

ORDINANCE NO: O-2023-04

AN ORDINANCE OF THE HIGHLAND CITY COUNCIL AMENDING SEVERAL SECTIONS OF THE HIGHLAND CITY DEVELOPMENT CODE RELATING TO MODEL HOMES AS SHOWN IN FILENAME TA-23-02.

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 January 24, 2023 and

WHEREAS, the City Council held a public hearing on this Ordinance on February 7, 2023.

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

SECTION 1: ADOPTION Several sections of the Development Code relating to model homes are hereby amended as shown on "Exhibit A" attached hereto and incorporated herein.

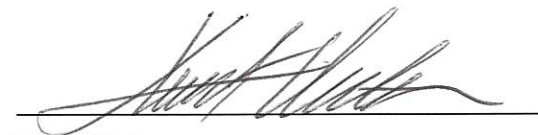
SECTION 2: REPEALER CLAUSE All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

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 February 7, 2023 and after the required approval and publication according to law.

PASSED AND ADOPTED by the Highland City Council, February 7, 2023

HIGHLAND CITY, UTAH



Kurt Ostler
Highland City Mayor

ATTEST:



Stephannie Cottle
Highland City Recorder



COUNCIL MEMBER	YES	NO
Timothy A. Ball	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Brittney P. Bills	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sarah D. Petersen	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Kim Rodela	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott L. Smith	<input checked="" type="checkbox"/>	<input type="checkbox"/>

EXHIBIT A

3-4102 Permitted Uses

19. Model Homes. Please refer to Article 6 Supplementary Regulations Section 3-617 Model Homes.

3-4108 Conditional Uses

~~8. Model Homes used for the sale of homes/lots within a subdivision in Highland, provided that the model home thereof conforms to the following requirements:~~

- ~~a. Model home is used for lot/home sales within the city.~~
- ~~b. The maximum number of personnel shall not exceed three at any given time.~~
- ~~c. Off street parking shall be provided such that it does not impede, disrupt, or cause a hazard to the flow of traffic or pedestrians.~~
- ~~d. No model home use shall exceed two years except as provided for in 3-4108(14)(k) in this ordinance.~~
- ~~e. Outdoor lighting shall be limited to outdoor and landscape lighting normally permitted in a residential setting limited to the hours of dusk to 9:00 p.m.~~
- ~~f. Signage shall be regulated by existing sign ordinance.~~
- ~~g. A model home shall operate only between the hours of 7:00 a.m. to 9:00 p.m. Monday through Saturday.~~
- ~~h. Garages used as sales office shall be converted back before occupancy is permitted.~~
- ~~i. All homes permitted under this section shall have a final inspection prior to conversion as residential use.~~
- ~~j. All pre-existing use prior to January 15, 2002 shall have six months to come into compliance.~~
- ~~k. Extension. If the applicant requests an extension prior to the expiration date of approval, has paid an extension fee, and the Model Home still meets the requirements as originally approved and identified above, the City Council may consider a one (1) year extension for a Model Home Conditional Use Approval. If it becomes evident that the Model Home has been in violation of the requirements and conditions of the original Conditional Use approval during the Model Home period as determined below (ii-iii), the City Council shall not approve the extension request. The following conditions shall apply for an extension:
 - ~~i. The subdivision or subdivision phase has not sold at least 80% of the available lots within that development; and~~
 - ~~ii. The City has not received three (3) or more written complaints from surrounding residents indicating the model home has violated a requirement or condition of approval for a Model Home (as listed above) prior to the application for the Council extension; and~~
 - ~~(1) That the written complaints submitted have been submitted by at least three (3) separate individuals (residents) who reside within that subdivision or subdivision phase or live within a 500 foot radius from the model home; and~~
 - ~~iii. The City has not issued a citation or more than two (2) written warnings specifically related to violations of the requirements or conditions of approval for that Model Home as part of the Conditional Use Approval and as defined within this Code during the previously approved period.~~~~

- ~~(1) Two (2) written warnings may include warnings for the same violation, may include one (1) warning for two (2) separate violations, or may include any variation of warnings exceeding an accumulation of two (2).~~
- ~~iv. The applicant has notified the residents within the subdivision or subdivision phase at least ten (10) days prior to the City Council consideration of the extension.~~
- ~~v. In any case a model home may not receive extensions where the model home would exist for more than a total of five (5) years (a maximum of three (3) extensions may be granted) or until 80% of the lots are sold within that subdivision, whichever comes first.~~

- ~~(1) In any case the model home shall cease to operate when the subdivision or subdivision phase has sold more than 80% of the available lots.~~
- ~~vi. Applicant may not request an extension prior to 60 days of the expiration date.~~

3-4202 Permitted Uses

16. Model Homes. Please refer to Article 6 Supplementary Regulations Section 3-617 Model Homes.

3-4208 Conditional Uses

- ~~7. Model Homes used for the sale of homes/lots within a subdivision in Highland, provided that the model home thereof conforms to the following requirements:~~
 - ~~a. Model home is used for lot/home sales within the city.~~
 - ~~b. The maximum number of personnel shall not exceed three at any given time.~~
 - ~~c. Off street parking shall be provided such that it does not impede, disrupt, or cause a hazard to the flow of traffic or pedestrians.~~
 - ~~d. No model home use shall exceed two years except as provided for in 3-4208(12)(k) in this ordinance.~~
 - ~~e. Outdoor lighting shall be limited to outdoor and landscape lighting normally permitted in a residential setting limited to the hours of dusk to 9:00 p.m.~~
 - ~~f. Signage shall be regulated by existing sign ordinance.~~
 - ~~g. A model home shall operate only between the hours of 7:00 a.m. to 9:00 p.m. Monday through Saturday.~~
 - ~~h. Garages used as sales office shall be converted back before occupancy is permitted.~~
 - ~~i. All homes permitted under this section shall have a final inspection prior to conversion as residential use.~~
 - ~~j. All pre-existing use prior to January 15, 2002 shall have six months to come into compliance.~~
 - ~~k. Extension. If the applicant requests an extension prior to the expiration date of approval, has paid an extension fee, and the Model Home still meets the requirements as originally approved and identified above, the City Council may consider a one (1) year extension for a Model Home Conditional Use Approval. If it becomes evident that the Model Home has been in violation of the requirements and conditions of the original Conditional Use approval during the Model Home period as determined below (ii-iii), the City Council shall not approve the extension request. The following conditions shall apply for an extension:~~
 - ~~i. The subdivision or subdivision phase has not sold at least 80% of the available lots within that development; and~~
 - ~~ii. The City has not received three (3) or more written complaints from surrounding residents indicating the model home has violated a requirement or condition of~~

approval for a Model Home (as listed above) prior to the application for the Council extension; and

- (1) That the written complaints submitted have been submitted by at least three (3) separate individuals (residents) who reside within that subdivision or subdivision phase or live within a 500 foot radius from the model home; and
- iii. The City has not issued a citation or more than two (2) written warnings specifically related to violations of the requirements or conditions of approval for that Model Home as part of the Conditional Use Approval and as defined within this Code during the previously approved period.

- (1) Two (2) written warnings may include warnings for the same violation, may include one (1) warning for two (2) separate violations, or may include any variation of warnings exceeding an accumulation of two (2).
- iv. The applicant has notified the residents within the subdivision or subdivision phase at least ten (10) days prior to the City Council consideration of the extension.
- v. In any case a model home may not receive extensions where the model home would exist for more than a total of five (5) years (a maximum of three (3) extensions may be granted) or until 80% of the lots are sold within that subdivision, whichever comes first.

- (1) In any case the model home shall cease to operate when the subdivision or subdivision phase has sold more than 80% of the available lots.
- vi. (vi) Applicant may not request an extension prior to 60 days of the expiration date.

3-4252 Permitted Uses

16. Model Homes. Please refer to Article 6 Supplementary Regulations Section 3-617 Model Homes.

3-4258 Conditional Uses

- 5. Model Homes used for the sale of homes/lots within a subdivision in Highland, provided that the model home thereof conforms to the following requirements:
 - a. Model home is used for lot/home sales within the city.
 - b. The maximum number of personnel shall not exceed three at any given time.
 - c. Off street parking shall be provided such that it does not impede, disrupt, or cause a hazard to the flow of traffic or pedestrians.
 - d. No model home use shall exceed two years except as provided for in 3-4208(12)(k) in this ordinance.
 - e. Outdoor lighting shall be limited to outdoor and landscape lighting normally permitted in a residential setting limited to the hours of dusk to 9:00 p.m.
 - f. Signage shall be regulated by existing sign ordinance.
 - g. A model home shall operate only between the hours of 7:00 a.m. to 9:00 p.m. Monday through Saturday.
 - h. Garages used as sales office shall be converted back before occupancy is permitted.
 - i. All homes permitted under this section shall have a final inspection prior to conversion as residential use.
 - j. All pre-existing use prior to January 15, 2002 shall have six months to come into compliance.

~~k. Extension. If the applicant requests an extension prior to the expiration date of approval, has paid an extension fee, and the Model Home still meets the requirements as originally approved and identified above, the City Council may consider a one (1) year extension for a Model Home Conditional Use Approval. If it becomes evident that the Model Home has been in violation of the requirements and conditions of the original Conditional Use approval during the Model Home period as determined below (ii-iii), the City Council shall not approve the extension request. The following conditions shall apply for an extension:-~~

- ~~i. The subdivision or subdivision phase has not sold at least 80% of the available lots within that development; and~~
- ~~ii. The City has not received three (3) or more written complaints from surrounding residents indicating the model home has violated a requirement or condition of approval for a Model Home (as listed above) prior to the application for the Council extension; and
 - ~~(1) That the written complaints submitted have been submitted by at least three (3) separate individuals (residents) who reside within that subdivision or subdivision phase or live within a 500-foot radius from the model home; and~~~~
- ~~iii. The City has not issued a citation or more than two (2) written warnings specifically related to violations of the requirements or conditions of approval for that Model Home as part of the Conditional Use Approval and as defined within this Code during the previously approved period.
 - ~~(1) Two (2) written warnings may include warnings for the same violation, may include one (1) warning for two (2) separate violations, or may include any variation of warnings exceeding an accumulation of two (2).~~~~
- ~~iv. The applicant has notified the residents within the subdivision or subdivision phase at least ten (10) days prior to the City Council consideration of the extension.~~
- ~~v. In any case a model home may not receive extensions where the model home would exist for more than a total of five (5) years (a maximum of three (3) extensions may be granted) or until 80% of the lots are sold within that subdivision, whichever comes first.
 - ~~(1) In any case the model home shall cease to operate when the subdivision or subdivision phase has sold more than 80% of the available lots.~~~~
- ~~vi. Applicant may not request an extension prior to 60 days of the expiration date.~~

3-4742 Permitted Uses

7. Model Homes. Please refer to Article 6 Supplementary Regulations Section 3-617 Model Homes.

3-4748 Conditional Uses

- ~~3. Model homes used for the sale of homes/lots within the Town Center Urban Subdivision in Highland, provided that the model home thereof conforms to the following requirements and subject to a conditional use permit:
 - ~~a. Model home is used for lot/home sales within the Town Center Urban Subdivision Overlay.~~
 - ~~b. The maximum number of personnel shall not exceed three at any given time.~~
 - ~~c. Off street parking shall be provided such that it does not impede, disrupt, or cause a hazard to the flow of traffic or pedestrians.~~
 - ~~d. No model home use shall exceed two years.~~~~

- e. ~~Outdoor lighting shall be limited to outdoor and landscape lighting normally permitted in a residential setting limited to the hours of dusk to 9:00 p.m.~~
- f. ~~Signage shall be regulated by existing sign ordinance and in addition to said ordinance, no model home shall display banners, flags, or balloons. Each model home sign shall be allowed within the immediate front yard with a maximum size of 48" x 96" with a height from ground level not to exceed 10'.~~
- g. ~~A model home shall operate only between the hours of 7:00 a.m. to 9:00 p.m. Monday through Saturday.~~
- h. ~~Garages used as sales office shall be converted back before occupancy is permitted.~~
- i. ~~All homes permitted under this section shall have a final inspection prior to conversion as residential use.~~

3-4762 Permitted Uses

7. Model Homes. Please refer to Article 6 Supplementary Regulations Section 3-617 Model Homes.

3-4768 Conditional Uses

- 3. ~~Model homes used for the sale of homes/lots within the Town Center Urban Subdivision in Highland, provided that the model home thereof conforms to the following requirements and subject to a conditional use permit:

 - a. ~~Model home is used for lot/home sales within the Town Center Urban Subdivision Overlay.~~
 - b. ~~The maximum number of personnel shall not exceed three at any given time.~~
 - c. ~~Off street parking shall be provided such that it does not impede, disrupt, or cause a hazard to the flow of traffic or pedestrians.~~
 - d. ~~No model home use shall exceed two years.~~
 - e. ~~Outdoor lighting shall be limited to outdoor and landscape lighting normally permitted in a residential setting limited to the hours of dusk to 9:00 p.m.~~
 - f. ~~Signage shall be regulated by existing sign ordinance and in addition to said ordinance, no model home shall display banners, flags, or balloons. Each model home sign shall be allowed within the immediate front yard with a maximum size of 48" x 96" with a height from ground level not to exceed 10'.~~
 - g. ~~A model home shall operate only between the hours of 7:00 a.m. to 9:00 p.m. Monday through Saturday.~~
 - h. ~~Garages used as sales office shall be converted back before occupancy is permitted.~~
 - i. ~~All homes permitted under this section shall have a final inspection prior to conversion as residential use.~~~~

3-617 Reserved Model Homes

Model homes used for the sale of homes/lots within a subdivision in Highland are a permitted use in all residential zones, provided that the model home conforms to the following requirements:

1. The maximum number of personnel shall not exceed three (3) at any given time, not including visitors.
2. All parking and traffic created by the use must follow typical traffic laws, with the same number of off-street parking spaces provided with the model home as required for other similar residential units within the zone.
3. Signage shall be regulated by the existing sign ordinance.
4. Outdoor lighting shall be limited to outdoor and landscape lighting permitted in a residential setting as defined in the Municipal Code.
5. A model home shall operate only between the hours of 7:00 a.m. to 9:00 p.m. Monday through Saturday.

- 4.6. Model homes shall obtain a business license and follow typical business license regulations that are not specified in this Code.
7. If any portion of the model home is used as a sales office or for other commercial purposes, such portion shall comply with applicable ADA requirements.
8. Garages used as sales offices shall be converted back before occupancy is permitted.
9. All homes permitted under this section shall have a final inspection prior to conversion as a residential use.
10. No model home use shall exceed two (2) years. An extension may be approved by the Zoning Administrator if it is determined not to create an undue burden upon residents of the immediate area and the applicant is actively marketing homes/lots related to the model home within Highland.