

ORDINANCE NO. O-2024-17

AN ORDINANCE AMENDING HIGHLAND CITY DEVELOPMENT CODE SECTION 3-4108, SECTION 3-4208, SECTION 3-4258, AND CHAPTER 4 RELATED TO RESIDENTIAL CONDITIONAL USES

WHEREAS, Highland City is authorized to enact land use regulations that govern the use and development of property and to allow for and regulate conditional uses;

WHEREAS, Highland City has previously adopted regulations regarding residential conditional uses and the process by which the same are reviewed and approved;

WHEREAS, a duly noticed public hearing was held by the Planning Commission regarding the proposed amendments described herein on June 25, 2024, after which hearing the Commission recommended adoption of certain amendments to the regulations;

WHEREAS, the Highland City Council provided notice of and conducted a public hearing regarding the proposed amendments and to review the recommendation of the Planning Commission on July 2, 2024;

WHEREAS, the Highland City Council desires to amend its conditional use regulations to clarify residential conditional uses, make residential conditional uses more consistent, and provide a process for the approval of minor and major amendments to existing conditional use permits;

WHEREAS, the Highland City Council finds that the proposed amendments further the public welfare and are in the interest of the public.

NOW THEREFORE, BE IT ORDAINED by the Highland City Council as follows:

SECTION 1. Section 3-4108, Section 3-4208, Section 3-4258, and Chapter 4 of the Highland Development Code are amended as shown in Exhibit A, attached hereto.

SECTION 2. All ordinances and parts and provisions thereof in conflict with this ordinance are repealed to the extent of such conflict.

SECTION 3. This ordinance shall take effect immediately upon its adoption and publication, in accordance with law.

ADOPTED AND PASSED BY THE CITY COUNCIL OF HIGHLAND CITY, UTAH, this 2nd day of July, 2024.


Mayor

ATTESTED:


City Recorder



COUNCILMEMBER

Brittney P. Bills
Ron Campbell
Doug Cortney
Kim Rodela
Scott L. Smith

	YES	NO
Brittney P. Bills	<input checked="" type="checkbox"/>	
Ron Campbell		<input checked="" type="checkbox"/>
Doug Cortney	<input checked="" type="checkbox"/>	
Kim Rodela	<input checked="" type="checkbox"/>	
Scott L. Smith	<input checked="" type="checkbox"/>	

EXHIBIT A

[R-1-40 Conditional Use Amendments]

3-4108 Conditional Uses

1. The following buildings, structures, and uses of land described herein shall be allowed in the R-1-40 Zone upon compliance with the provisions of this Section as well as other requirements of this Code and upon obtaining a conditional use permit as specified in Chapter 4 of this Code.

2. All conditional uses shall landscape a minimum of 35% of their site and comply with parking requirements as determined by the City Council.

1.3. Authorized conditional uses:

- a. Public schools ~~and school grounds~~.
- b. Churches, ~~not including temporary facilities~~.
- c. Libraries, museums, art galleries.
- d. Nonprofit country clubs used for recreational purposes as defined in this Section by members of the club. A non-profit country club shall be limited to golf. Preparation and serving of food and/or beverages associated with golf, on property specifically associated for these uses may be approved with Conditional Use. Sale of equipment and/or supplies may be approved with the conditional Use. Preparation and serving of food and/or beverages and the sale of equipment and/or supplies shall be a secondary and ancillary use to golf. Non-profit country clubs shall have memberships and regular periodic dues associated with the country club. A minimum of 50% of the proposed property associated with a non-profit country club shall be landscaped. The proposed landscaping area shall be limited to 15% non-living material. The applicant shall submit annually to Highland City a copy of the certified annual report required by the Utah Department of Commerce.
 - i. Applicants desiring to obtain a nonprofit country club conditional use shall provide the following information when applying for a Conditional Use:
 1. Legal evidence and documentation of their non-profit corporation status with the Utah State Department of Commerce; and
 2. Two (2) copies of detailed Architectural elevations (1/8" scale) for any structures and associated site plan (1" = 20' scale); and
 3. Two (2) copies of a detailed Landscaping Plan (1" = 20' scale).

1. Churches, church grounds, and accessory buildings associated with the maintenance of those grounds, not including temporary facilities.

- e. Wireless and other Ccommunications and other towers, masts or towers, subject to other city, state, and federal regulations.

~~2. All Conditional Uses shall landscape 35% of their site and comply with parking requirements as determined by the Planning Commission.~~

a.f. Drilling wells.

b.g. _____ Funeral Homes subject to the following requirements:

- i. The property fronts onto an arterial street and the primary access is from an arterial street.
- ii. Crematories are not permitted.
- iii. A caretaker's residence may be permitted as an accessory use, provided that the caretaker's residence shall be contained within the mortuary building.
- iv. The architecture shall be compatible with residential uses.

[R-1-20 Conditional Use Amendments]

3-4208 Conditional Uses

1. The ~~following~~ buildings, structures and uses of land described herein shall be allowed in the R-1-20 Zone upon compliance with the provisions of this Section as well as other requirements of this Code and upon obtaining a conditional use permit as specified in Chapter 4 of this Code.:

2. All conditional uses shall landscape a minimum of 35% of their site and comply with parking requirements as determined by the City Council.

~~1.3.~~ Authorized conditional uses:

- a. Public schools ~~and school grounds~~.
- b. Churches, ~~church grounds, and accessory buildings associated with the maintenance of those grounds, not including temporary facilities~~.
- c. Libraries, museums, art galleries.
- d. Nonprofit country clubs used for recreational purposes as defined in this Section by members of the club. A non-profit country club shall be limited to golf. Preparation and serving of food and/or beverages associated with golf, on property specifically associated for these uses may be approved with Conditional Use. Sale of equipment and/or supplies may be approved with the conditional Use. Preparation and serving of food and/or beverages and the sale of equipment and/or supplies shall be a secondary and ancillary use to golf. Non-profit country clubs shall have memberships and regular periodic dues associated with the country club. A minimum of 50% of the proposed property associated with a non-profit country club shall be landscaped. The proposed landscaping area shall be limited to 15% non-living material. The applicant shall submit annually to Highland City a copy of the certified annual report required by the Utah Department of Commerce.
 - i. Applicants desiring to obtain a nonprofit country club conditional use shall provide the following information when applying for a Conditional Use:
 1. Legal evidence and documentation of their non-profit corporation status with the Utah State Department of Commerce; and
 2. Two (2) copies of detailed Architectural elevations (1/8" scale) for any structures and associated site plan (1" = 20' scale); and
 3. Two (2) copies of a detailed Landscaping Plan (1" = 20' scale).
- e. Wireless and other Communications ~~and other towers,~~ masts or towers, subject to other city, state, and federal regulations.
- ~~f.~~ All Conditional Uses shall landscape 35% of their site and comply with parking requirements as determined by the Planning Commission.
- ~~g.~~ f. Drilling wells.

[R-1-30 Conditional Uses]

3-4258 Conditional Uses

1. The ~~following~~ buildings, structures and uses of land described herein shall be allowed in the R-1-30 Zone upon compliance with the provisions of this Section as well as other requirements of this Code and upon obtaining a conditional use permit as specified in Chapter 4 of this Code.

2. All conditional uses shall landscape 35% of their site and comply with parking requirements as determined by the City Council.

1.3. Authorized conditional uses:

a. Public schools ~~and school grounds~~.

b. Churches, ~~church grounds, and accessory buildings associated with the maintenance of those grounds, not including temporary facilities.~~

c. Libraries, museums, art galleries.

e.d. Wireless and other communications masts or towers, subject to other city, state, and federal regulations.

d. ~~All Conditional Uses shall landscape 35% of their site and comply with parking requirements as determined by the Planning Commission.~~

e. Drilling wells for water.

[Chapter 4 Conditional Use Procedure Amendments]

4-102 Application

1. An application for a conditional use permit shall be made to the Zoning Administrator as provided herein. The Zoning Administrator shall review and evaluate the application. Following said review and evaluation, the Zoning Administrator shall transmit the application to the Planning Commission for ~~action~~recommendation to the City Council, together with the recommendation of the Zoning Administrator as to approval or disapproval of the conditional use permit and any conditions which the Zoning Administrator may recommend to be imposed.
2. Applications for a conditional use permit shall be accompanied by such fees, maps, drawings, statements, or other documents as the ~~Planning Commission, and~~ Zoning Administrator shall deem necessary to fully evaluate the application and have the application reviewed by the Planning Commission and City Council.
3. Notices of hearings to review an application under this Chapter shall be published at least seven (7) days prior to the hearing.

4-103 ~~Fee~~Accessory Uses, Modifications, and Amendments

~~The application for any conditional use permit shall be accompanied by the fee that may be specified in the current schedule of fees and charges which has been adopted by the City Council.~~

1. Except as otherwise required by a conditional use permit, the issuance of a conditional use permit authorizes the following activities and improvements, subject to the written approval of the Zoning Administrator, so long as such activities and improvements comply with all requirements of the Development Code and the conditional use permit, do not materially modify, impact, or relocate the approved structures and site, and do not materially increase off-site impacts or create increased parking or utility demands:
 - a. Accessory structures;
 - b. Tenant improvements within approved buildings that do not modify the exterior shell;
 - c. Erection of signs;
 - d. Modification to landscaping that incorporate xeriscaping or other modifications that do not remove minimum required site landscaping;
 - e. Reconstruction or restoration of damaged or destroyed buildings and structures in conformance with the conditional use permit.
2. For an expansion or modification of an existing conditional use that may materially modify, impact, or relocate approved structures or the site, increase off-site impacts, or increase parking or utility demands, as determined by the Zoning Administrator, an amendment to the conditional use permit is required.

- a. An amendment shall not be used to appeal or challenge a condition of approval, though an amendment seeking to change a condition of approval may be considered if the circumstances or bases for the condition of approval have changed.
- b. An amendment shall be reviewed and decided by the City Council, without prior review of the Planning Commission, after a public hearing according to the process set forth herein.
- c. The following are non-exhaustive examples of expansions or modifications of existing conditional uses that require an amendment to the conditional use permit:
 - i. Any expansion of or modification to a legal, non-conforming, conditional use other than conversion to a conforming permitted use;
 - ii. Removal or relocation of existing walkways and parking areas;
 - iii. Modifications to requirements related to screening the conditional use or controlling any noise, dust, vibration, or other emission created by the conditional use;
 - iv. New utility connections;
 - v. Modifications to twenty-five percent (25%) or more of the property or structures subject to the conditional use permit.

4.3. Except as otherwise required by a conditional use permit, changes in ownership of a property or portion thereof subject to a conditional use do not require an amended or new conditional use permit if the new owner continues the conditional use in conformance with the Development Code and conditional use permit.