



## AGENDA

### HIGHLAND CITY PLANNING COMMISSION Tuesday, February 22, 2011 – Regular Meeting 7:00 p.m.

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

#### **CALL TO ORDER:** Tim Irwin, Chair

- Attendance – Tim Irwin, Chair
- Invocation – Commissioner Trixie Williams
- Pledge of Allegiance – Commissioner Steve Rock

#### **OATH OF OFFICE**

#### **APPEARANCES:**

Time has been set aside for the public to express their ideas, concerns, and comments on non-agenda items. Speakers will be limited to two minutes.

#### **WITHDRAWALS AND CONTINUANCES:**

#### **PUBLIC HEARING ITEMS:**

1. CU-11-02 Mark Hollingshead, Ivory Homes, is requesting conditional use permit for a model home located at 6707 West Broadleaf Hollow Lane. *Administrative.*
2. TA-11-05 Highland City Council is requesting to amend Commercial Districts and supplemental regulations in the Highland City Development Code relating to the review and approval of temporary outdoor uses, such as sale events, Christmas tree lots, and special events. *Legislative.*

#### **OTHER BUSINESS:**

4. FP-11-02 Jeremy Doyle, Thomas Fox Properties, is requesting an amendment to the Highland Commercial Subdivision by revising lot boundaries and adding two additional lots. The property is located at the northwest corner of SR74 and SR92. *Administrative.*
5. TA-11-06 The Highland City Planning Commission is requesting an amendment to Section 3-4102.7 Keeping of Large Animals to increase the number of large animals from two to three on lots with a minimum area of 30,000 square feet. *Legislative.*

**APPROVAL OF MINUTES:**

6. January 11, 2011 – Regular Meeting
7. February 8, 2011 – Regular Meeting

**PLANNING STAFF REPORT:**

- City Council Action Update:
  - TA-11-04 Town Center Setbacks

**COMMISSION COMMENTS AND SUGGESTIONS:**

**ADJOURNMENT:**

NEXT MEETING: March 8, 2011 at 7:00 pm City Council Chambers

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

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

**FOR SPECIAL ACCOMMODATIONS**

Any individual with a qualified disability may request a reasonable accommodation by contacting the City Recorder at (801) 772-4506 at least 48 hours prior to the Commission meeting.

**CERTIFICATE OF POSTING**

The undersigned does hereby certify that the above agenda notice was posted in three public places within Highland City limits on this 3rd day of February, 2011. These public places being bulletin boards located inside the City offices and located in the Highland Justice Center, 5400 W. Civic Center Drive, Highland, UT; and the bulletin board located inside Lone Peak Fire Station, Highland, UT. On this 3rd day of February, 2011 the above agenda notice was sent by email to local newspapers located in Utah County and posted on the Highland City website at [www.highlandcity.org](http://www.highlandcity.org).

Gina Peterson, City Recorder

<p style="text-align: center;"><b>HIGHLAND CITY</b>  <b>CITY COUNCIL MEETING</b>  <b>OCTOBER 5, 2010</b></p>			
<b>REQUEST:</b>	A Conditional Use Permit for a model home located at 6707 West Broadleaf Hollow Lane.		
<b>APPLICANT:</b>	Mark Hollingshead, Ivory Homes		
<b>FISCAL IMPACT:</b>	None		
<b>GENERAL PLAN DESIGNATION</b>	<b>CURRENT ZONE</b>	<b>ACREAGE</b>	<b>LOCATION</b>
Low Density Residential	R-1-40	30,046 square feet	6707 West Broadleaf Hollow Lane

**BACKGROUND:**

A conditional use permit is an administrative action. Consideration is limited to compliance with existing development standards and regulations and three required findings.

**SUMMARY OF REQUEST:**

1. The applicant is requesting a conditional use permit for a model home.
2. Model homes are permitted in the R-1-40 District subject to a conditional use permit.

**CITIZEN PARTICIPATION:**

A notice of the Planning Commission hearing was published in the Daily Herald on February 6, 2011. Notification letters were mailed out to 7 property owners on February 8, 2011. No comments have been received.

**REQUIRED FINDINGS:**

**The City Council must determine that the proposed use meets three findings prior to granting a Conditional Use Permit. The burden of proof rests with the applicant. Each finding is presented below along with staff's analysis.**

- 1. The use will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity.**

The subject property is designated as Low Density Residential on the Land Use Map of the General Plan and the property is zoned R-1-40 Residential. The existing R-1-40 zoning is consistent with the land use designation on the General Plan. Model homes are permitted in the R-140 District subject to a conditional use permit.

The property to the north and east is vacant and zoned R-1-40. The property to the south is zoned R-1-40 and is planned for a church. The property to the west is zoned R-1-40 and has an existing home.

## Item #1

The proposed use will not adversely affect the desired character of the surrounding area or be detrimental to the health, safety, or general welfare of persons residing in the vicinity.

### **2. The use complies with all applicable regulations in the Development Code.**

Primary access to the site is available from Broadleaf Hollow Lane which can accommodate the traffic generated by the proposed use.

Parking is provided within the driveway and in Broadleaf Hollow Lane. There is sufficient parking to accommodate the proposed use.

Normally, there will be one employee on the site. There maybe three to four employees on site during special sale events. The Development Code limits the number of employees to three. A stipulation has been included to address the issue.

The regulations relating to model homes are shown in Attachment D. The proposed use will comply with these regulations.

The proposed site plan meets all development standards set forth in the Development Code, including setbacks and landscaping.

### **3. Conditions are imposed to mitigate any detrimental effects.**

Two routine stipulations have been included in the staff recommendation.

### **CONCLUSION:**

The proposed conditional use appears to meet the required findings for approval.

### **RECOMMENDATION:**

The Planning Commission should accept the findings and recommend **APPROVAL** of the conditional use permit subject to the following stipulations:

1. The use shall comply with the site plan date stamped February 4, 2011.
2. The use shall comply with Section 3-4108. 14.

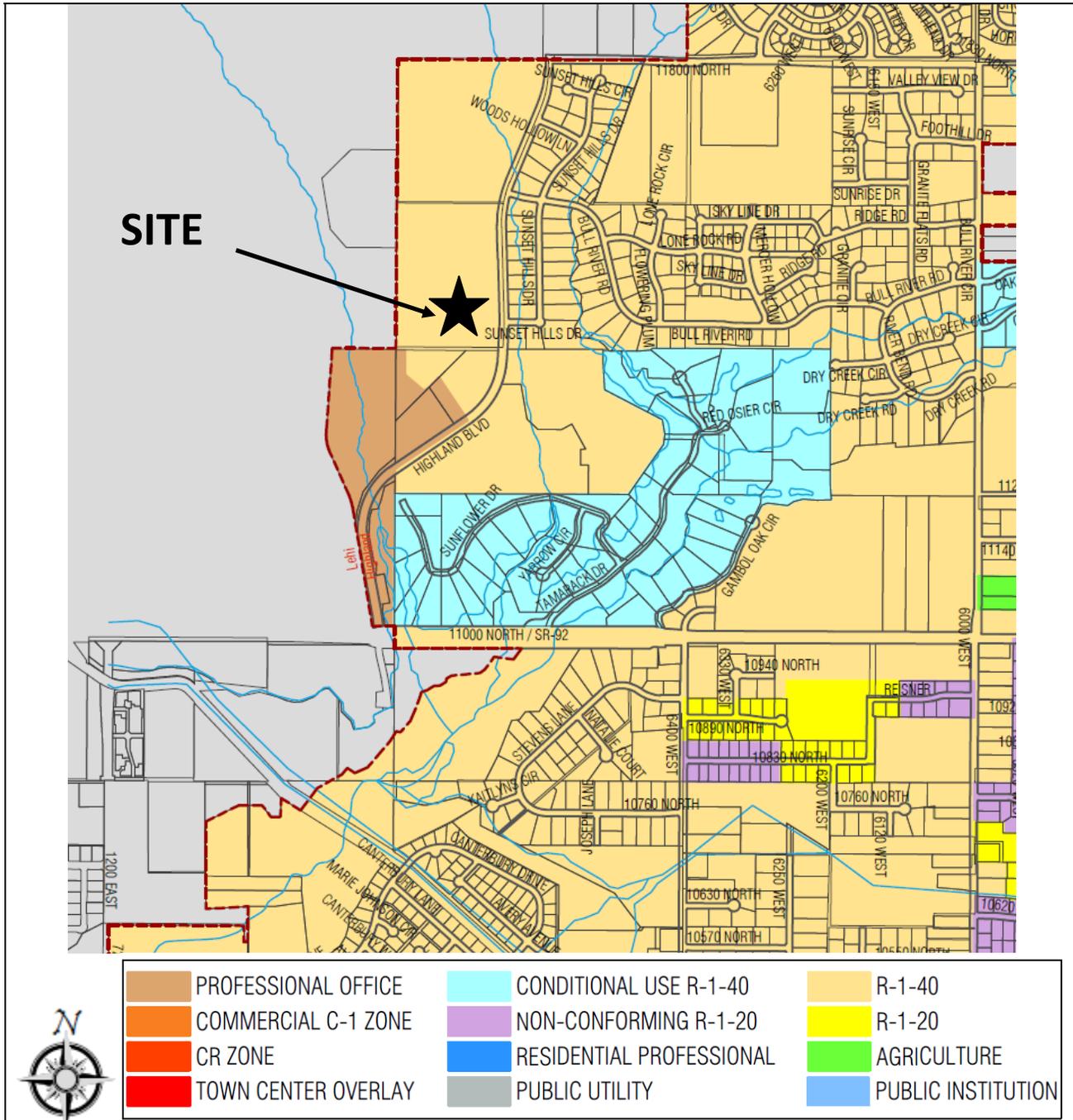
### **PROPOSED MOTION:**

I move that the Planning Commission accept the findings and recommend **APPROVAL** of case CU-11-2, subject to the two stipulations recommended by staff.

**ATTACHMENTS:**

- Attachment A – Zoning Map
- Attachment B – Aerial Photo
- Attachment C – Site Plan date stamped February 4, 2011
- Attachment D – Model Home Regulations

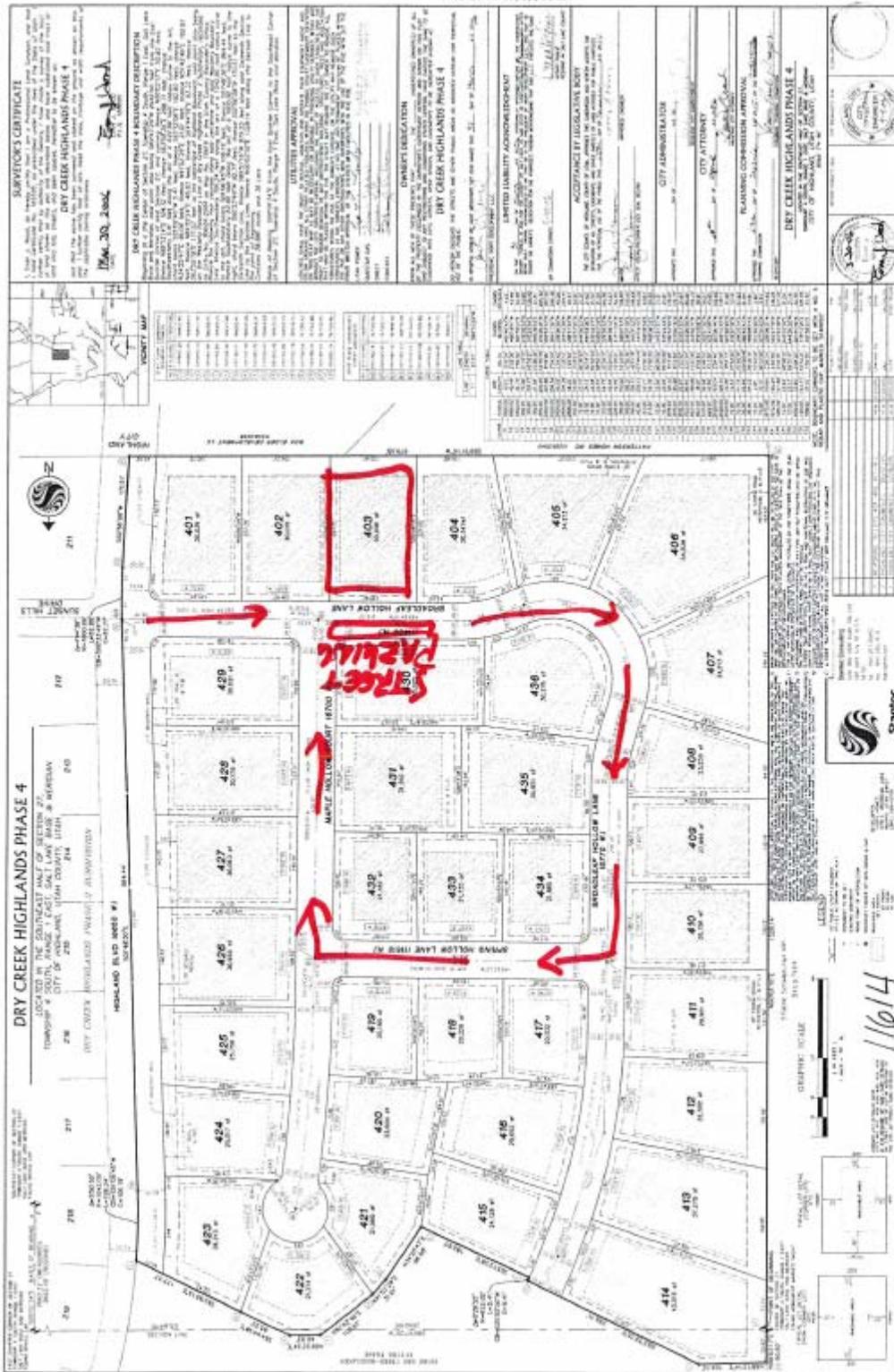
# HIGHLAND CITY ZONING MAP



# AERIAL



PROPOSED SITE PLAN

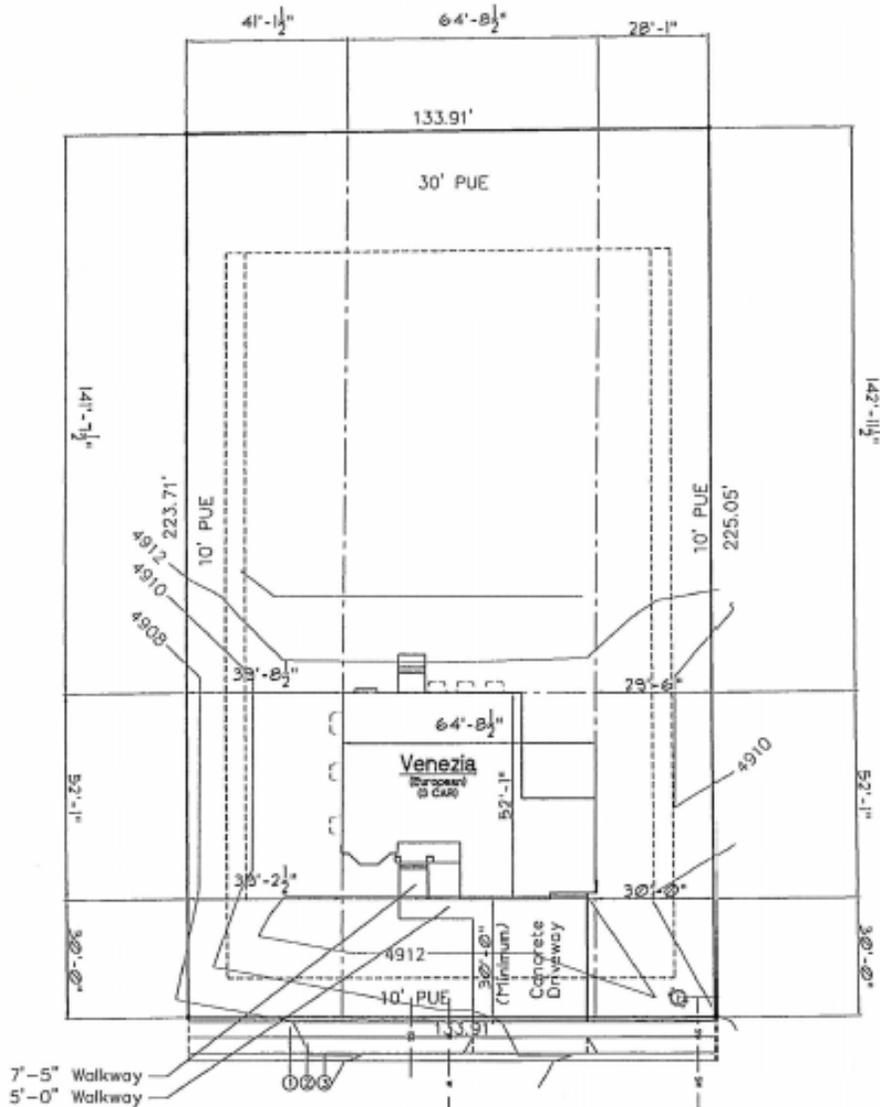


Ivory Homes assumes no liability for any utilities shown (or not shown).

Ivory Homes will provide sufficient grading around the foundation to allow water to drain away from the home. It is the home buyer's responsibility to maintain this drainage away from the home when grading for finished landscape. Home buyer must take extra care when installing landscaping or structures in order to avoid impeding the lot drainage of neighboring lots. Elevations of the home will be determined solely at the discretion of Ivory Homes based upon utilities, grade, neighboring homes & site conditions. As subdivisions allow

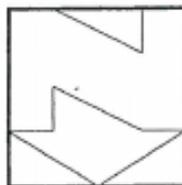
Diagonal Measure Across Foundation = XX'-X<sup>1/2</sup>'  
(Field Supervisor to verify independently)

RECEIVED



BROADLEAF HOLLOW LANE (11430 N.)

- 1. Sidewalk
- 2. Parkstrip
- 3. Curb / Outer



Lot 403 Dry Creek Highlands  
6707 West Broadleaf Hollow Lane  
Highland, Utah  
30,046 Square Feet

# SITE PLAN

SCALE: 1" = 40'

Initial DEY Date: \_\_\_\_\_  
Initial \_\_\_\_\_ Date: \_\_\_\_\_

Subject to any changes necessary made at the discretion of Ivory Homes

## **MODEL HOME REGULATIONS**

14. 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.
  - (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.

<b>HIGHLAND CITY                      PLANNING COMMISSION MEETING                      FEBRUARY 122 2011</b>			
<b>REQUEST:</b>	PUBLIC HEARING – amend Section 3-4302.12: Conditional Uses (C-1 District), Section 3-4351: Permitted Uses (CR District) and Article 6: Supplemental regulations relating to the review and approval of temporary outdoor uses, such as sale events, Christmas tree lots, and special events.		
<b>APPLICANT:</b>	Highland City Council		
<b>FISCAL IMPACT:</b>	N/A		
GENERAL PLAN DESIGNATION N/A	CURRENT ZONING N/A	ACREAGE N/A	LOCATION C-1, CR, and Town Center Overlay Districts

**BACKGROUND:**

In June 2009, the City Council approved an amendment to the Development Code to allow temporary uses in the C-1 District subject to a conditional use permit.

In July 2009, the City Council approved an amendment to the Development Code to allow temporary uses in the Commercial Retail (CR) District as a permitted use and the Town Center Overlay (TCO) District subject to a conditional use permit. In June 2010 the City Council amended the TCO District to remove temporary uses and requested staff to revise the regulations for temporary uses.

A conditional use permit requires approval by the City Council upon receiving a recommendation from the Planning Commission. The Planning Commission is required to hold a public hearing.

On February 1, 2011 the owner of a snow shack approached the City Council and requested that the city amend the temporary use regulations in the TCO District to increase the amount a temporary use could operate.

A development code amendment is a legislative action.

**SUMMARY OF REQUEST:**

1. Temporary uses are currently permitted in the C-1 District subject to a conditional use permit and in the CR District as a permitted use. The existing regulations in the C-1 and CR District are identical.
2. The proposed amendment would allow temporary uses in the C-1, CR, and Town Center Overlay (TCO) Districts.
3. The proposal will amend Section 3-4302.12: Conditional Uses (C-1 District), Section 3-4351: Permitted Uses (CR District) by deleting the temporary use regulations.

4. The proposal will amend Article 6: Supplementary Regulations by creating Section 6-223 Temporary Uses.
5. Discussed below is the proposed general regulations for temporary uses:

General Regulations

This section identifies the general regulations for all temporary uses. Temporary uses will only be allowed in the C-1, CR, and the Town Center Overlay zoning districts.

Permitted Temporary Uses

The permitted temporary uses include: seasonal sales such as Christmas trees, produce stands, and firework stands, offsite commercial sales events, and temporary retail sales, such as Macy's parking lot sales.

Application Process, Fees, Noticing

Based on the type and intensity of the use, an application will be processed in one of two ways: First, an application is reviewed and approved administratively within three working days. Second, if a use is determined to have an impact on surrounding properties, public input is solicited by posting the property and notifying the surrounding property owners.

Temporary uses may be approved for up to six months. The length of the use is based on the needs of the applicant and impact on surrounding properties. The applicant is required to return the property to its normal condition upon the cessation of the use.

Appeal

This section allows the applicant, citizen or any interested party to appeal the decision to the Planning Commission.

**ANALYSIS:**

- Temporary uses should be regulated due to their potential public safety impacts. The proposal ensures that all public safety issues are addressed.
- The proposal balances the need of an applicant for a short review period with the needs of the City to protect the public health and safety. The review process will ensure that temporary uses follow all applicable development standards. The proposal requires citizen input for uses that have a substantial impact on surrounding properties.
- The proposal allows the length of the use to be determined based on the needs of the applicant and the impact on surrounding properties.
- Relocating temporary uses to Article 6 reduces redundancy and allows temporary uses in the C-1 District without a conditional use permit.

**FINDINGS:**

Staff believes the proposed text amendment meets the following findings:

- The proposed amendment is consistent with the purpose of the Development Code and will not adversely affect the community.

**CITIZEN PARTICIPATION:**

A notice of the Planning Commission public hearing was published in the Daily Herald on February 6, 2011. No comments have been received.

**RECOMMENDATION:**

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

**PROPOSED MOTION:**

I move that the City Council accept the findings and **ADOPT** the ordinance amending the Highland City Development Code Section 3-4713 (5)(d)(iii) relating to building setbacks adjacent to SR 92 and SR 74 in the Town Center Commercial Retail District.

**ATTACHMENTS:**

Attachment A – Proposed Amendment

Attachment B – Existing Regulations

## Proposed Temporary Use Regulations

(Revised 2-15-11)

### 3-623: Temporary Uses

In addition to regulating uses, which are permanent in nature, it is the intent of this section to provide for certain temporary uses for limited periods of time. The purpose of this section is to establish the standards, regulations, procedures, and review criteria, which shall be used when considering an application for a temporary use permit.

1. General Regulations.
  - a. No temporary use permit shall be granted until adequate assurances have been provided ensuring compliance with the provisions of this section and all other applicable city codes.
  - b. Temporary uses shall be consistent with the intent and purpose of this section and not to be detrimental to surrounding properties.
  - c. Temporary uses shall only be permitted in the C-1, CR, and the Town Center Overlay zoning districts.
  - d. Temporary uses shall obtain a Highland City business license.
2. Permitted Temporary Uses. The following uses shall be permitted upon receiving the appropriate approvals and the granting of a temporary use permit by the city.
  - a. Christmas tree sales, snow shacks, produce stands, firework stands, or similar seasonally related events;
  - b. Off-site commercial sales events;
  - c. Temporary retail sales;
  - d. Such other uses as the city may deem to be within the intent and purpose of this section.
3. Application Process, Fees, Noticing. Application for a temporary use permit shall be made on forms obtained from the Zoning Administrator. Application for a temporary use permit shall be made by the property owner of a duly authorized agent and a filing fee shall be charged and collected at the time of application submittal. The Zoning Administrator may require additional information deemed necessary to understand the application.
  - a. Those temporary uses which meet the following criteria in the opinion of the city do not require posting and may be approved subject to the appropriate conditions. The criteria are as follows:
    1. The use and/or structure complies with all applicable codes and ordinances;
    2. The use and/or structure does not interfere with pedestrian access ways, fire lanes, driveways, landscaped areas, or traffic visibility at driveways or street intersections;
    3. The use and/or structures are compatible with surrounding land uses;
    4. Parking on the property is adequate to serve any existing permanent use and the temporary use; and
    5. The temporary use shall not be conducted between the hours of 10:00 p.m. and 7:00 a.m.

- b. Those temporary uses which do not meet the above criteria in the opinion of the Zoning Administrator, shall be posted by the city for public notification within five (5) working days following application submittal and shall be subject to the appropriate conditions.
  - c. Application for a temporary use permit shall be reviewed by the Zoning Administrator who shall approve, conditionally approve, or disapprove such application no sooner than five (5) and no later than eight (8) working days from the date of posting where applicable and no later than three (3) working days when no posting is required.
  - d. An application for a temporary use shall only be approved if the Zoning Administrator finds that it meets the requirements herein.
  - e. Approval may be made subject to further conditions deemed necessary to assure that all adverse impacts to the surrounding properties are minimized to the fullest extent possible. Conditions to be considered may include, but are not be limited to, the following:
    - 1. Regulation of parking, dust control measures and site lighting;
    - 2. Regulation of hours of operation;
    - 3. Regulation of site ingress and egress;
    - 4. Assurance of compliance with building, fire, electrical and all other appropriate codes; and
    - 5. Such other conditions deemed necessary to carry out the intent and purpose of this section.
  - f. The city shall notify the applicant of the decision in writing and shall state any conditions for approval or reasons for denial on said letter.
  - g. All temporary use permit approvals shall be made subject to a time limit as set forth by the city. In no event shall a temporary use permit be granted for longer than six (6) months. Upon expiration of the time limit set forth at the time of approval, any continuation of the use shall require the submittal and approval of a new application.
  - h. Upon expiration of any temporary use permit, any permit holder wanting to extend the length of the permit shall be required to re-apply for a new temporary use permit. Temporary use permit renewals shall be approved for a period not to exceed three (3) months. All temporary uses lasting six (6) weeks or over shall not be renewed more than once within a one-year period.
  - i. Upon cessation of the use or expiration of the permit, whichever occurs first, the premises will be promptly cleaned and restored to substantially the same condition existing prior to commencement of such use.
4. Appeals. Upon receiving notification of the decision, the applicant, any citizen or any party in interest, aggrieved by the decision may file with the city a written notice of appeal to the Planning Commission within seven (7) calendar days of the decision. Upon appeal, all material in the matter shall be filed by the city with the Planning Commission. The Commission may then review the case and based upon the information, uphold the action of the staff, remand the matter back to staff with instructions for further review or overturn the action of the staff. The Commission's decision shall be limited to whether or not the proposed use meets the criteria set forth in this section.

## Existing Temporary Use Regulations C-1 and CR Districts

Note: The temporary outdoor sales regulations are the same in both districts.

Temporary outdoor sales events. After obtaining a temporary outdoor sales permit, a person or business who has a business license to operate in Highland may participate in an outdoor sales event within the C-1 Zone only if the following requirements are met:

- (a) The person or business has written authorization from the property owner to conduct this sales event on their property; and
  - (b) A temporary outdoor sales event permit shall expire after a period of one (1) year; and
    - (i) Temporary outdoor sales events shall only occur for a period of thirty (30) consecutive days per event.
    - (ii) Temporary outdoor sales events shall only occur three (3) times per year per business; and
  - (c) Outdoor sales events shall only include items/products that are sold on premises, legally grown within Highland City Boundaries, or items/products sold through businesses owned by residents of Highland as follows:
    - (i) Temporary outdoor sales events shall be limited to existing previously approved businesses within Highland City and may also include; seasonal produce, fireworks, shaved ice, Navajo tacos, Christmas trees or similar.
    - (ii) Any proposed use or product for sale shall be consistent with the existing permitted or conditional uses allowed within the underlying zone and consistent with any and all relevant city ordinances and laws not specified within that zone; and
  - (d) Only products for retail sale during the sales event shall be permitted to be located on the property where the sales event takes place; and
    - (i) Long term outdoor inventory storage shall not be permitted as part of this permit or use; and
    - (ii) It is not the intent of this ordinance to create permanent outdoor storage facilities which are prohibited by other ordinances within this Code, and
  - (e) Temporary outdoor sales events shall only operate on days during the week when the majority of the businesses located within that zone are open; and
  - (f) Temporary outdoor sales events shall not operate between the hours of 12:00 a.m. and 6:00 a.m. and shall not exceed six days per week, and
  - (g) As part of the Temporary outdoor sales event permit the City Zoning Administrator may impose reasonable conditions to mitigate any reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards.
    - (i) If the City Zoning Administrator finds that a compelling public interest would be jeopardized by approving the application OR if reasonably anticipated detrimental effects of a proposed use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with the applicable standards of the underlying zone the City Administrator shall deny the permit.
- A. Detrimental effects are not limited to but may include the following conditions;
- 1. Hazardous parking or other traffic conditions or activities; and
  - 2. Pedestrian circulation hazards; and
  - 3. Any illegal activities including signage violations; and
  - 4. Any activities not consistent with the underlying zone; and

5. Removal, destruction, or disturbance of any existing landscaping.

6. If a proposed use or product for sale is not consistent with the existing permitted or conditional uses allowed within the underlying zone where the temporary sales event will occur, the City Zoning Administrator shall deny the permit.

(ii) If a proposed use or product for sale is not conducting business consistent with the existing permitted or conditional uses allowed within the underlying zone where the temporary sales event is occurring or creating detrimental effects defined above, the City Zoning Administrator shall revoke the temporary outdoor sales event permit and the owner/temporary business shall immediately cease to operate.

(h) A business/property owner who has obtained a temporary outdoor sales event permit and a Highland City business license shall not be required to obtain a Conditional Use Permit.

<b>HIGHLAND CITY                      PLANNING COMMISSION MEETING                      FEBRUARY 22, 2011</b>			
<b>REQUEST:</b>	Highland Marketplace Subdivision Plat Amendment (FP-11-02)		
<b>APPLICANT:</b>	Jeremy Doyle, Thomas Fox Properties		
<b>FISCAL IMPACT:</b>	None		
<b>GENERAL PLAN DESIGNATION</b> Commercial	<b>CURRENT ZONING</b> C-1	<b>ACREAGE</b> 15.15 Acres	<b>LOCATION</b> Northwest corner of State Road 92 (11000 North) and State Road 74 (Alpine Highway)

**BACKGROUND:**

The property is part of the Commercial Retail (CR) Zoning District that was approved by the City Council in October 2006. A master site plan was approved by the Council in February 2007. The Highland Marketplace Subdivision was approved by the Council in March 2007. A development agreement was also approved by the Council in March 2007.

**SUMMARY OF REQUEST:**

1. The applicant is requesting to amend the Highland Marketplace Subdivision by adjusting the boundaries of Lot 4 and add Lot 9 and 10. As part of the amendment the lots were renumbered as follows:

Old Lot #	New Lot #
Lot 4	Lot 6
Lot 7	Lot 5
Lot 8	Lot 6
Lot 9	Lot 7
Lot 10	Lot 8
Lot 11	Lot 9 & 10

2. Lot 4 will be increased from 1.523 acres to 1.732 acres.
3. Lot 9 (0.442 acres) and Lot 10 (0.487 acres) are created from the division of what was Lot 11 (0.999 acres).
4. The overall size of Lot 1 will also be increased from 5.075 acres to 5.193 acres, by decreasing the size of Lot 8 from 0.499 acres to 0.451 acres. This will create additional frontage space along SR 92.
5. Vehicle access for site will be provided by SR74 and SR92. All access to properties will be from internal drives.

6. Cross access is addressed in the Covenants, Conditions, and Restrictions (CC&R's) of the subdivision.

### **CITIZEN PARTICIPATION:**

Community notification is not required for a plat amendment.

### **ANALYSIS:**

- The proposed amendment is consistent with the approved site plan for Highland Marketplace and the recently approved Walgreens site plan.
- The division of original lot 11 allows for additional economic development opportunities.
- Cross access is provided through the CC&R's. Staff is recommending a stipulation to require the final plat be modified to show the cross access easements.

### **FINDINGS:**

With the proposed stipulations, the plat amendment meets the following findings:

- It meets the requirements of the CR Zoning District.
- It meets the requirements of the Highland City Development Code.

### **RECOMMENDATION:**

Staff recommends that the Planning Commission recommend **APPROVAL** of the proposed plat amendment subject to the following stipulations:

1. The recorded plat shall be in conformance with the final plat date stamped February 2, 2011, except as modified by these stipulations.
2. The plat shall be revised to show cross access easements.

### **PROPOSED MOTION:**

I move that the Planning Commission accept the findings and recommend **APPROVAL** of case FP-11-02 a request to amend the Highland Marketplace final plat.

### **ATTACHMENTS:**

- Exhibit A – Highland Marketplace Approved Plat
- Exhibit B – Master Site Plan
- Exhibit C – Proposed Plat Amendment date stamped February 2, 2011







<b>HIGHLAND CITY            PLANNING COMMISSION MEETING            FEBRUARY 22, 2011</b>			
<b>REQUEST:</b>	R-1-40 Zoning change regarding Animal Regulations (TA-11-06)		
<b>APPLICANT:</b>	Planning Commission		
<b>FISCAL IMPACT:</b>	None		
<b>GENERAL PLAN DESIGNATION</b>	<b>CURRENT ZONING</b>	<b>ACREAGE</b>	<b>LOCATION</b>
N/A	N/A	N/A	R-1-40 District

**BACKGROUND:**

At the February 8, 2011, Planning Commission meeting seven residents asked the Commission to consider a change to the R-1-40 District to increase the number of large animals on a 30,000 square foot lot from two to three. The Commission directed staff to bring back the item for discussion (Attachment A).

Large animal regulations have been changed since the incorporation of the City. When the City was incorporated in 1977 there was no limit to the number of large animals a property owner could have. This was changed in 1981 to allow 2 large animals per acre. There was also a requirement for a lot to have a minimum of 40,000 square feet. In 1990, the Development Code was changed to the current regulations as follows:

8. Keeping of animals subject to the following requirements:
  - (a) All large animals shall be provided shelter or cover. The shelter or cover where animals are normally fed, watered, and corralled shall be at minimum of one hundred (100) feet from any residence, except that it may be a minimum of seventy-five (75) feet from the animal owner’s residence.
  - (b) All large animals shall be enclosed in a fence and no part of the enclosure shall be nearer than twenty (20) feet from any residential structure.
  - (c) No large animal shall be kept on a lot of less than 30,000 square feet in area. Two (2) large animals may be kept on a lot with a minimum area of 30,000 square feet and four (4) large animals may be kept on a lot with a minimum area of 40,000 square feet. One additional large animal may be kept on a lot for each 10,000 square feet of area of the lot in excess of 40,000 square feet. No small animal shall be kept on a lot of less than 20,000 square feet. No more than twelve (12) small animals shall be kept per 20,000 square feet of lot area. In determining the number of animals allowed on any lot based on its area, no proration of numbers shall be allowed within the area increments specified in this paragraph.
  - (d) Pigs shall not be kept on any lot.

The animal regulations are the same in the R-1-40 and R-1-20 Districts. The current regulations are based on total lot size and do not distinguish between areas used of structures and areas dedicated to the use of the animals.

Shelters for large animals are required to be setback a minimum of 100 feet from adjacent dwelling units, 75 feet from the owner's home, 10 feet from a side or rear property line, 30 feet from any street, and 10 feet from any trail.

The Development Code defines a large animal as: a as a cow, horse, sheep or goat. A small animal is defined as a chicken, duck, turkey, rabbit and other animals of similar size.

Development Code amendments are approved by the City Council upon a recommendation from the Planning Commission. The Planning Commission holds a public hearing prior to making a recommendation. A notice of a public hearing is required to be placed in the newspaper a minimum of fourteen days prior to the meeting. If the Commission chooses to proceed with the amendment, staff will advertise for the public hearing. It is anticipated that the public hearing will be held on March 22, 2011.

A development code amendment is a legislative process.

### **DISCUSSION:**

1. Staff researched the zoning ordinances of Alpine, American Fork, Lehi, and Pleasant Grove. The results are summarized as follows:
  - Alpine allows one horse or cow for every 10,000 square feet with a maximum of five animals.
  - American Fork allows one livestock animal for each 10,000 square feet of area dedicated.
  - Lehi allows two horses per acre.
  - Pleasant Grove requires a minimum of 10,000 square feet of dedicated area is need per horse with a maximum of two per acre.
2. The opinion regarding the amount of land needed per large animal varies throughout the country. The factors considered included whether or not pastures are used as the main source of food. If the pasture is used as the main source of food, larger amounts of land are needed. If food is provided through a combination of pasture and supplemental feed, smaller amounts of land are needed. Large animals can also live in confined areas where the main source of food is supplemented.
3. Staff believes the key considerations are:
  - How do we ensure land use compatibility between adjacent properties that do not have large animals and those that do?
  - What is the impact of three large animals versus two large animals on adjacent property owners?

### **RECOMMENDATION:**

The Planning Commission should discuss the issue and provide staff with direction.

### **ATTACHMENTS:**

- Attachment A – Draft Minutes of the February 8, 2011 Planning Commission Meeting
- Attachment B – Adjacent City Regulations

## Excerpt of the Draft Minutes of the February 8, 2011 Planning Commission Meeting

**PRESENT:** Commissioner: Kelly Sobotka  
Commissioner: Roger Dixon  
Commissioner: Tim Irwin  
Commissioner: Abe Day  
Commissioner: Jay Roundy  
Alternate Commissioner: Trixie Williams

**EXCUSED:** Commissioner: Steve Rock  
Commissioner: Christopher Kemp

### A. PUBLIC APPEARANCES

Tim Irwin invited comments from the public regarding items not on the agenda.

Kymerlee Richins, a resident of Highland since 1998. She would like to propose a change to the R-1-40 zone regarding large animals. She would like to change the 30 thousand square foot language from two animals to three animals, leave the 40 thousand square foot with four animals and so on as the acreage accrues as currently stated in the code.

Abe Day inquired as to the reasoning behind the proposed change.

Kymerlee Richins stated that when she first moved to Highland, she had more horses than what was allowed on her property and so she has been boarding them elsewhere. Having them boarded elsewhere has been a financial burden; this change will allow her to have her animals on her property. She also feels that if the space is well kept with stalls, there is no reason why there cannot be more animals per square foot.

David Larsen stated it was his father that originally developed this subdivision in 1974 while it was still under the county. At that time the subdivision had covenants that allowed a maximum of 4 large animals. He feels that this subdivision should be grandfathered in and be allowed what was originally granted. Some of the lots are over an acre and the others are about  $\frac{3}{4}$  of an acre. He feels it limits them and does not allow them to have horses for their kids and as has been stated it is expensive to have them boarded elsewhere.

Tim Irwin inquired as to how Kymerlee found out that she was in non compliance to the ordinance.

Kymerlee Richins stated that she has had several warnings by the city off a complaint from a neighbor that is not part of this subdivision.

David Larsen read from the restrictive covenants of the original subdivision. "All livestock are to be properly fenced, housed, sanitary conditions are to be maintained at all times. No condition will be

permitted contrary to item ten of this agreement. No pigs will be allowed. A maximum of four animals comprised of any combination of horses, cattle and sheep will be allowed. No animals will be kept for commercial proposed. Dogs and cats may be kept on any lot in reasonable numbers as pets for pleasure and the use of the occupants of said lot, but not for any commercial use or purpose. All other animals will be contained in numbers and to a reasonable amount.”

Kelly Sobotka asked if Kymberlee was asking for this change specifically for her neighborhood or for the city as a whole.

David Larsen stated they are asking for a variance for just their neighborhood to maintain the covenants that it had before the city incorporated.

Kymberlee Richins stated that when she approached her neighbors in support of this change she did not know about the covenants and neither did most of her neighbors.

Jay Roundy inquired if the number of horses that the county previously allowed had been maintained the entire time in that neighborhood.

David Larsen stated that it had been maintained up until four years ago when the city made them remove their horses.

Tim Irwin stated that this would require the Planning Commission to review the code and make a recommendation to the City Council for a change. What he would like to know from the commission if there was interest in placing this issue on a future agenda.

Trixie Williams stated that it was her understanding there is a large file of information on what went into the decision making process to set that number per acre and feels it would be important to have access to that information as they review this request.

Tim Irwin asked if the applicant would provide the staff with a copy of those CC&R's and direct staff place this on a future agenda.

Nathan Crane voiced his preference in bringing this back as a discussion item in order to talk about pro's and con's and stated there are two different directions they could take, 1) bring back as a future discussion item at the next agenda, talk about the item in depth, and Commission give staff some direction as to how they would like the recommendation to the City Council, then it would come back and hold a public hearing at another meeting or 2) they can advertise and have the public hearing and hold the discussion at the same time. Nathan would prefer to have some discussion and direction prior to the public hearing.

Tim Irwin stated he would like to see it be placed on the next agenda for discussion and go forward with a public hearing and recommendation after that time.

Hearing no further comments Tim Irwin continued with the scheduled agenda items.

**ATTACHMENT B**

**ADJACENT CITY REGULATIONS**

<b>City</b>	<b>Regulation</b>
Highland	Minimum of 30,000 square feet. Two large animals may be kept on a lot with a minimum area of 30,000 square feet and four large animals may be kept on a lot with a minimum area of 40,000 square feet. One additional large animal may be kept on a lot for each 10,000 square feet of area of the lot in excess of 40,000 square feet.
Alpine	Minimum of 10,000 square feet. One horse or cow for every 10,000 square feet with a maximum of five animals.
American Fork	One horse for each 10,000 square feet of Livestock Management Area.
Lehi	Two horses per acre.
Pleasant Grove	A minimum of 10,000 square feet of dedicated area is need per animal with a maximum of two per acre.