



AGENDA

****AMENDED****

HIGHLAND CITY PLANNING COMMISSION Wednesday, November 9, 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 Tim Heyrend
- Pledge of Allegiance – Commissioner Sherry Carruth
- Opening Statement – Tim Irwin, Chair

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 (2) minutes.

WITHDRAWALS AND CONTINUANCES:

PUBLIC HEARING ITEMS:

1. **TA-11-12** A request to amend the Highland City Development Code Chapter 5-10 Amending a Recorded Plat to create new process, procedures and requirements for amending subdivisions. *Legislative.*
2. **TA-11-13** A request to amend the Highland City Development Code Chapter 3 Zoning-General Regulations by creating Article 5 Planned Developments. *Legislative.*

OTHER BUSINESS:

- Adoption of 2012 Planning Commission Meeting Schedule

APPROVAL OF MINUTES:

- October 25, 2011 – Regular Meeting

PLANNING STAFF REPORT:

- Recent City Council Actions

COMMISSION COMMENTS AND SUGGESTIONS:
ADJOURNMENT:

NEXT MEETING: *Tuesday, December 13, 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 November, 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 18th day of October, 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.

Gina Peterson, City Recorder

**HIGHLAND CITY
PLANNING COMMISSION MEETING
NOVEMBER 9, 2011**

REQUEST:	PUBLIC HEARING – Amending Chapter 5-12 Amending a Recorded Plat to create new processes and procedures to amend a recorded plat. (TA-11-12).		
APPLICANT:	Highland City		
FISCAL IMPACT:	N/A		
GENERAL PLAN DESIGNATION	CURRENT ZONING	ACREAGE	LOCATION
N/A	N/A	N/A	Citywide

BACKGROUND:

Over the past year, staff has received several requests to amend recorded plats. In May of 2011, Jim Swindler approached the Council stating concerns with the process to amend plats.

A development code amendment is a legislative action.

SUMMARY OF REQUEST:

1. The proposal will amend Chapter 5-12 by striking all existing requirements and replacing it with new language.
2. A plat amendment is any change or alteration to a recorded plat. The change may be a relocation or elimination of a property line within the plat, a change in notations or lot numbers on the plat, a change of the title or name of the plat, etc. A plat amendment is an alternative to having to go through a subdivision application process in order to amend a recorded plat as authorized by state law.
3. The proposal will create three processes for plat amendments as follows:

Application	Description	Approval Body
Property Line Adjustment (PLA)	Relocation or elimination of a common property line between two or more abutting properties. A PLA does not create any new parcels or lots.	Zoning Administrator
Vacation, Altering or Amendment	Any vacation, alteration or amendment that is not a PLA	City Council
Altering a Public Utility Easement	Alteration of a public utility easement	Zoning Administrator

ANALYSIS:

- The current regulations for plat amendments are confusing, problematic, and outdated. The proposed amendment provides for a concise review process that is consistent with state law.
- The proposed amendment will allow abutting property owners to modify property lines without the time and expense of preparing a final plat.
- The proposed amendment requires citizen input for amendments which impact surrounding properties.

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.
- The proposed amendment is consistent with State Law.

CITIZEN PARTICIPATION:

A notice of the Planning Commission public hearing was published in the Daily Herald on October 23, 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 Planning Commission accept the findings and recommend **APPROVAL** of case TA-11-12 a request to amend Chapter 5-12 Amending a Recorded Plat to create new processes and procedures to amend a recorded plat.

ATTACHMENTS:

- Attachment A – Proposed Amendment
- Attachment B – Existing Regulations
- Attachment C – Utah State Code for Plat Amendments

Chapter 5-10 Plat Amendment
(rev 11-3-11)

5-10-101: Purpose

A plat amendment is any change or alteration to a recorded plat. The change may be a relocation or elimination of a property line within the plat, a change in notations or lot numbers on the plat, a change of the title or name of the plat, etc. A plat amendment is an alternative to having to go through a subdivision application process in order to amend a recorded plat. These regulations will ensure that:

1. A plat amendment does not result in properties that violate the requirements of Development Code or any other standard of Highland City; and
2. A plat amendment does not alter the coverage or availability of existing utility services to existing lots or parcels.

5-10-102 Property Line Adjustments (Exchange of Title)

1. Application Required.
A Property Line Adjustment (PLA) is the relocation or elimination of a common property line between two or more abutting properties. A PLA does not create any new parcels or lots. A PLA is required to relocate or remove a common property line between two or more properties.
2. Standards.
Property owners may adjust property lines between adjacent parcels that are described by either a metes and bounds description or a recorded plat, by exchanging title portions of those parcels after approval if:
 - a. No new lot or housing unit results from the property line adjustment;
 - b. The property line adjustment does not result in remnant land that did not previously exist; and
 - c. The adjustment does not result in violation of applicable Development Code requirements.
3. Application and Fee.
Application for a property line adjustment shall be made by the property owner or a duly authorized agent and a filing fee shall be charged and collected at the time of application submittal on forms obtained from the Zoning Administrator with any additional information deemed necessary to understand the application.

4. Zoning Administrator Review.
 - a. The Zoning Administrator shall act as the land use authority and review all the documents to determine if they are complete and that they comply with the requirements set forth above.
 - b. If the Zoning Administrator determines that documents are complete and the requested property line adjustment complies with the standards set forth above, the Zoning Administrator shall approve the application.
 - c. If the Zoning Administrator determines that the requested property line adjustment does not comply with the standards set forth above, the Zoning Administrator shall deny the application.
 - d. The Zoning Administrator shall notify the applicant in writing regarding the decision.
5. Conveyance of Title.

After approval, the applicant shall:

 - a. Prepare a Notice of Approval which:
 - i. Contains an acknowledgment signed by each party executing the Notice as required by State law for real property;
 - ii. Recites the description of both the original parcels and the parcels created by the property line adjustment; and
 - iii. Is executed by each owner included in the exchange and the Zoning Administrator.
 - b. Record a deed(s) which conveys title as approved; and
 - c. Record the Notice of Approval; and
 - d. Provide the Zoning Administrator with a recorded copy of the Notice of Approval.

5-10-103 Vacating or Changing a Subdivision Plat (Plat Amendment)

1. Application Required.

A plat amendment is the vacation, alteration, or amendment of a subdivision plat that is not a PLA, vacation of right-of-way, street or easement, an amendment to a public utility easement or the creation of additional lots or parcels. Changes or alterations that create additional lots or parcels constitute a subdivision, not a plat amendment, and are subject to the subdivision approval process.
2. City Council Consideration.

The City Council may, with or without petition, consider any proposed vacation, alteration, or amendment of a subdivision plat, any portion of a subdivision plat, or any street, lot, or alley contained in a subdivision plat.

3. Public Hearing Required.
 - a. The City Council shall consider the vacation, alteration, or amendment of a subdivision, or any street or lot contained in a subdivision plat at a public hearing after giving the notice required by this section. If a petition is filed a public hearing shall be held if:
 - i. Any owner within the plat notifies the City of their objection in writing within 10 days of mailed notification; or
 - ii. All owners in the subdivision have not signed the revised plat.
 - b. The City Council shall consider the vacation, alteration, or amendment of a subdivision, or any street or lot contained in a subdivision plat at a public meeting after giving the notice required by this section if:
 - i. Any owner within the plat does not notify the City of their objection in writing within 10 days of mailed notification; or
 - ii. All owners in the subdivision have or will sign the revised plat.
4. Notice
 - a. Notice for a plat amendment shall be given as required by Section 10-9a-207 Utah Annotated Code, as amended.
 - b. If the application includes a vacation of a street, public right-of-way, or easement the public hearing shall be advertised as required by Section 10-9a-208 of Utah Annotated Code as amended.
5. Grounds for Vacating or Changing a Plat.
 - a. The City Council may vacate, alter or amend the plat or any portion of the plat if the Council finds:
 - i. Neither the public interest nor any person will be materially injured by the proposed vacation, alteration, or amendment;
 - ii. There is good cause for the vacation or amendment;
 - iii. No public street, right-of-way, or easement has been vacated or amended; and
 - iv. The proposed amendment meets all the requirements of the Development Code.
 - b. The Zoning Administrator shall notify the applicant in writing regarding the Council's decision.
6. Grounds for Vacating Street, Right-of-Way or Easement
 - a. The City Council may consider and adopt an ordinance vacating a street, right-of-way, or easement if City Council finds that:

- i. Neither the public interest nor any person will be materially injured by the proposed vacation;
 - ii. There is good cause for the vacation;
 - iii. The proposed vacation meets all the requirements of the Development Code.
 - b. The Zoning Administrator shall notify the applicant in writing regarding the Council's decision.
7. Request for Amendment by Petition.
 - a. Fee Owner. Any fee owner may apply to have the plat, any portion of it, or any street or lot contained in it, vacated, altered, or amended as provided in this section.
 - b. Application Contents.

Each application to vacate, alter or amend an entire plat, or portion of a plat, or a street or lot contained in a plat shall include:

 - i. The name and address of all owners of record of the land contained in the entire plat;
 - ii. The name and address of all owners of record of land adjacent to any street that is proposed to be vacated, altered, or amended;
 - iii. The signature of each of these owners who consents to the petition;
 - iv. Filing fee
 - v. Any additional information needed to evaluate the proposal as determined by the Zoning Administrator.
8. Preparing the Amended Plat.
 - a. The surveyor preparing the amended plat shall verify that the surveyor :
 - i. Holds a license in accordance with the Professional Engineers and Professional Land Surveyors Licensing Act established by State Law;
 - ii. Has completed a survey of the property described on the plat in accordance with State Law and has verified all measurements; and
 - iii. Has placed monuments as represented on the plat.
 - b. The amended plat shall meet all of the requirements for a final plat as contained herein.
 - c. The City shall ensure that the amended plat showing the vacation, alteration, or amendment are recorded in the office of the County Recorder.

- d. The City Council may vacate a street, public right-of-way or easement by ordinance. The City Council may require an amendment plat if it finds that an amended plat is necessary to accurately portray the action and is in the public interest.

5-10-104. Altering a Public Utility Easement

1. Zoning Administrator Consideration.

The Zoning Administrator may consider a request to modify a public utility easement if the Zoning Administrator finds that:

- a. Neither the public interest nor any person will be materially injured by the proposed vacation;
- b. There is good cause for the alteration;
- c. The alteration has been approved by all public utility companies;
- d. The proposed alteration meets all the requirements of the Development Code.

2. Application and Fee.

Application for amending a public utility easement shall be made by the property owner or a duly authorized agent and a filing fee shall be charged and collected at the time of application submittal on forms obtained from the Zoning Administrator with any additional information deemed necessary to understand the application.

3. Review.

- a. The Zoning Administrator shall act as the land use authority and review all the documents to determine if they are complete and that they comply with the requirements set forth above.
- b. If the Zoning Administrator determines that the requested easement modification complies with the standards set forth above, the Zoning Administrator shall approve the application.
- c. If the Zoning Administrator determines that the requested easement modification does not comply with the standards set forth above, the Zoning Administrator shall deny the application.
- d. The Zoning Administrator shall notify the applicant in writing regarding the decision.

4. Recording of the New Easement.

The applicant shall record a public utility easement modification on a form approved by the Zoning Administrator, with the county recorder, and provide the Zoning Administrator with a recorded copy.

CHAPTER 5-10

AMENDING A RECORDED PLAT

5-10-101: Authority

5-10-102: Vacating or Amending Plat

5-10-103: Petition for Vacation of Plat

5-10-104: Order of Vacation or Amendment of Plat

5-10-101: Authority. The procedures in this Chapter are set forth pursuant to Section 57-5-6 et. seq. Utah Code Annotated 1953, as amended, and *Boskovich v. Midvale City*, 121 U. 445, 243, P.2d 435.

5-10-102: Vacating or Amending a Plat. Any landowner whose land has been laid out and platted as provided in this Title may, upon application to the City Council, have such plat or portion thereof, or any street or alley therein contained, vacated, altered or changed as provided herein.

5-10-103: Petition for Vacation of Plat.

- (1) The vacation of an entire plat or portion thereof requires the applicant to apply in writing. Such application shall be signed by all those who own, or have a recorded interest in, land within the plat, as well as those who own land contiguous or adjacent to any street or alley to be vacated or altered. The application shall be made to the City Council.
- (2) The requirement that all persons owning, or parties having a recorded or contractual interest in said property within the entire plat must sign the petition is excepted where all interested persons are afforded due process and fairness in procedure and where either one or two situations listed below are present:
 - (a) Street vacation petitions for streets dedicated by a subdivision plat may be heard pursuant to the procedures outlined in Sections 10-8-8.1, et seq., Utah Code Annotated, 1953, as amended. Under this procedure, not all of the property owners, or parties having a recorded or contractual interest in said property, of the entire plat need sign the petition for vacation. The City Council shall decide which procedure needs to be used depending on the size and importance of the street with regards to the entire subdivision.
 - (b) Petitions to vacate or alter a portion of a plat need only be signed by the owners of the land and parties having a recorded or contractual interest in said property, to be vacated or altered and not by all the owners of land contained in the entire plat if the City Council finds that it is a minor change only which will not adversely affect the other owners.
- (3) Notice of any amendment or vacation of a final plat shall be in accordance with Section 10-9a-207 Utah Annotated Code, 1953, as amended.

5-10-104: Order of Vacation or Amendment of Plat. The City Council shall refer an order of vacation or amendment of plat application to the Planning Commission for their consideration and recommendation. If the City Council is satisfied that neither the public nor any person will be materially injured thereby, it shall order such portion or the entire plat to be vacated, and then amended, as prayed for in the petition, which order and plat amendment shall be recorded in the office of the Utah County Recorder.

STATE CODE FOR PLAT AMENDMENTS

10-9a-207. Notice for an amendment to a subdivision -- Notice for vacation of or change to street.

(1) (a) For an amendment to a subdivision, each municipality shall provide notice of the date, time, and place of at least one public meeting, as provided in Subsection (1)(b).

(b) At least 10 calendar days before the public meeting, the notice required under Subsection (1)(a) shall be:

(i) mailed and addressed to the record owner of each parcel within specified parameters of that property; or

(ii) posted on the property proposed for subdivision, in a visible location, with a sign of sufficient size, durability, and print quality that is reasonably calculated to give notice to passers-by.

(2) Each municipality shall provide notice as required by Section 10-9a-208 for a subdivision that involves a vacation, alteration, or amendment of a street.

10-9a-208. Hearing and notice for proposal to vacate a public street, right-of-way, or easement.

(1) For any proposal to vacate some or all of a public street, right-of-way, or easement, the legislative body shall:

(a) hold a public hearing; and

(b) give notice of the date, place, and time of the hearing, as provided in Subsection (2).

(2) At least 10 days before the public hearing under Subsection (1)(a), the notice required under Subsection (1)(b) shall be:

(a) mailed to the record owner of each parcel that is accessed by the public street, right-of-way, or easement;

(b) mailed to each affected entity;

(c) posted on or near the street, right-of-way, or easement in a manner that is calculated to alert the public; and

(d) (i) published in a newspaper of general circulation in the municipality in which the land subject to the petition is located; and

(ii) published on the Utah Public Notice Website created in Section 63F-1-701.

10-9a-608. Vacating, altering, or amending a subdivision plat.

(1) (a) A fee owner of land, as shown on the last county assessment roll, in a subdivision that has been laid out and platted as provided in this part may file a written petition with the land use authority to have some or all of the plat vacated or amended.

(b) If a petition is filed under Subsection (1)(a), the land use authority shall hold a public hearing within 45 days after the day on which the petition is filed if:

(i) any owner within the plat notifies the municipality of the owner's objection in writing within 10 days of mailed notification; or

(ii) a public hearing is required because all of the owners in the subdivision have not signed the revised plat.

(2) Unless a local ordinance provides otherwise, the public hearing requirement of Subsection (1)(b) does not apply and a land use authority may consider at a public meeting an owner's petition to vacate or amend a subdivision plat if:

(a) the petition seeks to:

(i) join two or more of the petitioner fee owner's contiguous lots;

(ii) subdivide one or more of the petitioning fee owner's lots, if the subdivision will not result in a

violation of a land use ordinance or a development condition;

(iii) adjust the lot lines of adjoining lots or parcels if the fee owners of each of the adjoining lots or parcels join in the petition, regardless of whether the lots or parcels are located in the same subdivision;

(iv) on a lot owned by the petitioning fee owner, adjust an internal lot restriction imposed by the local political subdivision; or

(v) alter the plat in a manner that does not change existing boundaries or other attributes of lots within the subdivision that are not:

(A) owned by the petitioner; or

(B) designated as a common area; and

(b) notice has been given to adjacent property owners in accordance with any applicable local ordinance.

(3) Each request to vacate or amend a plat that contains a request to vacate or amend a public street, right-of-way, or easement is also subject to Section 10-9a-609.5.

(4) Each petition to vacate or amend an entire plat or a portion of a plat shall include:

(a) the name and address of each owner of record of the land contained in the entire plat or on that portion of the plat described in the petition; and

(b) the signature of each owner described in Subsection (4)(a) who consents to the petition.

(5) (a) The owners of record of adjacent parcels that are described by either a metes and bounds description or by a recorded plat may exchange title to portions of those parcels if the exchange of title is approved by the land use authority in accordance with Subsection (5)(b).

(b) The land use authority shall approve an exchange of title under Subsection (5)(a) if the exchange of title will not result in a violation of any land use ordinance.

(c) If an exchange of title is approved under Subsection (5)(b):

(i) a notice of approval shall be recorded in the office of the county recorder which:

(A) is executed by each owner included in the exchange and by the land use authority;

(B) contains an acknowledgment for each party executing the notice in accordance with the provisions of Title 57, Chapter 2a, Recognition of Acknowledgments Act; and

(C) recites the descriptions of both the original parcels and the parcels created by the exchange of title; and

(ii) a document of conveyance shall be recorded in the office of the county recorder.

(d) A notice of approval recorded under this Subsection (5) does not act as a conveyance of title to real property and is not required in order to record a document conveying title to real property.

(6) (a) The name of a recorded subdivision may be changed by recording an amended plat making that change, as provided in this section and subject to Subsection (6)(c).

(b) The surveyor preparing the amended plat shall certify that the surveyor:

(i) holds a license in accordance with Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act;

(ii) has completed a survey of the property described on the plat in accordance with Section 17-23-17 and has verified all measurements; and

(iii) has placed monuments as represented on the plat.

(c) An owner of land may not submit for recording an amended plat that gives the subdivision described in the amended plat the same name as a subdivision in a plat already recorded in the county recorder's office.

(d) Except as provided in Subsection (6)(a), the recording of a declaration or other document that purports to change the name of a recorded plat is void.

10-9a-609. Land use authority approval of vacation or amendment of plat -- Recording the amended plat.

(1) The land use authority may approve the vacation or amendment of a plat by signing an amended plat showing the vacation or amendment if the land use authority finds that:

- (a) there is good cause for the vacation or amendment; and
- (b) no public street, right-of-way, or easement has been vacated or amended.

(2) The land use authority shall ensure that the amended plat showing the vacation or amendment is recorded in the office of the county recorder in which the land is located.

(3) A legislative body may vacate a subdivision or a portion of a subdivision by recording in the county recorder's office an ordinance describing the subdivision or the portion being vacated.

(4) An amended plat may not be submitted to the county recorder for recording unless it is signed, acknowledged, and dedicated by each owner of record of the portion of the plat that is amended.

(5) A management committee may sign and dedicate an amended plat as provided in Title 57, Chapter 8, Condominium Ownership Act.

(6) A plat may be corrected as provided in Section 57-3-106.

10-9a-609.5. Vacating a street, right-of-way, or easement.

(1) A petition to vacate some or all of a public street, right-of-way, or easement shall include:

- (a) the name and address of each owner of record of land that is:
 - (i) adjacent to the public street, right-of-way, or easement; or
 - (ii) accessed exclusively by or within 300 feet of the public street, right-of-way, or easement; and
- (b) the signature of each owner under Subsection (1)(a) who consents to the vacation.

(2) If a petition is submitted containing a request to vacate some or all of a street, right-of-way, or easement, the legislative body shall hold a public hearing in accordance with Section 10-9a-208 and determine whether:

- (a) good cause exists for the vacation; and
- (b) the public interest or any person will be materially injured by the proposed vacation.

(3) The legislative body may adopt an ordinance granting a petition to vacate some or all of a public street, right-of-way, or easement if the legislative body finds that:

- (a) good cause exists for the vacation; and
- (b) neither the public interest nor any person will be materially injured by the vacation.

(4) If the legislative body adopts an ordinance vacating some or all of a public street, right-of-way, or easement, the legislative body shall ensure that one or both of the following is recorded in the office of the recorder of the county in which the land is located:

- (a) a plat reflecting the vacation; or
- (b) an ordinance described in Subsection (3).

(5) The action of the legislative body vacating some or all of a street, right-of-way, or easement that has been dedicated to public use:

(a) operates to the extent to which it is vacated, upon the effective date of the recorded plat, as a revocation of the acceptance of and the relinquishment of the municipality's fee in the vacated street, right-of-way, or easement; and

- (b) may not be construed to impair:
 - (i) any right-of-way or easement of any lot owner; or
 - (ii) the franchise rights of any public utility.

HIGHLAND CITY
PLANNING COMMISSION MEETING
NOVEMBER 9, 2011

REQUEST:	PUBLIC HEARING – Amending the Highland City Development Code Chapter 3 Zoning-General Regulations by creating Article 5 Planned Developments (TA-11-13).		
APPLICANT:	Highland City		
FISCAL IMPACT:	N/A		
GENERAL PLAN DESIGNATION	CURRENT ZONING	ACREAGE	LOCATION
N/A	N/A	N/A	Citywide

BACKGROUND:

A development code amendment is a legislative action.

SUMMARY OF REQUEST:

1. The proposed amendment will add a new Article 5 Planned Developments to Chapter 3 Zoning-General Regulations.
2. The Planned Development District is intended to promote the development of mixed use developments that include residential, commercial or business park development according to an overall plan. It is not intended for use for standard residential development or in situations where the primary purpose is to obtain a relaxation of standards applicable to similar types of development in other zones
3. A development plan approved at the time of rezoning will be an integral part of the district. All development standards and performance requirements for the district will be specified by the development plan. The regulations of the underlying zoning district will be superseded to the extent they are inconsistent with the approved development plan.
4. A planned development is required to meet the minimum standards of the development code. An applicant may propose modifications to the standards. Modifications are only permitted, by the City Council, if the applicant provides substantial evidence indicating that the modifications will produce an environment superior to that which could have been produced by strict application of existing standards for comparable zoning districts.
5. A planned development district will only be approved if the applicant demonstrates that required findings will be met. The required findings are as follows:
 - a. The proposed use will further the objectives of the general plan and not adversely affect the character of the community;

- b. The proposed PD meets the PD requirements of the Development Code and other applicable regulations and requirements, unless otherwise modified by the PD Narrative.
 - c. That there will be or exists adequate public infrastructure and services to serve the proposed development.
 - d. The proposed PD will result in compatible land use relationships with other existing and future land use in the immediate area.
 - e. The development standards of the proposed PD are consistent with or exceed the desired character of development for the area.
6. The proposed amendment requires each applicant to submit a PD Narrative and Development Plan. Among other things, the narrative and plan requires the applicant to address:

Uses and densities	Landscaping
Development Standards	Compatibility
Recreation Areas	Infrastructure
Architectural Design and Theme	Signage (if applicable)

- 7. All active recreational areas will be owned and maintained by private entities. The City Council may choose to accept a land dedication above five acres. Five acres was chosen since it is the typical size of a neighborhood park.
- 8. A planned development will expire if development has not commenced within two years of approval. If the project expires, the City Council may revoke the approval.
- 9. The proposed amendment allows the City Council to place conditions of approval upon each proposal.

ANALYSIS:

- The mixed use land use category of the General Plan allows residential, commercial, office, and institutional land uses. The state school property, the property north of Wal-Mart, and the Town Center are properties that have been identified as mixed-use. However, with the exception of the Town Center, the Development Code does not have a mixed-use zoning district. In addition, the Town Center District is a unique development style that may not be appropriate at the other sites. The proposed amendment is consistent with the mixed use land use category and provides an alternative for property owners to comply with the General Plan.
- A goal of the General Plan is to ensure that commercial and mixed use developments are well designed and fit in with the existing community. The proposed amendment will ensure quality development and address compatibility between land uses. The amendment also supports the goals of the Economic Element by balancing residential and non-residential development and integrating commercial land uses.

- The proposed amendment will encourage property owners to work with the City to design and plan land uses, architecture, site layout, and development standards to ensure that the proposed development is consistent with the General Plan and the vision for the property.
- The proposed amendment will allow planned developments to be established in any zoning district after taking into consideration the characteristics of the use, the site, the proposed development plan, and the surrounding area. It will allow site specific standards to be established concurrent with the zoning. It will also allow considerable discretion in determining where to allow a planned development and under what conditions.
- Applications for planned developments will be subject to the same citizen participation, public notice and hearing requirements as other rezoning requests.
- The City Council will have the ability to add stipulations of approval to individual developments.
- Major amendments to the development plan will be processed in the same manner as the original application. Minor amendments that will not significantly change the nature or intensity of the use, or adversely affect nearby properties will be approved by the Zoning Administrator.

FINDINGS:

Staff believes the proposed text amendment meets the following findings:

- The proposed amendment is consistent and meets the objectives of the General Plan.
- The proposed amendment is consistent with the purpose of the Development Code.
- The proposed amendment will encourage compatible land use relationships.
- The proposed amendment will ensure a balance of residential and non-residential development.

CITIZEN PARTICIPATION:

A notice of the Planning Commission public hearing was published in the Daily Herald on October 23, 2011. No comments have been received.

RECOMMENDATION:

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

PROPOSED MOTIONS:

I move that the Planning Commission accept the findings and recommend **APPROVAL** of case TA-11-13 a request to create amend the Highland City Development Code Chapter 3 Zoning-General Regulations by creating Article 5 Planned Developments.

ATTACHMENTS:

Attachment A – Proposed Amendment

Article 5 Planned Development District
(rev 11-3-11)

3-600: Purpose

The purpose of the Planned Development (PD) District is to promote the development of mixed use developments that include residential, commercial or business park development according to an overall plan. PD zones are not intended for use for standard residential development, in situations where a proposed development is reasonably feasible under one of the City's existing zoning classifications or in situations where the primary purpose is to obtain a relaxation of standards applicable to similar types of development in other zones. It is the intent of the PD District to:

1. Encourage creative and innovative planning principles by providing greater flexibility in design.
2. Establish mixed use developments and residential neighborhoods that have a distinct character with a mix of lot sizes and complementary uses.
3. Provide a process which relates the architecture, urban design and scale of the project to the unique characteristics of the site.
4. Require the nature and intensity of development to be supported by adequate utilities, transportation, drainage and recreation areas to serve the development and to minimize impact on existing or future adjacent development.
5. Encourage development that is consistent with the policies and the guidelines established in the General Plan.

3-610: General Provisions

1. PD Uses and Development Standards
 - a. All uses and development standards in a PD District shall be established through the zoning approval process. The approved PD Narrative shall clearly delineate the uses and development standards.
 - b. All PD Districts shall have a mix of residential and non-residential uses including office, retail, and business park uses. PD Districts with only non-residential uses are permitted.
2. Development Standards
 - a. All PD Districts shall comply with the development standards in the Development Code.
 - b. Based upon a recommendation of the Planning Commission, the City Council may approve modifications from standard Development Code requirements.

- 1 c. No modification of development standards shall be permitted unless the applicant provides
2 substantial evidence indicating that the modifications will produce an environment superior
3 to that which could have been produced by strict application of existing standards for
4 comparable zoning districts. Additional mitigation measures may also be required.

5
6 3. Conformance

7
8 All approved plans, documents and permits shall conform to the approved PD Narrative.
9

10 4. Phasing

11
12 The PD may provide for certain on-site and off-site infrastructure to be constructed in phases,
13 subject to the following limitations:

- 14
15 a. Complete construction of all public infrastructure improvements within the public right-of-
16 way on the exterior of the PD site shall be included within the first phase of development,
17 unless the City Council, in its sole discretion, allows for an alternate infrastructure
18 improvement schedule as part of a development agreement or approved phasing plan. Each
19 phase of development shall be able to function as a single entity.
20
21 b. Prior to commencement of the first phase infrastructure improvements, the owner/applicant
22 shall provide financial assurances in the amount determined by the City Engineer and in the
23 form approved by the City Attorney, for construction of such portions of the infrastructure
24 improvements located within the public right-of-way on the exterior of the PD.
25
26 c. For mixed-use projects a proportionate share of residential and commercial buildings and/or
27 uses shall be constructed concurrently as determined by the City Council.
28

29 5. Minimum Size

30
31 A PD District may only be applied to a parcel or a combination of parcels totaling at least twenty
32 acres.
33

34 **3-620: Establishment of a PD District**

35
36 1. Required Findings

37
38 The applicant shall address each of the required findings (set forth below) individually, and shall
39 demonstrate with sufficient, objective information, how the proposed PD complies with each.
40 The City Council, following a recommendation from the Planning Commission, may approve an
41 amendment the PD on the subject property upon determining that all of the following findings
42 have been met:

- 43
44 a. The proposed use will further the objectives of the general plan and not adversely affect
45 the character of the community;
46
47 b. The proposed PD meets the PD requirements of the Development Code and other
48 applicable regulations and requirements, unless otherwise modified by the PD Narrative;

- c. That there will be or exists adequate public infrastructure and services to serve the proposed development;
- d. The proposed PD will result in compatible land use relationships with other existing and future land use in the immediate area; and
- e. The development standards of the proposed PD are consistent with or exceed the desired character of development for the area.

2. Conditions and Stipulations of Approval

The City Council may, in its sole discretion, approve a PD subject to conditions or stipulations. Conditions and stipulations included in the City Council action establishing a PD District shall become part of the regulations governing the use and development of the PD.

3. PD Regulations

The PD Narrative, site plan, design standards and any other documents, exhibits or plans associated with the PD, in the form approved by the City, shall become part of the regulations governing the use and development of the PD and the Zoning Map shall be amended to reflect adoption of the PD and the related documents and plans.

4. Expiration

Approval of any PD zoning is conditioned on development of the first phase of the project commencing within two years of the effective date of the ordinance approving the PD zoning on the property.

- a. Prior to the expiration of the two year time condition, the property owner or authorized representative may submit an application for an extension to the City. Upon receipt of a request for extension, the Zoning Administrator shall submit the request to the City Council for consideration at a public hearing held pursuant to 603.D.2 below
- b. The City Council shall, after notices via certified mail to the property owner and authorized representative have been provided at least fifteen (15) days prior to the date of the scheduled hearing, hold a public hearing on the extension request. The City Council may, in its sole discretion, grant one extension of the time condition up to one-year.
- c. In the event the project's first phase has not commenced within the two year time period and no request for time extension has been received the Zoning Administrator may submit the PD to the City Council for consideration of reversion, pursuant to the hearing procedure set forth in below:
 - i. The Zoning Administrator shall notify the property owner and authorized representative by certified mail of the City Council's intention to hold a hearing to determine compliance with the two year time condition, and to revert the zoning on the property to its former classification if the condition is determined by the

1 City Council to have not been met. All such notices shall be made at least fifteen
2 (15) days prior to the date of the scheduled hearing. The City Council may, in its
3 sole discretion, either grant an extension of the time condition or revert the zoning
4 on the property to its prior zoning classification.
5

- 6 d. Following the commencement of the first phase of the project, the Zoning Administrator
7 shall monitor the project to ensure compliance with the approved PD phasing schedule.
8 Upon the Zoning Administrator's initial determination that the phasing schedule is not
9 being met, no further review or approval of any project site plan or plat shall occur until it
10 is determined that good cause exists for delay in the construction of the project. Should
11 the project fail to proceed as scheduled, a public hearing shall be held by the City Council
12 to determine the cause of the delay. At the public hearing on the matter, if the City
13 Council determines that there is not good cause for the delay, it may impose additional
14 conditions on the PD to ensure compliance with the phasing schedule. If such additional
15 conditions and the phasing schedule are not met, the Zoning Administrator may set the
16 matter for public hearing, according to the process set forth above, on a possible
17 reversion of the PD zoning. If the City Council determines that good cause exists, it may
18 amend the PD development phasing schedule.
19
- 20 e. For purposes of this section, the terms "commence," "commencing" and commencement"
21 shall mean physical vertical construction activity in accordance with a valid building
22 permit issued by the City and or the beginning of construction of on-site and off-site
23 infrastructure including streets, sidewalks, water and wastewater, so long as such
24 infrastructure is completed prior to expiration of the City-issued development permit
25 issued therefore.
26

27 5. Amendment

- 28
- 29 a. The Zoning Administrator or designee shall determine whether a proposed deviation
30 from the approved PD District is a Major or Minor Amendment. Major Amendments
31 shall require City Council approval upon recommendation of the Planning Commission.
32 Minor Amendments shall require administrative approval by the Zoning Administrator or
33 designee only. No amendment to a PD will be approved without concurrent revision of its
34 development plan.
35
- 36 b. Major Amendment. Any one of the following shall be considered a Major Amendment of
37 a PD:
38
- 39 i. A ten percent (10%) or more increase in the number of dwelling units or in the
40 acreages devoted to commercial uses.
 - 41
 - 42 ii. A significant change in boundary lines of development units.
 - 43
 - 44 iii. Any change which could have significant impact on areas adjoining the PD.
 - 45
 - 46 iv. Any change which could have a significant traffic impact on roadways adjacent or
47 external to the PD.
48

- v. Amending the uses allowed by adding a permitted use, a use permitted with conditions or a use requiring a Conditional Use Permit, unless the Zoning Administrator has determined that the use to be added is analogous to a permitted use.
- vi. Changes to, or addition of, phasing for a PD when such changes impact twenty-five percent (25%) or more of the land area contained within the PD district.
- c. Minor Amendment. All amendments of a PD District not determined by the Zoning Administrator to be a Major Amendment shall be a Minor Amendment.

3-630 PD Narrative and Development Plan

The narrative text shall provide uses and development standards for the PD District. The PD Narrative shall be both prescriptive and concise. The PD Narrative shall conform in formatting and organization to the PD application maintained by the Zoning Administrator or designee. The PD Narrative shall sufficiently address all of the following as individual sections:

1. Introduction and Opening Statements

- a. Describe the general location within the City, the property boundaries and the surrounding properties.
- b. Identify the land use designation(s) of the subject property in the General Plan, the current zoning and the improvements existing on the subject property (for example, vacant or buildings to be demolished).
- c. Provide the following statement - “The requirements of the Development Code, as amended, shall apply except where explicitly stated otherwise herein by this PD.”

2. Proposed Uses

- a. List permitted uses.
- b. List uses permitted with conditions.
- c. List uses permitted with a Conditional Use Permit.
- d. Provide the following statement - “All uses not specifically provided for herein are prohibited, unless a subsequent determination by the Zoning Administrator finds a specific use to be an analogous use to a permitted use.”

3. Density (Residential only)

State the density for the overall project as well as the densities of each specific development subsection or neighborhood.

4. Development Standards

1
2 State development standards that deviate from the Development Code. In the case where no
3 development standard is provided in the PD Narrative, the Zoning Administrator shall determine
4 the applicable development standard to apply.
5

6 5. Recreation Areas
7

8 Recreation areas shall be an integral part of a PD development, shall be provided in an amount
9 commensurate to the size of the development, in minimum amounts not less than set forth below
10 and shall, to the extent possible, be designed central to the internal functions of the site.
11

12 a. Residential Recreation Areas
13

- 14 i. A minimum of fifteen percent (15%) of the net development area shall be provided. A
15 minimum of twenty percent (20%) of the net development areas shall be provided.
16
- 17 ii. The following areas shall count as recreation areas:
18
- 19 1. Dedicated park sites with a minimum size of five acres, provided that the location,
20 size and geometry are acceptable to the City.
 - 21 2. Dedicated tracts for bicycle, equestrian, hiking or multi-use trails.
22
 - 23 3. Private park, recreation areas, and clubhouses dedicated to, and maintained by, an
24 Owners' Association that meets the park improvement standards as determined by the
25 Zoning Administrator or designee.
26
 - 27 4. Reserved or dedicated steep slope areas.
28
 - 29 5. Basketball, tennis or other sport courts, baseball, softball and soccer fields, tot lots
30 and ramadas with barbeque areas.
31
 - 32 6. Any other areas deemed acceptable as determined by the City Council.
33
- 34 iii. The following areas that shall not count as recreation areas:
35
- 36 1. Areas less than five thousand (5,000) contiguous square feet, unless such areas either
37 are part of a larger trail system or contain significant project amenities, as determined
38 by the City Council.
39
 - 40 2. Public rights-of-way, dedicated streets and alleys, vehicular drives, parking, parking
41 landscape areas, loading and storage areas.
42
 - 43 3. Trails located behind lots unless approved by the City Council.
44
 - 45 4. Required setback areas unless such areas.
46
 - 47 5. Reserved school and park sites that require subsequent purchase of the land.
48

- 1
- 2 6. Concrete or rock-lined areas designated primarily for the conveyance of water.
- 3
- 4 7. Utility corridor easements, unless substantially improved to make the area usable for
- 5 outdoor activities. Only that proportion substantially improved shall be counted as
- 6 recreation areas. "Substantially improved" shall include any of the improvements
- 7 listed, or any other improvements deemed substantial by the City Council.
- 8
- 9 iv. Meaningful recreation areas shall be included within all phases of a PD project and shall
- 10 be provided proportional to the amount of development related to each phase, unless
- 11 otherwise permitted by the Zoning Administrator and included in the phasing schedule.
- 12

13 b. Commercial Recreation Areas

- 14
- 15 i. A minimum of fifteen percent (15%) of the net development area shall be
- 16 provided.
- 17
- 18 ii. Recreation areas shall be provided in the form of pedestrian refuge areas with
- 19 shaded seating, landscaped and hardscape plaza areas.
- 20
- 21 c. Recreation areas shall be identified and reserved as tracts or parcels on a plat, or as
- 22 easements when no plat is necessary. Maintenance of these areas shall be provided for by an
- 23 Owners' Association. A statement shall also be placed on the approved site plan or plat, as
- 24 appropriate, stating that all landscaping shall be maintained by the Owners' Association.
- 25

26 6. Architectural Design and Theme

27

28 Each project shall propose a unique high quality architectural theme and standards. Standards

29 shall be included for both commercial and residential uses. Site layout, architecture and

30 landscaping shall be consistent with the Highland City Design Standards.

31

32 7. Landscaping

33

34 Landscaping shall be provided along street frontages, around the property perimeter, internal to

35 the site and in parking areas.

36

37 8. Signage

38

39 Unless signage is approved as part of a comprehensive sign package, signage shall conform to

40 the comparable zoning category.

41

42 9. Infrastructure

43

44 Each project shall submit preliminary concepts for culinary water, wastewater, pressurized

45 irrigation, storm drain, utilities, pedestrian circulation, traffic circulation, and road

46 improvements. The preliminary concepts shall include: the size and location of culinary water,

47 wastewater, pressurized irrigation, storm drains, etc., typical street/utility cross sections; the

48 location and cross section of all streets, pedestrian circulation elements; a traffic analysis or

1 traffic impact study, as determined by the City Engineer; and any other information needed as
2 required by the City Engineer to evaluate the proposal.

3
4 10. Compatibly

5
6 Each proposal shall include measures to ensure compatibility between future and existing land
7 uses.

8
9 11. Justification and Mitigation

10
11 Substantial justification and mitigation is required for proposed PD standards that do not meet
12 the standards of the comparable zoning district.

13
14 12. Exhibits

15
16 The following exhibits shall be provided with the Development Plan for a PD:

- 17
18 a. Property boundary and legal description.
19
20 b. Areas designating land use(s), densities, etc.
21
22 c. Circulation plan to include arterial and collector streets, and vehicular and pedestrian
23 circulation routes.
24
25 d. Phasing schedule which shall include a map of the development designating the phases and
26 sequence of development including, but not limited to, land uses, recreation areas, and
27 infrastructure. The map shall include a schedule of development with action dates. All
28 infrastructure improvements shall be shown and scheduled for the entire development.
29
30 e. The location and acreage of recreation areas as well as listing amenities to be provided at
31 each location.
32
33 f. Preliminary infrastructure concept plans.
34

HIGHLAND PLANNING COMMISSION MEETINGS
SCHEDULE FOR 2012

The regular session begins at 7:00 p.m. Work sessions are scheduled as needed. Meetings will be held at the Highland City Council Chambers, 5400 West Civic Center Drive, Suite 1, Highland, Utah.

The 2012 Planning Commission Regular Meeting Schedule is as follows:

January 17
February 14, 28
March 13, 27
April 10, 24
May 8, 22
June 12, 26
July 10
August 14, 28
September 11, 25
October 9, 23
November 13
December 11

THE PUBLIC IS INVITED TO ATTEND ALL PLANNING COMMISSION
MEETINGS.

If you need a special accommodation to participate in the Meetings, please call the City Recorder's Office at 772-4506

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SUNDAY, JANUARY , 2012