this ___, day of ___, 20___, _____
Planning Commission Chair

Community Development Director

6/28/2022

SHEET 1 OF 1

DOMINION ENERGY QUESTAR CORPORATION

Dominion Energy approves this plat solely for the purpose of confirming that the plat contains public utility easements. Dominion Energy may require other easements in order to serve this development. This approval does not constitute abrogation or waiver of any other existing rights, obligations or liabilities provided by law or equity. This approval does not constitute acceptance, approval or acknowledgement of any terms contained in the plat, including those set forth in the Owners Dedication and the Notes and does not constitute a guarantee of particular terms of natural gas service. For further information please contact Dominion Energy's Right-of-way department.

Approved this ___ day of ___, 20___

BY _____ TITLE _____

UTILITIES APPROVAL

Utilities shall have the right to install, maintain and operate their equipment and all other related facilities above and below ground within the Public Utility Easements identified on this plat map as may be necessary or desirable in providing utility services within and without the lots identified herein, including the right of access to such facilities and the right to require removal of any obstructions including structures, trees and vegetation that may be placed within the PUE. The utility may require the lot owner to remove all structures within the PUE at the owner's expense, or the utility may remove such structures at the owner's expense. At no time shall any permanent structures or any other obstructions be placed within the PUE that interfere with the use of the PUE without the prior written approval of the utilities with facilities in the PUE.

Rocky Mountain Power _____ CenturyLink _____ Comcast _____

HHC HIGHLAND
SUBDIVISION

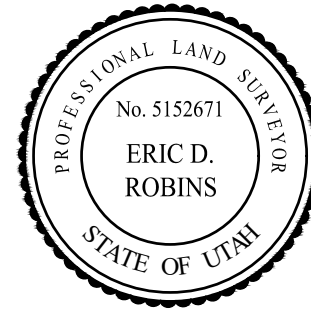
LOCATED IN A PORTION OF THE NORTHWEST QUARTER OF SECTION 2,
TOWNSHIP 5 SOUTH, RANGE 1 EAST,
SALT LAKE BASE AND MERIDIAN

SURVEYOR'S SEAL

NOTARY SEAL

CITY ENGINEER SEAL

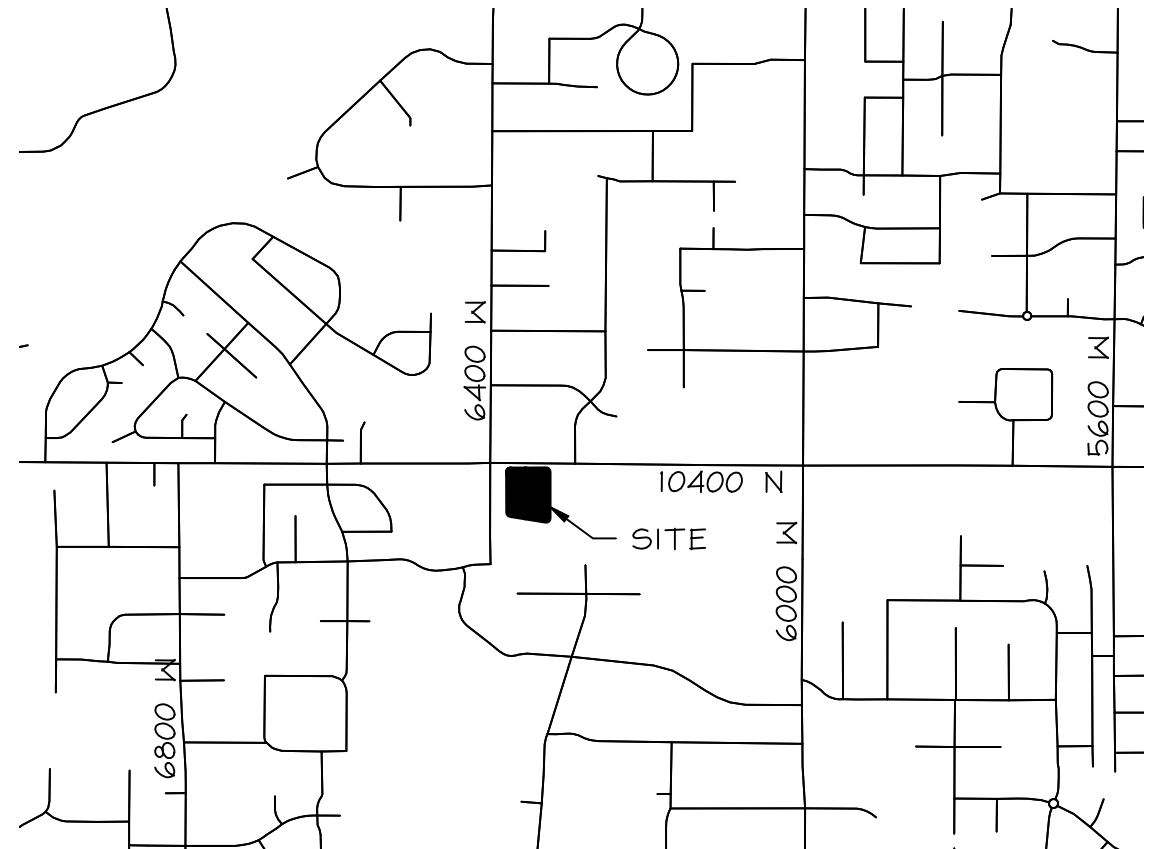
CLERK-RECORDER SEAL



HHC HIGHLAND

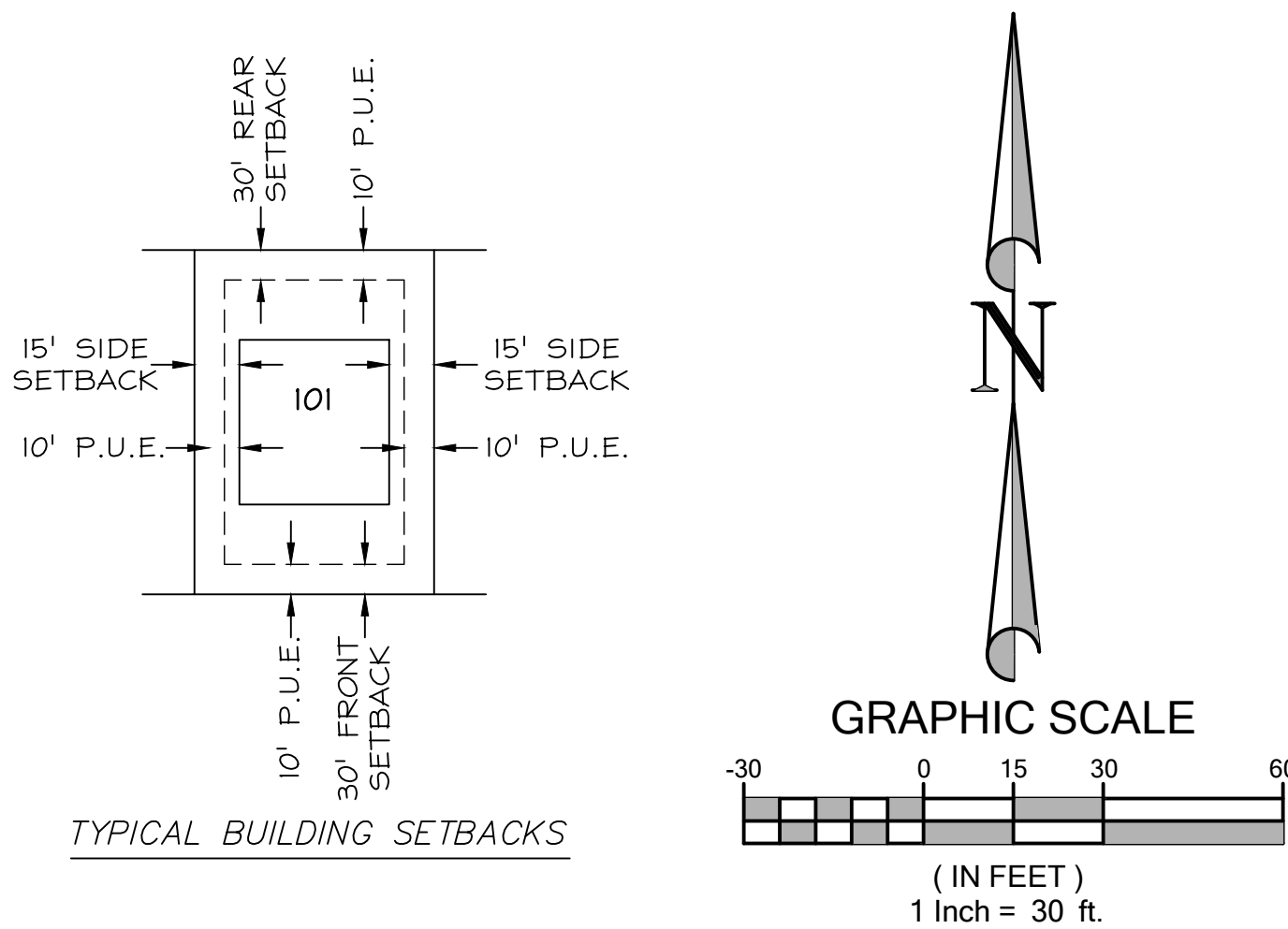
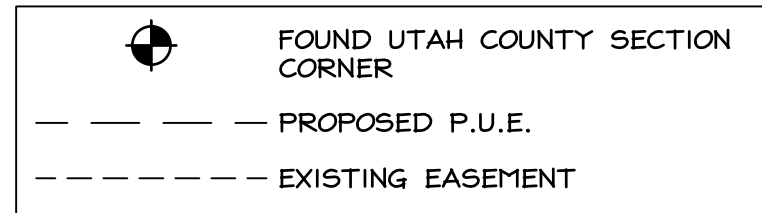
SUBDIVISION

LOCATED IN A PORTION OF THE NORTHWEST QUARTER OF SECTION 2,
TOWNSHIP 5 SOUTH, RANGE 1 EAST,
SALT LAKE BASE AND MERIDIAN



VICINITY MAP

LEGEND



CONDITIONS OF APPROVAL

There are conditions of approval attached to this subdivision which are indicated on this plat. These conditions have also been recorded with this subdivision. Potential buyers are requested to read these conditions carefully and obtain a copy of these conditions and restrictions prior to purchasing or contracting to purchase any lots within this subdivision. These conditions are binding and have been imposed by the legislative body of Highland City. A copy of these conditions may be obtained through the Utah County Recorder's office or the Highland City Recorder's office. In addition, Highland City has approved binding zoning laws through a legally binding Development Code. It is the responsibility of the buyer to do their due diligence in obtaining all accurate information and/or regulations that may directly or indirectly affect the use of property prior to purchasing or contracting to purchase any property anywhere. Some of the Significant Ordinances and Conditions of Approval conveyed on this property by the legislative body of Highland City are as follows:

- 70% of the front yard landscaping shall be installed by the homeowner within one year after receiving a certificate of occupancy.
- Landscaping and construction materials of any type are not permitted upon or within the street, curb and gutter, or sidewalk (street right-of-way) with the exception of the parkstrip which requires 75% to be landscaped.
- A fence that abuts open space or a trail has additional restrictions of size and opacity. Fences along open space or a trail must comply with Highland City Ordinances. All fences require a fence permit prior to installation. In addition, retaining walls are regulated by ordinance and require a retaining wall permit prior to construction.
- Highland City Ordinances restrict height of foundation above curb. It is the responsibility of the buyer to contact the City prior to purchasing any lot. This restriction applies to all lots in this subdivision.

PROVO RIVER WATER USERS
ASSOCIATION
12:011:0042

DEVELOPER

Holmes Homes Custom, LLC.
126 Sego Lily Drive, Suite 250
Sandy, Utah 84070
(801) 572-6363



9089 SOUTH 1300 WEST, SUITE 160 WEST JORDAN, UT 84088
801.628.6004 TEL 801.590.6611 FAX WWW.PERIGEECIVIL.COM

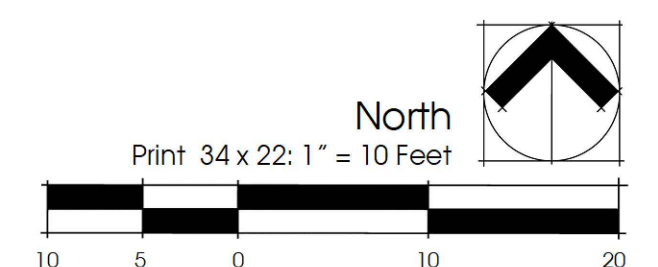
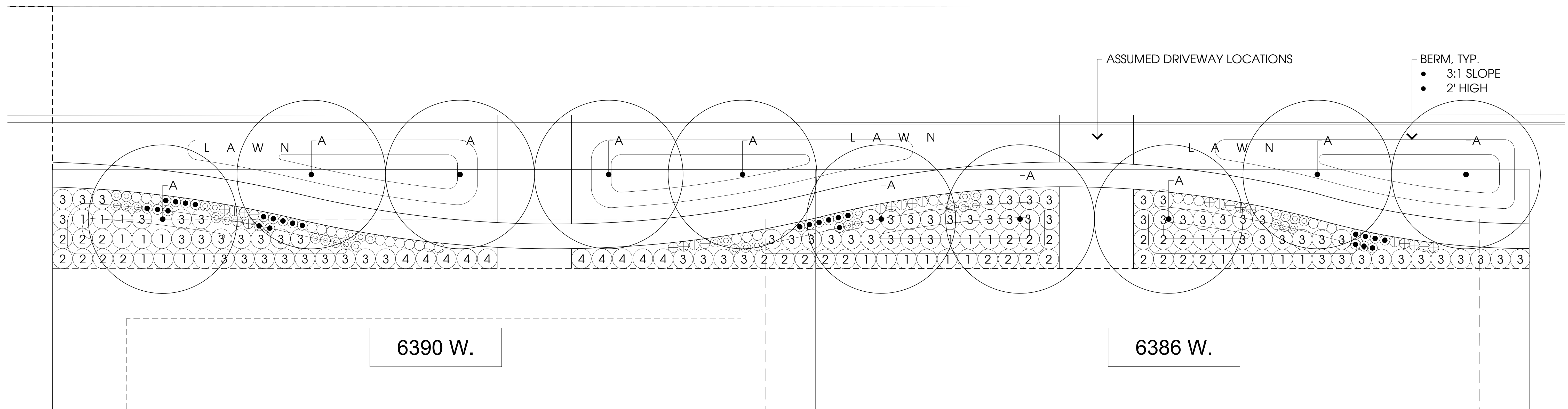
ATTACHMENT #4:

Plant List . Daybreak . Holmes Homes

KEY	PLANT TYPE	BOTANICAL NAME	COMMON NAME	SIZE	NOTES
A	Tree	<i>Acer platanoides</i>	Norway Maple	2" cal	
1	Medium Shrub	<i>Hibiscus syriacus</i> 'Polly Petite'	Hibiscus	5 gal.	
2	Medium Shrub	<i>Hydrangea paniculata</i> 'Little Lime'	Hydrangea	5 gal.	
3	Medium Shrub	<i>Spiraea</i> c. 'Anthony Waterer'	Dwarf Red Spiraea	5 gal.	
4	Hedge	<i>Buxus koreana</i> 'Wintergreen'	Wintergreen Boxwood	5 gal.	
	Perennial Flower	<i>Coreopsis</i> 'Zagreb'	Coreopsis	1 gal.	12 - 18" tall
	Perennial Flower	<i>Hemerocallis</i> 'Stella Supreme'	Stella Supreme Daylily	1 gal.	
	Perennial Flower	<i>Leucanthemum</i> s. 'Becky'	Daisy	1 gal.	
	Perennial Flower	<i>Rudbeckia</i> 'Goldsturm'	Black-eyed Susan	1 gal.	

Planting Notes

1. Provide and place four (4) inches of topsoil over all planting areas prior to commencement of planting operations.
2. Backfill for all planting pits shall be native material excavated from the pit.
3. Following completion of shrub and groundcover plantings, treat beds with a pre-emergent herbicide.
4. Provide and install finely shredded bark mulch ("Soil Pep" or equal) to a depth of two (2) inches over all exposed soil in completed shrub and groundcover beds.
5. All lawn areas shall be installed with sod consisting of primarily *Poa praetensis*: Kentucky Bluegrass species.

1 JULY 2022
Planting Plan

HOLMES HIGHLAND

6390 W 10400 N Highland, Utah

Holmes Homes . 126 West Sego Lily Drive, Suite 250 . Sandy, Utah



R. MICHAEL KELLY CONSULTANTS

Land Planning | Landscape Architecture

[illegible]



PLANNING COMMISSION AGENDA REPORT ITEM #5

DATE: July 26, 2022
TO: Planning Commission
FROM: Kellie Smith
Planner & GIS Analyst
SUBJECT: **PUBLIC HEARING/ORDINANCE:** Text Amendment – Definition of Main Dwelling
TYPE: **LEGISLATIVE:** All proposed amendments to the Development Code shall be submitted first to the Planning Commission for a recommendation, which recommendation shall be submitted to the City Council for consideration. The review and approval of a text amendment is a legislative action.

PURPOSE:

The Planning Commission will hold a public hearing to consider a proposal by Highland City Staff to amend Section 10-102 Definitions to revise the definition of a Main Dwelling and what constitutes attached to or part of a Main Dwelling as compared to accessory structures. The Planning Commission will take appropriate action.

PRIOR COUNCIL DIRECTION:

On June 21st, 2022, the City Council gave staff direction to amend the Development Code to address what constitutes attached to or part of a main dwelling as compared to accessory structures.

BACKGROUND:

The Highland City Development Code requires that in order for an addition to be considered part of the main dwelling, it shall include a connecting roof line, connecting foundation, at least four connecting walls, uninhibited interior access within the structure, and at least 60% of one common wall with the existing dwelling. However, it includes an exception for structures connected by a breezeway:

Structures connected by a breezeway with a common roof line, common footing and foundation, a minimum width of 6', and a foundation separation of less than 10 feet between unattached structures shall be considered part of the main dwelling.

This breezeway exception allows for additions connected by a roofline with no square footage maximum and a height of 35' as long as setbacks for the dwelling are met.

Several residents and elected officials have disputed the allowance of the breezeway connection being considered part of the main dwelling.

SUMMARY OF THE REQUEST:

1. The proposed amendment updates the definition of a Main Dwelling with the following (underlined text are proposed additions to the code, strikethroughs are deletions):

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

1. To be considered part of the main dwelling, any Aaddition to the original dwelling shall include the previous requirements ~~defined described above in 10-102(16)(a)~~ and shall include at least sixty percent (60%) or more to be attached and in common with the original dwelling. The connection shall be sixty percent (60%) of the length of the portion of the addition that faces the main dwelling. of one common wall.
2. Structures connected by a breezeway shall not be considered part of the main dwelling. with a common roof line, common footing and foundation, a minimum width of 6', and a foundation separation of less than 10 feet between unattached structures shall be considered part of the main dwelling.
3. Covered decks and patios shall be considered part of the main dwelling.
4. Residential construction that does not meet the criteria above shall meet all requirements for an accessory structure ~~(see 3-4104—3-106 and 3-4109—3-4110; and 3-4204—3-4206 and 3-4209—3-4210 in this Code).~~

STAFF REVIEW:

- The proposed amendment clarifies the meaning of “one common wall” in the current code. It also requires that any addition have a connecting roof line, connecting foundation, at least four connecting walls, uninhibited access within the structure, and a connection that is at least 60% of the length of the portion of the addition that faces the main dwelling. The proposed amendment addresses the concerns of the elected officials and residents.

CITIZEN PARTICIPATION:

Notice of the public hearing to be held at the Planning Commission meeting was published in the Daily Herald on July 2nd, 2022, and posted on the state and city websites June 28th, 2022. No comments have been received.

FINDINGS:

The proposed amendment appears to meet the following findings:

- The amendment is consistent with the purpose and intent of the low-density residential zoning codes.

RECOMMENDATION AND PROPOSED MOTIONS:

Staff recommends that the Planning Commission accept the findings and recommend **APPROVAL** of the proposed amendment.

I move that the Planning Commission accept the findings and recommend **APPROVAL** of the proposed amendment to Section 10-102 Definitions to revise the definition of a Main Dwelling.

ALTERNATIVE MOTION:

I move that the Planning Commission recommend **DENIAL** of case TA-22-10 a request for a text amendment to Section 10-102 Definitions to revise the definition of a Main Dwelling based on the following findings: (The Commission will need to draft appropriate findings.)

FISCAL IMPACT:

This action will not have a financial impact on this fiscal year's budget expenditures.

ATTACHMENTS:

1. Ordinance

ATTACHMENT 1:

AN ORDINANCE OF THE HIGHLAND CITY COUNCIL AMENDING SECTION 10-102 DEFINITIONS IN THE HIGHLAND CITY DEVELOPMENT CODE TO REVISE THE DEFINITION OF A MAIN DWELLING IN FILENAME TA-22-10.

WHEREAS, all due and proper notices of public hearings and public meetings on this Ordinance held before the Highland City Planning Commission (the “Commission”) and the Highland City Council (the “City Council”) were given in the time, form, substance and manner provided by Utah Code Section 10-9a-205; and

WHEREAS, the Planning Commission held a public hearing on this Ordinance on July 26, 2022 and

WHEREAS, the City Council held a public hearing on this Ordinance on August 2, 2022.

NOW, THEREFORE, BE IT ORDAINED BY THE Highland City Council as follows:

SECTION 1: **ADOPTION** Several sections of the Development Code are hereby amended as shown on “Exhibit A” attached hereto and incorporated herein.

SECTION 2: **REPEALER CLAUSE** All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 3: **SEVERABILITY CLAUSE** Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 4: **EFFECTIVE DATE** This Ordinance shall be in full force and effect from August 2, 2022 and after the required approval and publication according to law.

PASSED AND ADOPTED by the Highland City Council, August 2, 2022

HIGHLAND CITY, UTAH

Kurt Ostler
Highland City Mayor

ATTEST:

Stephannie Cottle

Highland City Recorder

COUNCIL MEMBER	YES	NO
Timothy A. Ball	☐	☐
Brittney P. Bills	☐	☐
Sarah D. Petersen	☐	☐
Kim Rodela	☐	☐
Scott L. Smith	☐	☐

Exhibit A

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

5. To be considered part of the main dwelling, any Aaddition to the original dwelling shall include the previous requirements ~~defined described above in 10-102(16)(a)~~ and shall include at least sixty percent (60%) or more to be attached and in common with the original dwelling. The connection shall be sixty percent (60%) of the length of the portion of the addition that faces the main dwelling. of one common wall.
6. Structures connected by a breezeway shall not be considered part of the main dwelling. with a common roof line, common footing and foundation, a minimum width of 6', and a foundation separation of less than 10 feet between unattached structures shall be considered part of the main dwelling.
7. Covered decks and patios shall be considered part of the main dwelling.
8. Residential construction that does not meet the criteria above shall meet all requirements for an accessory structure ~~(see 3-4104-3-106 and 3-4109-3-4110; and 3-4204-3-4206 and 3-4209-3-4210 in this Code).~~



PLANNING COMMISSION AGENDA REPORT ITEM #6

DATE: July 26, 2022
TO: Planning Commission
FROM: Kellie Smith
Planner & GIS Analyst
SUBJECT: **PUBLIC HEARING/ORDINANCE:** Text Amendment – Newspaper Notices
TYPE: **LEGISLATIVE:** All proposed amendments to the Development Code shall be submitted first to the Planning Commission for a recommendation, which recommendation shall be submitted to the City Council for consideration. The review and approval of a text amendment is a legislative action.

PURPOSE:

The Planning Commission will hold a public hearing to consider a proposal by Highland City Staff to amend several sections of the Development Code relating to removing newspaper noticing requirements for public hearings. The Planning Commission will take appropriate action.

PRIOR COUNCIL DIRECTION:

On June 21st, 2022, the City Council expressed support for removing newspaper public noticing requirements. The Council also indicated that they wanted the 500' radius notices sent out to the public for applications that impact neighboring properties.

BACKGROUND:

As part of the 2021 Utah Legislative Update, newspaper noticing requirements were removed for General Plan amendments, annexations, and adoptions of land use regulations. The Highland City Development Code still requires the newspaper noticing.

SUMMARY OF THE REQUEST:

There are two (2) versions of the proposed amendment:

1. This amendment only updates what was mentioned by the City Council.
 - a. This proposed amendment removes newspaper noticing requirements from text amendments, rezones, and annexation requests.
 - b. This amendment adds the requirement for a 500' radius notice for rezones.
2. This amendment addresses the concerns of the City Council, removes repeated codes, and references to Utah State Code for certain noticing and annexation requirements.

- a. This proposed amendment removes Section 3-617 Amendments to Zoning Code, as it is a repeat of Chapter 9 Amendments to Title and Zone Map.
- b. The amendment removes newspaper noticing requirements from text amendments, rezones, and annexation requests.
- c. This adds the requirement for a 500' radius notice for rezones.
- d. The proposed amendment also eliminates requirements for annexations that are not consistent with Chapter 2 Part 4 Annexation in Utah Code.

STAFF REVIEW:

- The annual cost over the last four years to Highland City for newspaper notices is as follows:
 - 2019: \$3,852.98
 - 2020: \$5,601.38
 - 2021: \$4,992.61
 - 2022: \$686.80 to date
- There are several regulations that have changed in the Utah State Code over the years. Some of the Highland City Development Code noticing requirements are not compliant with State Code. The proposed amendment addresses these inconsistencies.

CITIZEN PARTICIPATION:

Notice of the public hearing to be held at the Planning Commission meeting was published in the Daily Herald on July 2nd, 2022, and posted on the state and city websites June 28th, 2022. No comments have been received.

FINDINGS:

The proposed amendment appears to meet the following findings:

- The amendment is compliant with Utah Code.

RECOMMENDATION AND PROPOSED MOTIONS:

Staff recommends that the Planning Commission accept the findings and recommend **APPROVAL** of the proposed amendment.

I move that the Planning Commission accept the findings and recommend **APPROVAL** of the proposed amendment to several sections of the Development Code to remove newspaper noticing requirements for certain public hearings.

ALTERNATIVE MOTION:

I move that the Planning Commission recommend **DENIAL** of case TA-22-11 a request for a text amendment to several sections of the Development Code relating to newspaper noticing based on the following findings: (The Commission will need to draft appropriate findings.)

FISCAL IMPACT:

This action will not have a financial impact on this fiscal year's budget expenditures.

ATTACHMENTS:

1. Ordinance
 - a. Version 1
 - b. Version 2

ATTACHMENT 1:

AN ORDINANCE OF THE HIGHLAND CITY COUNCIL AMENDING SEVERAL SECTIONS OF THE HIGHLAND CITY DEVELOPMENT CODE RELATING TO NEWSPAPER NOTICING REQUIREMENTS AS SHOWN IN FILENAME TA-22-11.

WHEREAS, all due and proper notices of public hearings and public meetings on this Ordinance held before the Highland City Planning Commission (the “Commission”) and the Highland City Council (the “City Council”) were given in the time, form, substance and manner provided by Utah Code Section 10-9a-205; and

WHEREAS, the Planning Commission held a public hearing on this Ordinance on July 26, 2022 and

WHEREAS, the City Council held a public hearing on this Ordinance on August 2, 2022.

NOW, THEREFORE, BE IT ORDAINED BY THE Highland City Council as follows:

SECTION 1: **ADOPTION** Several sections of the Development Code are hereby amended as shown on “Exhibit A” attached hereto and incorporated herein.

SECTION 2: **REPEALER CLAUSE** All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 3: **SEVERABILITY CLAUSE** Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 4: **EFFECTIVE DATE** This Ordinance shall be in full force and effect from August 2, 2022 and after the required approval and publication according to law.

PASSED AND ADOPTED by the Highland City Council, August 2, 2022

HIGHLAND CITY, UTAH

Kurt Ostler
Highland City Mayor

ATTEST:

Stephannie Cottle
Highland City Recorder

COUNCIL MEMBER	YES	NO
Timothy A. Ball	☐	☐
Brittney P. Bills	☐	☐
Sarah D. Petersen	☐	☐
Kim Rodela	☐	☐
Scott L. Smith	☐	☐

VERSION 1:

Exhibit A

3-617 Amendments To Zoning Code

The Zoning Code, including the Zoning Map, may be amended, but all proposed amendments shall be submitted first to the Planning Commission for its recommendations, which recommendations will be considered by the Planning Commission within thirty (30) days. For the Purpose of establishing and maintaining sound, stable, and desirable development within the City, it is declared to be public policy that amendments shall not be made to the Zoning Code and Map except to promote more fully the objectives and purposes of the General Plan, this code or to correct manifest errors. Any person seeking an amendment to this Zoning Code or Map shall submit to the Zoning Administrator a written petition designating a change desired, the reasons therefore, and wherein the proposed amendment would further promote the objectives and purposes of this Zoning Code, together with a fee. The Zoning Administrator shall, in turn, transmit the said petition to the Planning Commission as established by this Code, and the Planning Commission may call a hearing prior to submitting the matter to deliberation by the City Council. The amendments to this Code may be adopted only after a public hearing in relation thereto, before the City Council of the City of Highland, in which the parties in interest and citizens shall have an opportunity to be heard. Notice of the time and place of such hearing shall be given as provided by Section 9-102(3) placed in no less than three (3) public places within the corporate limits of the City, ~~and shall in a newspaper having general circulation within the City, at least fourteen (14) days before the date of such hearing.~~

(Amended: April 11, 1995)

7-102 Procedure For Annexation Of Territory

1. Annexation Application and Petition. The owners of a majority of the private property as shown in the records of the County Recorder's office and the owners of at least one-third in value of the real property as shown by the last assessment rolls, in property contiguous to the corporate boundaries of the City may file with the City Recorder a written annexation application, together with the following:
 - a. An original and copy of an accurate plat or map of the territory proposed to be annexed made under the supervision of and certified by the municipal engineer or a registered land surveyor licensed to do such work in the State of Utah, which plat or map shall be suitable for recording.
 - b. A written petition for the proposed annexation signed by the owners of the majority of private real property and of at least one-third in value as shown in the latest assessment rolls.
 - c. The Application Review Fee, Plat Review and other required fees as may be set by the Highland City Council by resolution.
 - d. The name, address, and telephone numbers of up to five sponsors of the annexation one of whom shall be designated the contact sponsor for the City to work with.
 - e. The sponsors shall also deliver or mail a copy of the petition to the Utah County Clerk.
2. City Council Review and Action. The City Council shall review the application/petition for annexation and may send the application to the Planning Commission, Staff, and/or Consultants for recommendations. The City Council may request the application/petition be reviewed according to the following review criteria:
 - a. Whether or not it is in the interest of the City to annex additional land at that time.

- b. The capability of Highland City to supply adequate municipal services to the area proposed for annexation, such as public streets, water, sewer, police and fire protection including what necessary improvements will be a requirement of the petitioners/owners of the property.
 - c. Whether or not the proposed annexation is consistent with the City's General Plan.
 - d. What conditions, if any, should be attached to proposed annexations in order to provide adequate services, protect health or safety, or are necessary for proper implementation of the General Plan such as dedications for parks, trails, open space, road, of other public facilities.
 - e. Whether as a condition and requirement of annexation, an annexation fee will be negotiated between the City and the petitioners. This fee may be separate and distinct from, and in addition to, any development impact fee assessed pursuant to the terms of the City's impact fee ordinance. The purpose of these fees shall be to reimburse the city for any extraordinary impacts on the City and infrastructure which may be created by the annexation.
 - f. Such other information as may be required or necessary to understand and evaluate the application/petition.
3. Annexations Not To Create Unincorporated Islands or Peninsulas. In no event shall the City Council approve annexations which would result in unincorporated islands or peninsulas being left within the boundaries of the City except pursuant to State Law existing islands or peninsulas within the City may be annexed, if they are already developed and require the delivery of municipal type service.
4. Acceptance or Rejection by City Council. After reviewing the annexation request and recommendations from the Planning Commission, Staff or Consultants, if any were requested, the City Council shall vote to either accept or reject the annexation petitions. If the annexation request is rejected the City Recorder shall notify the contact sponsor and the County Clerk of the rejection within five days of the decision to reject the annexation application.
5. Certification of Petitions. If the annexation application is accepted the City Recorder shall within thirty days review the annexation petitions to determine if they comply with all applicable law. If the City Recorder certifies that the petitions are valid and sufficient the Recorder shall notify the City Council and the sponsors in writing. If the City Recorder determines that the petitions are insufficient, the Recorder shall notify the City Council and the sponsors of the deficiencies in the petitions and the sponsors may modify the petitions and re file the annexation with the City.
6. Notice of Intent Annex. The City Council shall cause a public notice to be published and mailed as required by law. The notice shall be published within ten days from the date the petitions are certified as valid and sufficient and shall be published once a week for three successive weeks. The notice shall state:

- a. That a petition has been filed, accepted and certified by the City.
- b. That the complete petition is available for inspection and copying at the office of the City Recorder.
- c. That the City may grant the petition unless a written protest to the annexation is filed with the County Boundary Commission and filed with the City Recorder;
- d. The address of the Boundary Commission;
- e. The date before which a protest must be filed;
- f. That a protest may be filed by property owners if it contains the signatures of the owners of private real property that is located in the unincorporated county within 2 mile of the area proposed for annexation and covers at least 25% of the private land area located in the unincorporated area within 2 mile of the proposed annexation and is equal in value to at least 15% percent of all real property located in the unincorporated area within 2 mile of the area proposed for annexation.

- g. The applicant shall provide a legible vicinity map indicating the exact location of their property and each property within 3 mile (1,320 feet). The map shall include the address of the subject property and shall be part of each notice required for the public hearing.
7. Public Hearing. If no protest is filed within the protest period or if the Boundary Commission approves the annexation after the protest is heard, the City Council may proceed to annex the property. Before acting on the annexation, the City Council shall hold a public hearing and provide notice ~~as required in Utah State Code. At least seven (7) days prior to such hearing notice of the time and place of the hearing and the location(s) shall be published in a newspaper of general circulation within the City and the area proposed for annexation.~~
8. Ordinance of Annexation. Following the public hearing, the City Council may adopt a Annexation Ordinance which is consistent with the decision of the Boundary Commission, if any.
9. Recording of Annexation Plat and Documents. Upon passage of the ordinance of annexation, the territory shall be deemed to be annexed. Thereafter, the final duly executed annexation plat, and the ordinance of annexation, shall be recorded within thirty days with the office of the County Recorder.

9-102 Procedure For Amendments

1. All proposed amendments to this Code shall be submitted first to the Planning Commission for its recommendations, which recommendations shall be submitted to the City Council for its consideration within thirty (30) days.
2. Any person seeking an amendment to those Chapters or to the Official Zone Map shall submit to the Planning Commission a written petition designating the change desired and the reasons therefore and shall pay a filing fee in the amount set forth by a resolution of the City Council. All petitions for a Zoning change shall include a vicinity map, drawn to scale and showing the names and addresses of the owners of adjacent property, and a legal description of the property for which the change is sought. The Planning Commission shall then consider the request and shall certify its recommendations to the City Council with respect thereto within thirty (30) days from receipt of the request. Failure on the part of the Planning Commission to certify its recommendations to the City Council within said thirty-day period, shall be deemed to constitute a recommendation of approval, unless a longer period is granted by the City Council. The fee required herein shall not be returned to the applicant. The Planning Commission may also initiate amendments to this Title by recommendation of such amendments to the City Council.
3. Amendments to Chapters 3, 4, 5 and 10 of this Code may be adopted only with the following procedure:
 - a. The City Council shall hold a public hearing on the proposed amendment recommended to it by the Planning Commission and provide reasonable notice of the public hearing at least 14 days before the date of the public hearing.
 - b. After the public hearing, the City Council may adopt the amendment as proposed, amend the proposed amendment, or reject the amendment.
 - c. Reasonable notice shall be given by posting notice of the hearing in at least three public places within the city, ~~the Utah Public Notice website, and the city website and publishing notice of the hearing in a newspaper of general circulation in the city.~~
 - e.i. For rezones, notices shall also be sent by mail to owners of real property located within 500 feet of the subject property.
 - d. The applicant shall provide a legible vicinity map indicating the exact location of their property and each property within 3 mile (1,320 feet). The map shall include the address of the subject property and shall be part of each notice required for the public hearing.

(Amended: 5/2/06)

VERSION 2:

Exhibit A

3-617 (Reserved)

3-617 Amendments To Zoning Code

~~The Zoning Code, including the Zoning Map, may be amended, but all proposed amendments shall be submitted first to the Planning Commission for its recommendations, which recommendations will be considered by the Planning Commission within thirty (30) days. For the Purpose of establishing and maintaining sound, stable, and desirable development within the City, it is declared to be public policy that amendments shall not be made to the Zoning Code and Map except to promote more fully the objectives and purposes of the General Plan, this code or to correct manifest errors. Any person seeking an amendment to this Zoning Code or Map shall submit to the Zoning Administrator a written petition designating a change desired, the reasons therefore, and wherein the proposed amendment would further promote the objectives and purposes of this Zoning Code, together with a fee. The Zoning Administrator shall, in turn, transmit the said petition to the Planning Commission as established by this Code, and the Planning Commission may call a hearing prior to submitting the matter to deliberation by the City Council. The amendments to this Code may be adopted only after a public hearing in relation thereto, before the City Council of the City of Highland, in which the parties in interest and citizens shall have an opportunity to be heard. Notice of the time and place of such hearing shall be given as provided by Section 9-102(3) placed in no less than three (3) public places within the corporate limits of the City, and shall in a newspaper having general circulation within the City, at least fourteen (14) days before the date of such hearing.~~

~~(Amended: April 11, 1995)~~

7-102 Procedure For Annexation Of Territory

1. Annexation Application and Petition. The owners of a majority of the private property as shown in the records of the County Recorder's office and the owners of at least one-third in value of the real property as shown by the last assessment rolls, in property contiguous to the corporate boundaries of the City may file with the City Recorder a written annexation application, together with the following:
 - a. An applicant shall follow the process for submitting a petition for annexation as set forth in Utah State Code
 - b. The City may require an applicant to submit such forms, documentation, and information as is necessary for the City to review and evaluate the request.
 - a. ~~An original and copy of an accurate plat or map of the territory proposed to be annexed made under the supervision of and certified by the municipal engineer or a registered land surveyor licensed to do such work in the State of Utah, which plat or map shall be suitable for recording.~~
 - b. ~~A written petition for the proposed annexation signed by the owners of the majority of private real property and of at least one third in value as shown in the latest assessment rolls.~~
 - c. The Application Review Fee, Plat Review and other required fees as may be set by the Highland City Council by resolution.
 - d. The name, address, and telephone numbers of up to five sponsors of the annexation one of whom shall be designated the contact sponsor for the City to work with.

- e. The sponsors shall also deliver or mail a copy of the petition to the Utah County Clerk.
2. City Council Review and Action. The City Council shall review the application/petition for annexation and may send the application to the Planning Commission, Staff, and/or Consultants for recommendations. The City Council may request the application/petition be reviewed according to the following review criteria:
- Whether or not it is in the interest of the City to annex additional land at that time.
 - The capability of Highland City to supply adequate municipal services to the area proposed for annexation, such as public streets, water, sewer, police and fire protection including what necessary improvements will be a requirement of the petitioners/owners of the property.
 - Whether or not the proposed annexation is consistent with the City's General Plan.
 - What conditions, if any, should be attached to proposed annexations in order to provide adequate services, protect health or safety, or are necessary for proper implementation of the General Plan such as dedications for parks, trails, open space, road, of other public facilities.
 - Whether as a condition and requirement of annexation, an annexation fee will be negotiated between the City and the petitioners. This fee may be separate and distinct from, and in addition to, any development impact fee assessed pursuant to the terms of the City's impact fee ordinance. The purpose of these fees shall be to reimburse the city for any extraordinary impacts on the City and infrastructure which may be created by the annexation.
 - Such other information as may be required or necessary to understand and evaluate the application/petition.
3. Annexations Not To Create Unincorporated Islands or Peninsulas. In no event shall the City Council approve annexations which would result in unincorporated islands or peninsulas being left within the boundaries of the City except pursuant to State Law existing islands or peninsulas within the City may ~~be~~ annexed, if they are already developed and require the delivery of municipal type service.
4. Acceptance or Rejection by City Council. After reviewing the annexation request and recommendations from the Planning Commission, Staff or Consultants, if any were requested, the City Council shall vote to either accept or reject the annexation petitions. If the annexation request is rejected the City Recorder shall notify the contact sponsor and the County Clerk of the rejection within five (5) days of the decision to reject the annexation application.
5. Certification of Petitions. If the annexation application is accepted the City Recorder shall within thirty (30) days review the annexation petitions to determine if they comply with all applicable law. If the City Recorder certifies that the petitions are valid and sufficient the Recorder shall notify the City Council and the sponsors in writing. If the City Recorder determines that the petitions are insufficient, the Recorder shall notify the City Council and the sponsors of the deficiencies in the petitions and the sponsors may modify the petitions and re file the annexation with the City.
6. Notice of Intent Annex. The City Council shall cause a public notice to be published and mailed as required by Utah State Code. ~~law. The notice shall be published within ten days from the date the petitions are certified as valid and sufficient and shall be published once a week for three successive weeks.~~ The notice shall state:
- ~~That a petition has been filed, accepted and certified by the City.~~
 - ~~That the complete petition is available for inspection and copying at the office of the City Recorder.~~
 - ~~That the City may grant the petition unless a written protest to the annexation is filed with the County Boundary Commission and filed with the City Recorder;~~
 - ~~The address of the Boundary Commission;~~
 - ~~The date before which a protest must be filed;~~

- ~~f. That a protest may be filed by property owners if it contains the signatures of the owners of private real property that is located in the unincorporated county within 2 mile of the area proposed for annexation and covers at least 25% of the private land area located in the unincorporated area within 2 mile of the proposed annexation and is equal in value to at least 15% percent of all real property located in the unincorporated area within 2 mile of the area proposed for annexation.~~
- ~~g. The applicant shall provide a legible vicinity map indicating the exact location of their property and each property within 3 mile (1,320 feet). The map shall include the address of the subject property and shall be part of each notice required for the public hearing.~~
7. Public Hearing. If no protest is filed within the protest period or if the Boundary Commission approves the annexation after the protest is heard, the City Council may proceed to annex the property. Before acting on the annexation, the City Council shall hold a public hearing and provide notice as required in Utah State Code. ~~At least seven (7) days prior to such hearing notice of the time and place of the hearing and the location(s) shall be published in a newspaper of general circulation within the City and the area proposed for annexation.~~
8. Ordinance of Annexation. Following the public hearing, the City Council may adopt an Annexation Ordinance which is consistent with the decision of the Boundary Commission, if any.
9. Recording of Annexation Plat and Documents. Upon passage of the ordinance of annexation, the territory shall be deemed to be annexed. The recording of the plat and noticing requirements shall be completed as required in Utah State Code. ~~Thereafter, the final duly executed annexation plat, and the ordinance of annexation, shall be recorded within thirty days with the office of the County Recorder.~~

9-102 Procedure For Amendments

1. All proposed amendments to this Code shall be submitted first to the Planning Commission for its recommendations, which recommendations shall be submitted to the City Council for its consideration within thirty (30) days.
2. Any person seeking an amendment to those Chapters or to the Official Zone Map shall submit to the Planning Commission a written petition designating the change desired and the reasons therefore and shall pay a filing fee in the amount set forth by a resolution of the City Council and provide other information as may be required by the Zoning Administrator. ~~All petitions for a Zoning change shall include a vicinity map, drawn to scale and showing the names and addresses of the owners of adjacent property, and a legal description of the property for which the change is sought. The Planning Commission shall then consider the request and shall certify its recommendations to the City Council with respect thereto within thirty (30) days from receipt of the request. Failure on the part of the Planning Commission to certify its recommendations to the City Council within said thirty day period, shall be deemed to constitute a recommendation of approval, unless a longer period is granted by the City Council. The fee required herein shall not be returned to the applicant. The Planning Commission may also initiate amendments to this Title by recommendation of such amendments to the City Council.~~
3. Amendments to the Development Code, the Zoning Map, or other land use regulation Chapters 3, 4, 5 and 10 of this Code may be adopted only with the following procedure:
 - a. The City Council shall hold a public hearing on the proposed amendment recommended to it by the Planning Commission and provide reasonable notice of the public hearing at least 14 ten (10) days before the date of the public hearing.
 - b. After the public hearing, the City Council may adopt the amendment as proposed, amend the proposed amendment, or reject the amendment.

- c. Reasonable notice shall be given by posting notice of the hearing in at least three public places within the city, the Utah Public Notice website, and the city website.~~and publishing notice of the hearing in a newspaper of general circulation in the city.~~
 - e.i. For rezones, notices shall also be sent by mail to owners of real property located within 500 feet of the subject property.
- d. The applicant shall provide a legible vicinity map indicating the exact location of their property and each property within 3 mile (1,320 feet). The map shall include the address of the subject property and shall be part of each notice required for the public hearing.

(Amended: 5/2/06)