

MINUTES
HIGHLAND CITY COUNCIL MEETING

Tuesday, September 7, 2010

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

PRESENT: Mayor Lynn V. Ritchie, conducting
Councilmember Brian Braithwaite
Councilmember Tom Butler
Councilmember Larry Mendenhall
Councilmember Kathryn Schramm
Councilmember Scott L. Smith

STAFF PRESENT: John Park, City Administrator
Matt Shipp, Public Works Director
Nathan Crane, Community Development Director
Gina Peterson, City Recorder
Kasey Wright, Legal Counsel
Kip Botkin, Police Chief
Lynn Ruff, Finance Director
Jody Bates, Executive Secretary

OTHERS: Matt Almond, Tommy Anderson, Braxton Lender, Landon Beutler, Bryce Almond, David Eastwood, Oakley Thacker, Bryce Thacker, Deyton Hansen, Andrew Starley, Ben King, Dallin Carrier, Caden Perez, Bryce Huntsman, Ryan Mickelson, Connor Larsen, and Melissa Wright.

The meeting was called to order by Mayor Lynn V. Ritchie as a regular session at 7:02 p.m., and notice of the time, place, and agenda had been provided the *Deseret News*, *Daily Herald*, and *Salt Lake Tribune*, on September 2, 2010. The meeting agenda was posted on the *Utah State Public Meeting Website* at least 24 hours prior to the meeting. The prayer was offered by Kathryn Schramm, and those assembled were led in the Pledge of Allegiance by Bryce Almond from a local scout troop.

Appearances

Mayor Ritchie invited comments from the public regarding items not on the agenda.

Local Boy Scout Bryce Almond indicated he is from the Dry Creek Bench subdivision. He expressed thanks to the City for installing new playground equipment in his neighborhood. He requested a public pool be constructed in Highland City so they don't have to drive to American Fork City.

PRESENTATIONS

Highland City Youth Council Legacy Project (Agenda Item 2)

Connor Wood, Highland City Youth Council, addressed the City Council regarding the Highland Youth Council Legacy Project. He noted this is a joint project being done with Devon Kinghorn as part of his Eagle Scout project. The Youth Council and Devon Kinghorn will install permanent flag holders around

the City Hall and Town Center Park. He outlined the costs of the project, stating the City only has to fund purchase of the 25 flags for a total of \$405.32. The other supplies and cement will be funded by Devon Kinghorn. He also noted the Highland City Youth Council will be responsible to put the flags up on various holidays.

Kathryn Schramm expressed thanks and stated it is a wonderful project to be able to see the flag more on the holidays.

ADJOURN TO A CLOSED EXECUTIVE SESSION

MOTION: Kathryn Schramm moved to adjourn to a closed executive session for the purpose of discussing the sale of real property, pursuant to Section 52-4-205(1) of the Utah Code, Annotated. Scott Smith seconded the motion. Those voting aye: Brian W. Braithwaite, Tom Butler, Larry Mendenhall, Kathryn Schramm, and Scott Smith. The motion passed with a unanimous vote.

The meeting recessed at 7:12 p.m.

EXECUTIVE SESSION – Purchase, Exchange, or Lease of Real Property

An executive session was held at 7:13 p.m. for the purpose of discussing the sale of real property, pursuant to Section 52-4-205(1) of the Utah Code, Annotated. Those in attendance were: Mayor Lynn Ritchie, Councilmembers Brian W. Braithwaite, Tom Butler, Larry Mendenhall, Kathryn Schramm, and Scott Smith; staff members John Park, Kasey Wright, Matt Shipp, Lynn Ruff, Gina Peterson, and Jody Bates.

The closed executive session adjourned at 7:46 p.m.

Mayor Ritchie introduced Nathan Crane as the new Community Development Director for Highland City.

SCHEDULED ITEMS

Ordinance 2010-15: Amending Chapter 3, Article 4.7 in the Highland City Development Code regarding the Town Center Overlay Zone (Agenda Item 5)

On February 2, 2010 The City Council placed a moratorium on the Town Center Overlay Zone due to several concerns. The Planning Commission has recommended the City Council remove the residential use from the Town Center Commercial Retail District. The Planning Commission also recommended placing a cap on the total number of residential uses in the Town Center at 342 units which includes the 162 units of Toscana and limiting the density for any given project to 12 units per acre.

On July 20, 2010 the City Council voted to eliminate any further residential development in the Town Center and lift the moratorium. On August 3, 2010 the City Council voted 3-2 to direct staff to keep the residential component of the ordinance in place as recommended by Planning Commission as well as keeping the architectural standards with a few minor changes.

John Park reviewed additional changes proposed for the ordinance including an expansion of the required architectural styles and clarification on where building height is measured among other items. The Mayor led a detailed discussion on additional changes and clarifications desired by the City Council.

Discussion from the City Council included the following:

- Items regarding Farmer’s Markets and not requiring a business license or that vendors do not have to be from adjacent cities. It was noted that staff will return with a new temporary outdoor sales ordinance at a future meeting;
- Allowing therapeutic massage in certain Town Center areas;
- Clarification about on-street parking;
- Better defining pedestrian elements and who owns/maintains them;
- Definition of appeals. Any appeal to a Planning Commission decision will be heard by the City Council;
- Use of the word “ordinance” and “code” throughout the document and if they were interchangeable;
- Minor clarifications and spelling corrections as well as simplification of code references throughout the document by using “as contained herein”;
- Whether or not to allow call centers in certain commercial areas of the City. Legal counsel indicated allowing call centers in some commercial areas but not others may present a legal issue. It was requested that the issue of call centers be addressed at a future meeting. Some indicated that call centers bring no economic value to the Town Center because the use does not generate sales tax.
- General discussion on what to require for focal points and the changes that have already been made to that section.
- Clarification on the Table 3-47A and changing some “not permitted” uses related to Senior Housing to “permitted” use.
- Taking out the “no drive-thru” for financial institutions, so a drive through bank would be allowed.

MOTION: Tom Butler moved to adopt Ordinance 2010-15: as presented and including changes discussed by the City Council this evening and incorporated into the minutes document as “Exhibit A”. Scott Smith seconded the motion. Those voting aye: Brian W. Braithwaite, Tom Butler, Larry Mendenhall, Kathryn Schramm, and Scott Smith. The motion passed with a unanimous vote.

ORDINANCE – Amending the Highland City Development Code Regarding Signs in Commercial Areas; Section 3-708: Wall Signs and Table 7-707A (Agenda Item 6)

The Development Code currently limits the number and size of wall signs for one commercial business. Several businesses would like to have more than one sign on one wall and some businesses would like to use an entire window for advertising space while leaving others empty; the current ordinance limits a window sign to 25% of each window. City Administrator John Park indicated that the current sign ordinance is confusing. He suggested further review take place with Nathan Crane and the Planning Commission on the item.

A general discussion about the issue took place by the City Council. There was some confusion about how much overall signage the new ordinance would allow.

The City Council requested staff take pictures of buildings and show how the ordinance would affect signage on these buildings. It was also suggested that business owners look at the proposals for input.

Planning Commission Chair Melissa Wright stated when this issue was first addressed by the Planning Commission they did look at pictures provided by Lonnie Crowell. She stated that while the decision on signage ratio was not very scientific, it seemed to be reasonable.

MOTION: Brian Braithwaite moved to continue the ordinance amending the Development Code regarding signs in commercial areas to a future meeting where staff has time to get together additional information. Tom Butler seconded the motion. Those voting aye: Brian W. Braithwaite, Tom Butler, Larry Mendenhall, Kathryn Schramm, and Scott Smith. The motion passed with a unanimous vote.

MINUTES

Minutes for the July 20, 2010 Regular City Council Meeting (Agenda Item 7)

MOTION: Larry Mendenhall moved to approve the July 20, 2010 Regular City Council Meeting as amended and subject to the inclusion of a more definitive statement from the recording of the building use by Mr. Lance Bergen's email as read by Councilmember Tom Butler. Scott Smith seconded the motion. Those voting aye: Brian W. Braithwaite, Tom Butler, Larry Mendenhall, Kathryn Schramm, and Scott Smith. The motion passed with a unanimous vote.

Minutes for the June 22, 2010 Special City Council Meeting (Agenda Item 8)

MOTION: Brian Braithwaite moved to approve the June 22, 2010 Special City Council meeting as amended. Larry Mendenhall seconded the motion. Those voting aye: Brian W. Braithwaite, Tom Butler, Larry Mendenhall, Kathryn Schramm, and Scott Smith. The motion passed with a unanimous vote.

Minutes for the June 15, 2010 Regular City Council Meeting (Agenda Item 9)

MOTION: Scott Smith moved to approve the minutes from June 15, 2010 as presented. Kathryn Schramm seconded. Those voting aye: Brian W. Braithwaite, Tom Butler, Larry Mendenhall, Kathryn Schramm, and Scott Smith. The motion passed with a unanimous vote.

Minutes for the August 17, 2010 Regular City Council Meeting

Brian Braithwaite requested additional detail/clarification be added on his comments from the minutes recording on the redirection of traffic from 4800 West/North County Blvd (page 6).

Discussion also took place about a comment included in the minutes from August 17, 2010 made by Larry Mendenhall where he stated the entire City Council agreed with his motion to withdraw the \$4 million B&C road funds bond resolution. Kathryn Schramm indicated that the vote on that item from April 7, 2009 was actually a 3:2 vote with Larry Mendenhall, Kathryn Schramm, and Claudia Stillman voting in favor; and Brian Braithwaite and Brian Brunson voting against the motion. Larry Mendenhall

commented that he was referring collectively to the City Council based on the majority vote. Kathryn Schramm stated she wanted the minutes to reflect that not all of the City Council voted in favor. The minutes were changed to state “The City Council agreed...” instead of “All of the City Council agreed...”

MOTION: Larry Mendenhall moved to approve the minutes of August 17, 2010 as amended. Brian Braithwaite seconded the motion. Those voting aye: Brian W. Braithwaite, Tom Butler, Larry Mendenhall, and Scott Smith. Those voting nay: Kathryn Schramm. The motion carried with a majority vote of 4:1

COMMUNICATION ITEMS

John Park reviewed the contract with Utah County for the Murdock Connector project. The City Council has seen versions of this contract and it will be coming to the City Council at a future meeting. An appendix has been added to the contract that states what will be paid out of the \$4 million and that no corridor preservation will come from those funds.

Scott Smith noted this proposal assumes the road will go through the School and Institutional Trust Lands Administration (SITLA) property. He asked if approval for that right-of-way has been received. Mayor Ritchie indicated no. He also stated that the contract indicates if they give approval there will not be a fee charged. John Park indicated that the contract needs to include that if a fee is charged it will come out of a different budget than the \$4 million.

Mayor Ritchie stated he talked with former Mayor Jay Franson and did some research on the evolution of the \$4 million for the project. The things stated by Scott Smith at the last meeting about different funding amounts were correct and there was confusion about whether the right-of-way was included in the \$4 million. He noted as the project evolved, that was clarified and changed. Scott Smith agreed the \$4 million has mutated and constantly meant different things.

Tom Butler asked if there was a way to ensure total costs will not exceed \$4 million. Mayor Ritchie stated that is not likely. The project started out being a 50/50 match and now it is a \$4 million cap instead of a match. Due to favorable construction he believes that will be a moot point anyway. Much additional discussion took place on how to mitigate any additional costs.

Scott Smith asked what would happen if SITLA does not cooperate on their land and the only option is to change the road configuration. John Park feels that because the contract says generally where the road is, including the width, sidewalk locations, etc, they will be locked into a certain plan.

Kathryn Schramm requested other members of the City Council go back and do research on this issue. She noted that on September 16, 2009 the City Council reviewed an item titled “consideration and action on land use agreement for State of Utah for right of way”. She also noted other items that have been discussed. Mayor Ritchie indicated many of these items were done as part of the evolving discussion with the siphon. He requested the City Council move on since the agreement will come back to the City Council at a future meeting.

INFORMATION

Report – Timpanogos Special Service District – Brian Braithwaite (Agenda Item 12.1)

Brian Braithwaite reviewed a picture presentation of the Timpanogos Special Service District redesign project. He detailed the new system in place to minimize the odor at the composting site. He showed pictures of other areas of construction. Current facilities under use are being pulled out so new facilities can be built. He likened the reconstruction to flying an airplane and taking the wings off in various parts but still flying the plane. He showed the new entrance to the facility.

He noted the bid was awarded on November 12, 2009 in the amount of \$60,723,000 and they believe the project will be completed by April 2013. The contractor is currently ahead of schedule but construction generally slows in the winter so the hope is the project will remain on schedule.

COMMUNICATION ITEMS - Continued

Scott Smith requested an update on the City’s website. Gina Peterson indicated the contract has been signed and the company anticipates a product completion in 3 to 4 months.

John Park talked about the last meeting when Ms. Barron addressed fees associated with permits for the windmills. He noted an ordinance change will be forthcoming to address this issue and make it a permitted use.

Kathryn Schramm clarified if a code amendment is passed making a wind turbine a permitted use on certain sized lots it would ensure Ms. Barron didn’t have to pay the \$485 conditional use fee. John agreed that was the plan, based on meeting appropriate setbacks. She asked on what basis the building permit fees is figured for example if someone had a nine foot square pad. John Park stated it is based on how much it costs to build a building and valuation which comes from national standards. He stated it is usually much less than the actual cost. He stated some fees, such as plumbing, are a set price per unit. She clarified that Ms. Barron’s fee was just a base and Mr. Park agreed. Kathryn Schramm asked if Ms. Barron would pay the same fee here as she would in New York State and Mr. Park said they would likely pay the same amount here as anywhere in the State of Utah. He stated it is based on the typical valuation of the entire structure based on region, so somewhere like California may be higher. John then detailed what the \$245 building permit fee covers including soil test, structural design review, inspections, etc.

Kathryn Schramm then asked about a company called “Noodle Storm” that matches students from various universities to cities to fix problems for free. She thought this might be a useful tool for the City.

ADJOURNMENT

Larry Mendenhall moved to adjourn. Brian Braithwaite seconded. The meeting adjourned at 10:23 p.m.

Gina Peterson, City Recorder

Date Approved: October 5, 2010

Attachments to these minutes:

EXHIBIT A – Ordinance 2010-15: Town Center Overlay text, as amended by the City Council.

ARTICLE 4.7

Article 4.7 Adopted: 9/22/1999, Amended 4/7/2009, Amended 9/7/2010

TOWN CENTER OVERLAY

- 3-4701: Purpose
- 3-4702: Definitions
- 3-4703: Land Area
- 3-4704: Density
- 3-4705: Permitted Uses
- 3-4706: Conditional Uses
- 3-4707: Prohibited Uses
- 3-4708: Change of Use
- 3-4709: Non-Conforming Structures and Uses
- 3-4710: Lot Coverage
- 3-4711: Location of Open Space
- 3-4712: Architectural Standards
- 3-4713: Architectural Design
- 3-4714: Signs / Sign Illumination
- 3-4715: Lighting
- 3-4716: Residential Uses
- 3-4717: ~~Accessory Structures~~
- 3-4718: ~~Convenience Stores~~
- 3-4719: ~~Temporary Outdoor Farmer's Market~~
- 3-4720: ~~Hotels~~
- 3-4721: ~~Mixed Use Automobile Service Facilities~~
- 3-4722: ~~Location of Gasoline Pumps~~
- 3-4723: ~~Substructures; Storage/Refuse Collections, Etc.~~
- 3-4724: ~~Utilities/Equipment~~
- 3-4725: ~~Roadways~~
- 3-4726: ~~Parking~~
- 3-4727: ~~Loading~~
- 3-4728: ~~Driveway and Curb Openings~~
- 3-4729: ~~Landscaping~~
- 3-4730: ~~Landscaping Maintenance~~
- 3-4731: ~~Hardscape~~
- 3-4732: ~~Submittal Requirements~~
- 3-4733: ~~Water Requirements~~
- 3-4734: ~~Grading~~
- 3-4735: ~~Nuisances~~
- 3-4736: ~~Appeals~~
- 3-4734: Security: Site Improvement/Project Completion

- Deleted: Location of Gasoline Pumps
- Deleted: Substructures / Storage / Refuse Collections / Etc
- Deleted: Utilities / Equipment
- Deleted: Roadways
- Deleted: Parking
- Deleted: 2
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- Deleted: 25
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- Deleted: 28
- Deleted: Irrigation
- Deleted: 29
- Deleted: 3-4730: Development Review Committee
- Deleted: 3-4731: Action of Site Plan and Architectural Building Elevations
- Deleted: 2
- Deleted: 3

3-4701: Purpose.

The following provisions fill the City Objectives to promote the public health, safety, and general welfare of present and future Highland residents:

- (1) To provide a central area where commercial, retail and residential could be blended in an attractive walkable, open space environment.
- (2) To provide higher density development with well planned open space public gathering areas.
- (3) To provide Commercial, retail and civic opportunities of a wide variety which meet the basic needs of the Highland area and its residents.
- (4) To promote clarity, flexibility and cooperation in long term planning, working for the success and future of the Town Center.

3-4702: Definitions.

- (1) **Commercial Design Standards.** The Design Standards are adopted as part of this ordinance and shall direct the owner, developer, City Council, Planning Commission and staff when determining compatibility and design elements for site planning and architecture within the Town Center.
- (2) **Cornice.** The uppermost banding of architectural moldings along the top of an exterior wall or just below a roof.
- (3) **Development Review Committee.** The Development Review Committee consists of the Public Works Director, Community Development Director, Fire Chief, and Police Chief. A member of each utility company with utilities located within Highland City boundaries shall also be noticed and invited to attend.
- (4) **Flex Use.** Flex use shall mean a property whose use may include Attached High Density Residential Uses, Live-work Uses, Office Uses, Retail Uses or any combination of all four.
- (5) **Ground Floor.** The first floor of a building constructed above grade with available access from a sidewalk.
- (6) **Hardscape.** Hardscape shall include pavers, concrete planter boxes, masonry trash receptacles, pedestrian benches, bicycle racks, plazas, paseos, fountains, outdoor eating areas, and sculptures. Hardscape shall be approved as part of the overall site plan approval.
- (7) **HCESCC** (Highland City Environmentally Sustainable Construction Credits) is a checklist located on pages 44-48 within the Commercial Design Standards.
- (8) **Open Space.** All areas not used for parking or structures will be open space as defined within this ordinance.
- (9) **LEED.** LEED (Leadership in Energy and Environmental Design) is an ecology-oriented building certification program run under the auspices of the U.S. Green Building Council (USGBC).
- (10) **Parking Plan Schematic.** These are schematics illustrated in the Town Center Master Plan and the Commercial Design Standards which generally identify the areas where parking stalls are permitted. Parking requirements are defined herein.
- (11) **Senior Housing.** Multi-story or multi-story mixed use housing products which are specifically designed and marketed entirely to meet the needs of at least one of the three stages of senior living.
- (12) **Town Center Land Use Map.** The Town Center Land Use Map found on page 34 within the Commercial Design Standards is the official land use schematic adopted as part of this ordinance and marked as such generally defining all building location areas and parking sites, as well as identifying specifically permitted land uses.
- (13) **Upper Floor.** Any building story constructed above the Ground Floor.

Deleted: in 3-4711 and 3-4726

Deleted: .

Deleted: in Section 3-4713, 3-4716 and 3-4721 of this ordinance and determined by proposed use

Deleted: as specified in 3-4705(B)(8) in this Code

3-4703: Land Area. It is determined to be in the best interest of the Highland City to limit the applicability of this ordinance to the area known as the "Town Center". This area is generally bounded by 11000 North on the north, Alpine Highway on the east, 5600 West on the west and 10700 North on the South as contained in the Highland City Zoning Map as amended.

3-4704: Density. Density within the Town Center is determined by each district a project is located in, and its proposed use, as follows:

- (1) Residential density.
 - (a) The Town Center Overlay Urban Subdivision as identified in Article 4.7.4 Highland Development Code, recorded as the Highland Village Subdivision and indicated within an area defined by the Town Center Land Use Map located in the Commercial Design Standards shall have a maximum density of 4.5 units per acre.
 - (b) The Town Center Transitional Housing Overlay as identified in Article 4.7.6 Highland Development Code, recorded as the Coventry Subdivision and indicated within an area defined by the Town Center Land Use Map located in the Commercial Design Standards shall have a maximum density of 7.5 units per acre.
 - (c) The Town Center Flex Use District within the area defined by the Town Center Land Use Map located in the Commercial Design Standards shall have non-residential density that is determined by parking requirements, access requirements and height restrictions.
 - (d) Town Center Residential. The number of residential units within the Town Center Flex District and Town Center Mixed Use Residential District defined by the Town Center Land Use Map located in the Commercial Design Standards shall not exceed three-hundred forty-two (342) units in total and project density shall not exceed twelve (12) dwelling units per acre (du/ac) for any given development.
 - (i) Town Center Mixed Use Residential (TCMUR). The number of residential units within the TCMUR District shall not exceed 22.7 units per acre or 162 units total.

- A. If significant changes to the existing site plan and/or use are proposed within this district, the maximum density shall revert back to 12 units per acre.
- (2) Non-residential building density. Non-residential density, where permitted, shall be defined as area that is not comprised of residential use and is determined by the adopted Town Center Master Land Use Plan which is incorporated as a part of this ordinance within the adopted Commercial Design Standards. Density for non-residential uses shall be limited by parking requirements, access requirements and height restrictions.

3-4705: Permitted Uses. The only permitted uses allowed within the Town Center Overlay which satisfy the primary intent or purpose for the Zone are subject to conditions as defined the Land Use Table 3-47A in this ordinance and are identified by District. Permitted uses may be subject to additional conditions as described within this Code. Locations of specifically permitted uses are defined in the Commercial Design Standards in the Town Center Master Land Use Map and shall be applied at site plan and architectural approval if applicable. Applicants seeking building permits for structures within the Town Center Overlay shall first obtain site plan design and architectural design approval as defined in this ordinance prior to application for a building permit.

3-4706: Conditional Uses. The only conditional uses permitted within the Town Center Overlay are those identified in Land Use Table 3-47A.

3-4707: Prohibited Uses. In the Town Center Zone, any use not expressly listed as a permitted use or a conditional use shall be deemed specifically prohibited including but not limited to the following:

- (1) Slaughtering of animals or live animal processing
- (2) Sexually Oriented Businesses
- (3) Call centers
- (4) Alcohol sales
- (5) Thrift Stores or Pawn Shops
- (6) Tattoos or body piercing shops, parlors or facilities.

Deleted: ,

Deleted: non-medically prescribed body massages, or

3-4708: Change of Use. Change of use is considered a permitted use if that use is listed as permitted and the proposed new use does not violate any other portion of this ordinance. A change of use that is listed as a Conditional Use shall require the applicant to obtain a new Conditional Use Permit prior to proceeding with that proposed use. Any uses not defined as permitted or conditional are specifically not permitted and shall not be allowed in this zone.

3-4709: Non-Conforming Structures and Uses. These provisions provide for the orderly termination of non-conforming buildings, structures, and uses to promote the public health, safety, and general welfare, and to bring these buildings, structures, and uses into conformity with the intent of the Town Center Zone of Highland City. For more information relating to non-conforming uses see (Chapter 3, Article 2) of this Code.

3-4710: Lot Coverage. A project which applies for a land use under this ordinance must conform to this ordinance and the Highland Commercial Design Standards. Building locations are generally defined on the Town Center Land Use Map located within the Commercial Design Standards as attached.

Deleted: part of this ordinance

3-4711: Location of Open Space. All projects must conform to the requirements imposed for open space as shown on the master plan. Any property not utilized for a structure, sidewalks, parking, and parking access shall be landscaped by the owner/developer. The parkway detail shall be installed by each property owner/developer at the time of construction along SR-92 or SR-74 per the city standard.

3-4712: Architectural Standards. Incorporated as part of this ordinance are the Commercial Design Standards. All projects must conform to the architectural standards as set forth in the Commercial Design Standards and Section 3-4713.

Deleted: in this Code

3-4713: Architectural Design. .

- (1) **Overall Architectural Outline:** It shall be clearly evident that building design has been initially conceptualized from traditional architectural styles and generally consistent with the local vocabulary within the Town Center as defined below. If it is proven that the building has been designed with the intention of meeting the HCESCC requirements (Highland City Environmentally Sustainable Construction Credits - a minimum of 80% of the qualifying elements) an exception shall be considered and the building may be designed consistent with typical LEED and other environmentally conscious structures which are commonly

post modern in form and aesthetic. In all cases the design of any building shall not distract from the overall form of the Town Center. Each building shall include traditional design elements associated with that architectural style.

- (a) Property owner/developer may choose one of the following architectural styles as a basis for their building design and the final product shall be visually identified as one of the following classic architectural styles.. Buildings will only be approved if they are similar in design to the approved representations of buildings from each of the following styles provided in the Design Guidelines:
 - (i) Academic Classicism
 - (ii) Colonial Revival
 - (iii) Craftsman
 - (iv) English Revival
 - (v) Federalist, Federal
 - (vi) French Provincial
 - (vii) Georgian
 - (viii) Italianate
 - (ix) Neoclassical
 - (x) Post Modern (if meets 80% of HCESCC requirements only)
- (b) As a guideline, special sensitivity should be given to provide continuity of building development along street fronts; and
 - (i) Buildings located along Town Center Boulevard, Parkway East, Parkway West, Town Square Street East or Town Square Street West shall be designed to front that right-of-way which it faces.
- (c) All commercial buildings along Town Center Boulevard, Town Square Park East, Town Square Park West, Parkway East and Parkway West shall be located as close to each other as allowed by Building Code except in areas designated for drives to access parking areas. Any area between buildings shall be developed as paseos (pedestrian access points between parking and building fronts) or plazas.
- (d) Strip-mall or in-line type developments shall be avoided. Multi-user buildings shall be designed to appear as a separate building with a different architectural style (defined above) for each leasable ground floor space along the building front.

Deleted: (see 3-4726 in this ordinance)

- (2) **Door and Window Openings.** Doors and windows may be considered one of the most important design elements for successful building design and shall be required to have the following elements incorporated into their design:

- (a) **Entries and Doors.** Commercial entries are a significant contributor to the success of building design and shall be designed to emphasize the front door.
 - (i) Doors may be constructed of high grade architectural solid wood or metal and glass construction.
 - (ii) All ground floor doorways facing a right-of-way shall be set in and designed with a minimum separation of twelve inches from the fronting wall.
 - (iii) All buildings that are located along Town Center Boulevard, Parkway East, Parkway West, Town Square Street East or Town Square Street West shall provide a front door and pedestrian entry into that structure from that right-of-way which it faces.
 - A. Additional access (side and rear) shall be permitted if the front access has been architecturally addressed giving the appearance of a main entrance along the pedestrian sidewalk. The front shall be any portion of a building that is immediately adjacent to a designated right-of-way (not including driveway or parking lot access).
 - B. Special consideration shall also be given to the Town Center Park. Structures with a wall adjacent to the Town Center Park shall be designed to address the park with a main entrance or front door.
- (b) **Entrance Element.** Every building shall provide an architectural element over each entrance according to the architectural style associated with that building. At minimum a building shall incorporate one of the following:
 - (i) Pediment
 - (ii) Portico
 - (iii) Stoop
 - (iv) Arcade
- (c) **Windows.** Each building shall include a minimum of fifty percent (50%) fenestration on the ground floor for any facade that faces a right-of-way and is located within thirty (30) feet of that right-of-way

for the purpose of providing visibility into the store (this is calculated from the building width). It is recommended the display window front is utilized for visible exposure to retail products sold inside each unit.

- (i) Each window shall incorporate a majority of the following window elements:
 - A. Mullions
 - B. Sash
 - C. Sill
 - D. Apron
 - E. Casing
 - F. Jamb
 - (ii) All upper story windows shall be of a high quality casement, single-hung or double-hung type similar in color and material to the ground floor windows; and
 - (iii) All ~~front ground floor windows of commercial~~ buildings shall be one-hundred percent (100%) transparent for the purpose of displaying business products and providing visibility into the building with the exception of window signage as permitted and defined in ~~Article 7 Signs in~~ this Code; and Deleted: front ground floor windows
 - (iv) Architectural quality storefront windows shall be provided as defined in the Commercial Design Standards; and
 - (v) Every window shall include architectural window treatment and finish elements defined by the architectural style associated with the building the window is associated with; and
 - (vi) Every building shall include upper floor transparent fenestration for each story with an amount equal in rhythm and scale to the ground floor windows as defined in the Commercial Design Standards.
- (d) **Window Treatments.** Each building shall provide an architectural window canopy/awning of some type on the ground floor consisting of a high quality architecturally treated materials consistent with the architecture of the building.
- (3) **Architectural Elements.** All buildings shall incorporate the six (6) common building design elements (see (a) through (f) below); and all buildings shall incorporate the seven (7) common architectural design elements (see 3-4713(3)(b) below) consistent with 3-4713(1) and typically associated with Highland City as follows:
- (a) **Common Lighting Theme;**
 - (i) Building lighting,
 - (ii) Parking lot lighting,
 - (iii) Street lighting.
 - (b) **Common Architectural Design Elements;**
 - (i) Columns,
 - (ii) Lentils,
 - (iii) Window treatments, high percentage of fenestration, mullions,
 - (iv) Portico/arbor/arcade/pediment,
 - (v) Quoins,
 - (vi) Common high quality roofing materials,
 - (vii) High quality building materials (earthtone colors, brick, rock, trim).
 - (c) **Common Sign Theme.** All signage shall adhere to an approved common sign theme and be consistent with the requirements of ~~Article 7 Signs in~~ this Code. Deleted: Chapter
 - (d) **Interior Parking.** A significant majority of all parking areas shall be located behind buildings and not adjacent to ~~public rights-of-way.~~ Deleted: a
 - (e) **Color and Material.** Colors shall be limited to an earthtone palette. Deleted: s
 - (i) A building front shall be any building facade parallel to a right-of-way and located within thirty (30) feet of that right-of-way. With the exception of exposed wood/timber architectural elements, fifty percent (50%) of a building front facade on the ground floor shall be a high quality architectural rock, brick or stone (does not include cinder block, split face block or similar).
 - (ii) A corner building shall be considered to have two (2) building fronts and shall be required to be finished with a minimum of fifty percent (50%) high quality architectural rock or stone on the ground floor for each facade parallel to a right-of-way within thirty (30) feet.
 - (iii) In all cases, exposed heavy timber shall be incorporated in the building front design.
 - (f) **Roof Design.** All roof design shall conform to the Commercial Design Standards. At minimum, a roof may not continue the same height or style for a horizontal distance exceeding seventy-five (75) feet unless it would not be consistent with the architectural style. All buildings shall incorporate heavy Deleted: associated with a single structure as defined in 3-4713 of this Code.

cornices, raking cornices, eaves and friezes to provide aesthetic character to the roof, mitigate large long rooflines, allow sunlight to access the pedestrian network. Whenever possible rooflines should be designed to provide view corridors to American Fork Canyon and the Alpine Bowl.

- (i) A sloped mansard type roof may not exceed 14 feet in vertical height and in all cases any type of sloped roof may not exceed fifty feet (50') to its highest point measured from the top of the curb on the closest adjacent public street.

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(4) **General Requirements.** In addition to the previous requirements of this Code and requirements outlined in the Commercial Design Standards, the following shall also apply:

- (a) The proposed development shall be of a quality and character which is consistent with the community design goals and policies including but not limited to: scale, height, bulk, materials, cohesiveness, colors, roof pitch, roof eaves and the preservation of privacy.
- (b) The design shall improve community appearance by avoiding excessive variety and monotonous repetition.
- (c) The design shall incorporate historic materials that will create community identity and define the Town Center by separating it from other similar developments with the use of such materials as rock, brick, and the four common architectural design elements found in Highland defined by the Commercial Design Standards, page 10; and
 - (i) Varying from a company's prototypical building design is encouraged, and required if it is not consistent with all of the requirements of this zone.
- (d) Proposed signage shall be an integral architectural feature which does not overwhelm or dominate the structure or property and is consistent with the architectural style of the building the signage is associated with; and
- (e) Down lighting shall be stationary, baffled on all sides and directed/deflected away from adjacent residential properties. Lighting located on light poles shall not exceed fifteen feet (15') in height above a three foot (3') base maximum.
- (f) With the intent of protecting sensitive land uses, any proposed design shall promote a harmonious and compatible transition in terms of scale and character between areas of different land uses.
- (g) All building elevations shall incorporate 360 degree architecture except for building sides that are less than ten (10) feet from an adjacent building and if a paseo does not exist between them.
- (h) If parking structures are proposed, they shall be architecturally compatible with the primary structure and shall incorporate landscaping features along the exterior walls on each level of parking.
- (i) All perimeter walls shall be architecturally treated and heavily landscaped.
- (j) ATV or Motorcycle Sales. Permitted uses associated with the sale of vehicles per Section 3-4705 may have additional regulations and restrictions placed upon that use by the Planning Commission in order to mitigate any detrimental affects that this use may have upon adjacent residential and/or commercial properties. It is the intent of this provision to minimize noise and light pollution while enhancing the aesthetic and architectural impacts consistent with the Commercial Design Standards and the Town Center. These additional requirements which may be required by the Planning Commission in order to obtain Architectural and Site Plan Approvals are as follows:

- (i) **Building Location.** In all cases, Sales buildings associated with ATV or Motorcycle sales shall be subject to all of Section 3-4713.

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- A. All buildings shall be designed so that the largest portion of that building is located adjacent to the nearest primary right-of-way; and
 - B. All buildings shall incorporate a significant amount of fenestration adjacent to the nearest primary right-of-way which may be used to exhibit vehicles for sale; and
 - C. All buildings shall be designed with two primary entrances which shall include an architecturally significant primary entrance from the nearest adjacent right-of-way; and
- (ii) **Parking.** The majority of parking locations for customers shall be located between the portion of the building opposite the nearest right-of-way and the rear property line (not including on-street parking); and
 - A. The majority of parking locations for vehicles for sale shall be located between the portion of the building opposite the nearest right-of-way and the rear property line (not permitted within the on-street parking locations); and
 - (iii) **Noise.** In no case shall any structure include exterior speakers, intercoms or similar; and
 - A. In no case shall any noise not primarily associated with other permitted uses in the Town Center be heard from adjacent property owners; and

- (iv) **Signage.** All signage associated with this use shall strictly adhere to Chapter 3, Article 7, Signs and 3-4713(4)(d) in this Code; and
 - A. **Sales Events.** ATV or Motorcycle Sales uses may use balloons and/or window signs on vehicles to be sold to advertise a sales event.
- (v) **Lighting.** In no case shall any lighting be designed to project onto an adjacent property and in all cases shall lighting be designed to face downward; and
 - A. All lighting shall be subject to 3-4713(4)(e) and 3-4715 of this ordinance.
- (vi) **Service.** Any service or mechanic shop facility associated with this use shall be subject to 3-4721 and 3-4722 in this ordinance.

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- (5) **Building Height and Location.** Buildings shall be defined by District. It is the intent of this zone to create separate unique districts with specific determined uses and environments appealing to both automotive and pedestrian scales. This will be accomplished by defining the street edge and incorporating pedestrian elements to the street and buildings. In addition, buildings shall be designed and located to address the street it is located adjacent to. These important elements are defined as follows:

- (a) All buildings shall be set back a minimum of ten (10) feet from the nearest right-of-way; and
- (b) All commercial buildings along Town Center Boulevard, Town Square Park East, Town Square Park West, Parkway East and Parkway West shall be located as close as reasonably possible to adjacent buildings with the preference of a zero lot line design concept except in areas designated as access for parking or pedestrians. Any area between buildings along the previously identified right-of-ways shall be developed as paseos (pedestrian access points between parking and building fronts) or plazas.
- (c) All building structures above the ground floor shall be setback a minimum of eight (8) feet from the lower fronting vertical wall along Town Center Boulevard, Parkway East, Parkway West, Town Square East, and 10700 North.
 - (i) For non-residential it is highly recommended and for residential uses it shall be required that the area above the ground floor within the setback shall be designed and engineered to be a functional balcony, courtyard, garden, outdoor patio, outdoor seating area, or similar that promotes private use and public interaction.

(d) **Town Center Commercial Retail District.**

- (i) **Height.** Height shall be measured from curb of the adjacent street to the highest point of a building which may be the top of the cornice or roof ridge. Buildings within the Town Center Commercial Retail District shall be a maximum of forty (40) feet tall as measured from the top of the curb on the closest adjacent public street.

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- (ii) **Upper floors.** Upper floor uses shall not exceed two (2) stories for a total of three (3) stories.

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- (iii) **Location.** Any portion of all buildings within the Commercial Retail District shall be a maximum of fifteen (15) feet from an existing right-of-way. A building may be located a maximum of 20 feet from the right-of-way along SR-92 or SR-74 or a maximum of ten (10) feet along Parkway East or Town Center boulevard guaranteeing massing and pedestrian activity along the planned right-of-ways within the Town Center.

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- A. If a building is located adjacent to a right-of-way a significant majority of the building front and front door shall be a maximum of ten (10) feet from Parkway West, Parkway East or Town Center Boulevard if that right-of-way is closer.

(e) **Town Center Flex Use District.**

- (i) **Height.** Height shall be measured from the foundation to the highest point of a building which may be the top of the cornice or roof ridge. Buildings within the Town Center Flex Use District shall be a maximum of fifty (50) feet in height as measured from the top of the curb on the closest adjacent public street.

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- (ii) **Upper floors.** Upper floor uses shall not exceed two (2) stories for a total of three (3) stories.

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- A. Above the ground floor, all buildings along Town Center Boulevard, Town Square Park East, 10700 North, Parkway East and Parkway West shall be setback horizontally a minimum of eight (8) feet from the lower fronting vertical wall.

- (iii) **Balconies.** Residential units above the ground floor along Town Center Boulevard, Town Square Park East, 10700 North, Parkway East and Parkway West shall be setback horizontally a minimum of eight (8) feet from the lower fronting vertical wall.

- A. The area above the ground floor within the setback shall be designed and engineered to be a functional balcony, courtyard, garden, outdoor patio, outdoor seating area, or similar that promotes private use and public interaction.

(iv) **Location.** A significant majority of all building fronts and front doors within the Town Center Flex Use District shall be a maximum of ten (10) feet from an existing/planned right-of-way (not driveway or parking area). A building may be located a maximum of 20 feet from a rear property line if a structure has already been constructed along its adjacent right-of-way first, guaranteeing massing and pedestrian activity along the planned right-of-ways within the Town Center.

(f) **Town Center Mixed Use Residential District.**

(i) **Height.** Buildings within the Town Center ~~Mixed Use Residential~~ District shall be a maximum of ~~fifty (50)~~ feet in height as measured from the top of the curb ~~on the closest adjacent public street to the highest point of a building which may be the top of the cornice or roof ridge,~~

(ii) **Upper floors.** Upper floor uses shall not exceed two (2) stories for a total of three (3) stories.

A. Above the ground floor, all buildings along Town Center Boulevard, Town Square Park East, 10700 North, Parkway East and Parkway West shall be setback horizontally a minimum of eight (8) feet from the lower fronting vertical wall.

(iii) **Balconies.** Residential units above the ground floor along Town Center Boulevard, Town Square Park East, 10700 North, Parkway East and Parkway West shall be setback horizontally a minimum of eight (8) feet from the lower fronting vertical wall.

A. The area above the ground floor within the setback shall be designed and engineered to be a functional balcony, courtyard, garden, outdoor patio, outdoor seating area, or similar that promotes private use and public interaction.

(iv) **Location.** A significant majority of all building fronts and front doors within the Town Center Flex Use District shall be a maximum of ten (10) feet from an existing/planned right-of-way (not driveway or parking area). A building may be located a maximum of 30 feet from a rear property line if a structure has already been constructed along its adjacent right-of-way first, guaranteeing massing and pedestrian activity along the planned right-of-ways within the Town Center.

(g) **Town Center Civic District.**

(i) **Height.** Buildings within the Town Center Civic District shall be a maximum of fifty (50) feet tall, as measured from the top of the curb of the adjacent street, to create a more substantial, prominent and aesthetically permanent structure consistent with adjacent structures within the Town Center.

(ii) **Location.** Any portion of all buildings within the Town Center Civic District shall be a maximum of fifteen (15) feet from a property line or fifteen (15) feet from an existing/planned right-of-way, whichever is closer.

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3-4714: Signs/Sign Illumination. (Section deleted 7/5/05) Sign/ Sign illumination requirements shall be defined by the Commercial Design Standards and Chapter 3 Article 7 of this code. All signage shall be consistent with the approved sign theme for the Town Center.

(1) **Town Center Monument.** An approved Town Center Monument identifying the entrance into the Town Center shall be constructed on each corner of the intersections of SR-92 and Town Center Boulevard, 5600 West and Parkway West, and SR-74 and Parkway East.

(a) The monuments shall be located adjacent to each intersection and landscaped per the landscaping requirements for monument signs as defined in Chapter 3 Article 7, Signs, in this Code.

(i) The monument landscaping shall be maintained by the owner/developer; or

(ii) A landscaping easement shall be provided for maintenance by a recorded Landscaping, Lighting and Parking Maintenance Governing Board created to maintain the landscaping within the Town Center.

3-4715: Lighting. All lighting shall conform to the Commercial Design Standards and the approved lighting specifications for the Town Center Zone.

(1) Properties along Parkway East, Parkway West, Town Center Boulevard, Town Square Street - East or Town Square Street - West shall include street lights consistent with the approved Town Center street light and placed 90 feet apart. This distance shall be a linear measurement as measured along the back of the curb.

(2) Property along SR-92 or SR-74 shall install street lights consistent with the approved Town Center street light and placed 90 feet apart. This distance shall be a linear measurement as measured along the back of the curb.

- (3) All lighting and lighting fixtures, with the exception of street lights that are owned and maintained by the city, shall be maintained in proper order and good condition by each owner/developer according to an approved site plan and architectural approval associated with each development.

3-4716: Residential Uses.

- (1) All Flex Use residential developments and Town Center Mixed Use Residential shall be required to provide additional site planning and architectural improvements and/or specifications as follows:
- (a) **Roofs.** The roofline of all proposed structures that include residential uses shall be varied in height to provide a break in the visual appearance.
 - (b) **Walls.** The vertical wall plane along the upper floors shall be articulated, varied, and architecturally designed to promote numerous opportunities for views from residential units and provide places for outdoor balconies and spaces.
 - (i) **Balconies.** A minimum of twenty-five 25% of all residential units located on an upper floor (first floor of residential), which faces a parking area or designated right-of-way, shall be designed with a functional and practical balcony that faces onto that parking area or designated right-of-way.
 - (c) **Windows.** Only windows of high residential quality shall be used. Window details as defined within the Commercial Design Standards and 3-4713 of this ordinance shall be included. The window pane for all residential windows shall be recessed a minimum of three (3) inches from the exterior facing wall. Deleted: (2)(c)
 - (d) **Access.** Residential units shall be accessed from a separate entrance that is not located within the leased space of a retail or office unit.
 - (e) **Parking.** A minimum of three (3) parking stalls per unit shall be provided. Underground parking or parking structures may be provided for residential units provided they are located on the interior block and not along a designated right-of-way. Underground parking may not be constructed if the result of the parking structure reduces any ground floor retail or commercial footprint to a point where it may be considered non-functional or impractical.
 - (i) Underground parking areas or parking structures shall be a minimum of thirty (30) feet from the nearest right-of-way and be screened from that right-of-way by an attached building.
 - (ii) Parking Structures shall include exterior landscaping features along each level of parking to screen light pollution and create an aesthetic feature that may assist with breaking the visual appearance of a large wall plane.
 - (iii) Parking shall not be allowed on residential alleys.
 - (iv) If parking is provided by an attached/detached garage a driveway shall be provided with a minimum depth of twenty-two feet (22').
 - (f) **Yards.** In all cases where residential is proposed as the exclusive use of the property (until such time that a ground floor may convert to retail/office), the project shall provide a rear yard for each unit typical with rowhouse type building construction.
 - (g) **Ground Floor Residential Design.** Residential development (Residential and Live-Work units) located adjacent to Parkway East, Parkway West, Town Center Boulevard/Drive, Town Square Street East, Town Square Street West, or Town Square Park Street that does not exclusively incorporate ground floor retail, other commercial, or office shall be designed with flexibility in such a way to provide for ground floor retail in the future.
 - (h) **Minimum Residential Height.** Uses proposed as exclusively attached residential shall be a minimum of three (3) stories in height only if located adjacent to Parkway East, Parkway West, Town Center Boulevard/Drive, Town Square Street East, Town Square Street West, or Town Square Park Street for the purpose of providing for future use on the ground floor.
- (2) **Attached Multi-family Residential, Live-Work Residential.**
- a) Upper floor uses may include; attached high density multi-family residential units, professional offices (see Table 3-47A), or retail sales and/or services as defined in this Code.
 - b) A minimum of ten percent (10%) and a maximum of seventeen percent (17%) of all multi-family projects shall qualify for moderate income housing as defined by State and Federal law provided for by the Developer.

3-4717: Accessory Structures

- 1) All accessory structures shall be attached to the primary building or a masonry wall; and
- 2) Accessory structures shall match the architectural design of the principal building

- 3) Accessory structures shall only be located behind the primary structure and shall be significantly screened by landscaping from any right-of-way;
- 4) In all cases, an accessory structure shall be a minimum of fifty (50) feet from the nearest right-of-way.
- 5) Only accessory uses that are necessarily and customarily incidental to the primary use shall be considered under this ordinance.

3-4718: Convenience Stores

Convenience store, gas stations, freestanding fuel centers (only permitted in the Town Center Commercial Retail District and if adjacent to SR-92 or SR-74 but not immediately adjacent to Town Center Boulevard, Parkway East, Parkway West, Town Square East, or Town Square West).

3-4719: Temporary Outdoor Farmer's Markets

- 1) Participants in a temporary outdoor farmer's market event shall obtain a permit from the City Administrator or designee.
- 2) Temporary outdoor farmer's market events shall not exceed three (3) consecutive days for each event.

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Temporary outdoor sales events shall be available Monday through Saturday between the months of July through October at a City designated location.

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3-4720: Hotels

- 1) Hotels; Multi-story or Mixed Use, two stories minimum.
- 2) If the majority of a hotel frontage is located along Town Center Boulevard, Parkway East, Parkway West, Town Square East, or Town Square West the Hotel shall provide some ground floor retail opportunities adjacent to those right-of-ways; and
- 3) A hotel shall provide ground floor "front door" architecture adjacent to all planned right-of-ways. Hotels placed along SR-92 or SR-74 shall provide significant 360 degree architectural detail on the ground floor unless immediately adjacent to the power substation then there shall be significant architectural detail provided on the north, east, and south elevations; and
- 4) All hotel parking shall be located on the interior of the lot.

3-4721: Mixed-Use Automobile Service Facilities

A minimum of two (2) stories in height.

3-4722: Location of Gasoline Pumps. Gasoline pumps or propane shall not be located closer than fifty (50) feet from a residential zone boundary line and conform to all relevant State and Federal Regulations.

- (1) If the pump island is set at an angle on the property, it shall be so located that automobiles stopped for service will not extend over the property line.
- (2) Gasoline storage will not be permitted above ground.
- (3) Propane storage shall be allowed above ground however, the tank(s) shall be enclosed within a six foot (6') masonry fence and gate.

3-4723: Substructures; Storage/Refuse Collections, Etc.

- (1) Substructure requirements shall be defined by the Commercial Design Standards. All substructures, outdoor storage areas or outdoor collection areas shall require a Conditional Use Permit prior to use. In addition, The following articles shall relate to the screening and location of storage and refuse collection areas:
 - (a) Free-standing flagpoles may not exceed the building height restrictions by more than six (6) feet.
 - (b) All substructures erected for the purpose of screening storage areas shall be accomplished with materials and architecture which are compatible with that of the primary building structure.
- (2) **Storage:**
 - (a) There shall be no visible storage of motor vehicles, trailers, airplanes, boats, or their composite parts; loose rubbish, garbage, junk, or their receptacles; tents, or building materials.
 - (b) Building materials for use in the same premises may be stored on the parcel during the time that a valid building permit is in effect for construction.
 - (c) All outdoor storage shall be enclosed by a six (6) foot masonry wall consistent with the architecture and materials associated with the main structure and shall be attached to the main structure.
 - (d) No storage shall be permitted between the curb and the building line. Furthermore, no outdoor storage shall be located within forty (40) feet of any district zoned for residential use.
- (3) **Refuse:**
 - (a) Every parcel with a building or structure shall have a trash receptacle on the premises. The trash receptacle shall be of sufficient size to accommodate the trash generated.

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- (b) The refuse collection area shall be located upon the lot so as to provide clear and convenient access to refuse collection vehicles.
- (c) The receptacle shall be screened from public view on at least three (3) sides by a solid wall six (6) feet in height and on the fourth side by a solid gate not less than six (6) feet in height. The gate shall be maintained in working order and shall remain closed except when in use. The wall and gate shall be architecturally compatible with the surrounding buildings and structures.
- (d) All refuse collection areas shall be designed constructed with materials and architecture and specifications per the approved refuse collection areas for the Town Center Zone as defined in the Commercial Design Standards. All refuse collection areas shall be visually screened from access streets and adjacent properties by significant landscaping. The commercial owner and/or manager shall be responsible for the abatement, clean-up and removal of all garbage or refuse thrown, placed, or blown on surrounding property or streets of right-of-way. Every effort shall be made by said owner and/or manager to avoid the spread of such refuse or garbage to the surrounding area.
- (e) No refuse collection areas shall be permitted between a frontage street and the building line. No refuse collection area shall be located within forty (40) feet of any residential use or zone.
- (f) Refuse removal and trash collection operations shall occur between the hours of 7:00 a.m. and 10:00 p.m.
- (g) Freestanding refuse containers in retail or public areas which are intended for public use shall be constructed of cast concrete, ceramic or wrought iron, with an inset for a trash can and shall be constructed so as not to allow dispersal of the container or trash by the strong winds common to the area. The containers shall be natural in color and/or of a design commensurate with surrounding architectural themes. All freestanding refuse containers shall be constructed according to the approved freestanding refuse container specification for the Town Center Zone.

3-4724: Utilities/Equipment. All Utilities and Utility Facilities shall conform to the Commercial Design Standards. In addition, the following articles shall relate to the installment, location and screening of utilities and other exterior equipment:

- (1) All utilities, including drainage systems, sewer, gas and water lines, electrical, telephone and communications wires, and related equipment, irrigation ditches and/or pipes, shall be installed and maintained underground.
- (2) No mechanical equipment (including, but not limited to, components of plumbing, processing, heating, cooling, and ventilating systems) shall be located within a front or side setback visible from the nearest right-of-way. No mechanical equipment (including, but not limited to, components of plumbing, processing, heating, cooling, and ventilating systems) shall be visible on site or from adjacent property where possible.
 - (a) Easements for non-municipal utilities shall be located on the interior of each lot providing adequate space for utility boxes that shall not be visible from the prominent right-of-ways.
- (3) No exterior components of such mechanical equipment (e.g. piping, stacks and duct work, fans and compressors) shall be mounted on any building wall unless they are located on a building wall opposite from the nearest public right-of-way (interior lot side).
- (4) Roof mounted mechanical equipment shall be set back from the street fronting wall so that it is not visible from the ground floor of surrounding buildings as much as possible. In addition the units shall be placed in roof locations that block the view from upper floors of buildings of equal height if possible.
- (5) If building parapets do not provide adequate screening of mechanical equipment from the upper floors, screening shall be installed as an integral part of the overall architectural design, and painted such a color as to allow its blending with its visual background.
- (6) Equipment and mechanical devices shall not be located in any required front setback area or side yard. Screening by way of landscaping shall be provided so that utility equipment is screened from adjacent streets and public view.
- (7) Electric transformers, utility pads, cable TV and telephone boxes shall be located on the interior of each lot out of view from public rights-of-way and or under grounded. All utility equipment boxes shall be screened with significant landscaping materials that would conceal the device completely on all sides during all seasons from public view.

3-4725: Roadways. It is the responsibility of the owner/developer to install roadways and associated landscaping and landscaping elements, hardscape and hardscape elements, street lighting per the approved street light, and pedestrian elements as defined in the Commercial Design Standards along their frontage. If a project proposes to use a building site which can not be served by an existing road, it shall be the responsibility of the project Developer/Owner to build an appropriate access.

September 7, 2010 – City Council Minutes – Ordinance Changes Exhibit A

- (1) With the exception of on-street parking, a significant majority of commercial, flex use residential, or office parking areas shall be located on the interior of each project, separated from adjacent right-of-ways by buildings.
- (2) Development along Parkway East, Parkway West, Town Center Boulevard/Drive, Town Square Street East, Town Square Street West, or Town Square Park Street may only provide access to interior parking through planned driveways as defined by the Town Center Circulation Master Plan, carefully planned to promote good circulation patterns.
- (3) Access to building fronts from Parkway East, Parkway West, Town Center Boulevard/Drive, Town Square Street East, Town Square Street West, or Town Square Park Street shall not be impeded by parking spaces except for parallel parking as defined in the Commercial Design Standards.
- (4) The developer shall include concrete crosswalks at all intersections for the purpose of providing pedestrian circulation per the approved standard set forth by the City Engineer.

3-4726: Parking At minimum, parking shall be provided as defined in this Code. All developments shall provide space for snow removal/storage which will not interfere with the number of required parking spaces. The number of parking stalls may be reduced if the owner/developer can provide significant evidence that the number of stalls are not necessary to provide adequate parking for a particular use or if the owner/developer has provided means or options for alternative transportation for the users of the project. Required on-street parking stalls shall not be used in the parking calculation for the purpose of meeting minimum parking requirements. In the event a proposed use is not compatible with the intent of the building pad and will generate more parking than anticipated, the Planning Commission can recommend and the City Council may require additional parking stalls as part of the site plan application.

- (1) Parking shall be provided for each building and shall be calculated according to proposed use as follows:
 - (a) Retail Use: 4.0 stalls per 1,000 square feet of retail building floor area;
 - (b) Office Use: 3.5 stalls per 1,000 square feet of office building floor area;
 - (c) Residential Use: 3 stalls per unit.
- (2) If the parcel upon which the building pad is located does not have adequate parking for the size of the building, it is the responsibility of the applicant to acquire such additional area as may be needed to properly park the desired use.
- (3) With the exception of required on-street parking, a majority of all parking shall be located internally. Remaining parking areas that are unable to be screened from a right-of-way by a building shall have a required landscaped setback a minimum of ten (10) feet from the nearest building wall facing that street.
 - (a) Parking areas not buffered by structures along right-of-ways shall be required to be screened by a heavily landscaped four (4) foot wall along the right-of-way setback line. The purpose of this wall is to mitigate potential impacts and to provide a buffer between existing residential, pedestrian circulation areas, storefront gathering areas and commercial parking areas.
 - (b) Parking lots and parking spaces shall include pedestrian walkways directed to the associated commercial structure. On street parallel parking shall be included for any structure along Town Center Boulevard, Parkway East, Town Center Park East, and Town Center Park West.
- (4) Cross access parking and cross access parking easements shall be granted by the owner/developer for each and every project within the Town Center and shall be indicated on the final plat of each subdivision.
- (5) All landscaping areas adjacent to parking areas and not defined by (3)(a) above shall be separated from the parking area by wall or curb at least six (6) inches higher than the parking area.
- (6) All parking lots shall include fully landscaped parking islands with trees typically associated with parking areas.
- (7) All parking areas shall include an identifiable pedestrian link to building fronts incorporated into the parking lot design.
- (8) All parking surfaces shall be maintained in proper order and good condition by each owner/developer according to an approved site plan associated with each development.
- (9) **Covered Parking.** The owner/developer of attached high density multi-family housing shall provide additional design elements for single level covered parking facilities that will assist in the mitigation of aesthetic concerns commonly associated with these structures.
 - (a) The owner/developer shall provide to the Planning Commission a minimum of three (3) options for construction and design of a covered parking structure consistent with the Commercial Design Standards and this ordinance which shall not detract from the architecture or architectural style of the main structure or the Town Center; and
 - (b) Architectural design elements that are required for these structures are as follows:

- (i) **Colors and Materials.** All covered parking structures shall be similar in architecture and material to that of the primary building.
- (ii) **Roof.** Roofs associated with single level covered parking structures shall be constructed with the same architectural design elements and details consistent with the primary structure such as a fascia, frieze, cornice, rake, or similar; and
- (iii) **Support Posts.** Any support posts located on either end of a covered parking structure shall be covered a minimum of 50% with masonry similar to that used on the primary building; and
 - A. **Landscaping.** Significant landscaping including a combination of trees, hedges and shrubs may be used in place of masonry at each end of a covered parking structure; and
- (iv) **Parking Stalls.** Covered parking structures shall not cover more than twenty (20) vehicles/parking spaces per structure.
- (v) **Lighting.** All lighting associated with a covered parking structure shall be attached to the ceiling of the covered parking stalls and shall be designed to allow down lighting only with horizontal light baffles on all sides of the fixture.

(10) ~~On-Street Parking.~~ Separate on-street parking is encouraged adjacent to a store front.

(11) ~~Pedestrian Access:~~ One separated pedestrian walkway shall be provided from the parking lot to the building entrance.

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3-4727: Loading. Loading berths shall be subject to the Commercial Design Standards. In addition, the following articles apply to the loading and/or unloading of materials in a commercial development:

- (1) All loading and unloading operations shall be performed on the site. Off-street berths shall be provided in addition to required off-street parking and shall not be located within driveways.
- (2) Each loading berth shall not be less than twelve (12) feet wide, twenty-five (25) feet long and if enclosed and/or covered, fourteen (14) feet high. Adequate turning and maneuvering space to be provided within the lot lines.
- (3) Such loading areas should be located away from the public street to which the use is oriented.
- (4) To the greatest extent possible, loading areas should be screened from all public streets. This shall be accomplished through careful site planning, and the use of screen walls and landscaping.
- (5) In no event shall a loading dock be closer than seventy-five (75) feet from a property line fronting upon a street.
- (6) Loading berths shall be required as follows:
 - (a) Commercial and service uses with over ten thousand (10,000) square feet floor area to be determined by the City Council upon recommendation of the Planning Commission, but in no case less than two (2) service entries.
 - (b) The hours of loading and unloading, including trash removal, for any business that uses building entrances that face an adjacent residential zone shall be restricted to the hours between 7:00 a.m. and 10:00 p.m.

3-4728: Driveway and Curb Openings. Curb openings and sidewalk driveway crossings for access to private property shall not be authorized unless they are consistent with the Town Center Transportation Master Plan Map located within the Commercial Design Standards. In determining the length of curb openings and spacing of driveways, the end transitions in each case will be considered a part of the length of the curb opening.

- (1) The following specifications shall apply to Hardscape curbing:
 - (a) Access shall be limited to one (1) access driveway for each two-hundred (200) feet or fraction thereof of frontage on any street.
 - (b) Curb cuts shall be offset a minimum of 350 feet from the centerline of major arterials and SR-92 and 74 at intersections, but in no case shall be located within the operational area of the intersection.
 - (c) Curb cuts and driveway aisles shall be shared at property lines between parcels.

3-4729: Landscaping. All areas not incorporated in the building footprint, parking area or access drives shall be landscaped. A minimum of fifteen (15%) of the project area shall be landscaped. The developer/owner shall incorporate the following landscaping design concepts and landscaping elements into each project and shall submit the following landscaping information with each project:

- (1) **Quality:** Landscaping shall enhance the overall visual appearance of the development.
- (2) **Trees:** Minimum caliper for all trees shall be one-half inches (1 1/2") and minimum shrub size shall be one gallon and shall be consistent with the tree variety as approved for each location.
- (3) **Irrigation:** All landscaping shall have an automatic irrigation system.

- (4) **Installation:** All required landscaping shall be properly installed, irrigated, and maintained prior to use inauguration or occupancy.
- (5) **Maintenance:** Maintenance of approved landscaping shall consist of regular watering, pruning, fertilizing, clearing of debris and weeds, the removal and replacement of dead plants, and the repair and replacement of irrigation systems and integrated architectural features.
- (6) **Front Setback Areas:** Landscaping in these areas shall consist of an effective combination of street trees, trees, ground cover, annual and perennial flower beds, turf grass and shrubbery.
- (7) **Non-Parking Areas:** All unpaved areas not utilized for parking, sidewalks, plazas or paseo hardscape shall be landscaped consistent with 3-4729(6).
 - (a) **Paseos.** A minimum of thirty percent (30%) of the area within a paseo shall be landscaped with a variety of landscaping materials (as required herein).
 - (b) **Plazas.** A minimum of ten percent (10%) of the area within a plaza shall be landscaped with a variety of landscaping, however a minimum of 50% of the plaza area shall be covered by tree canopy (as required herein).
- (8) **Rights-of-Way** Properties along designated right-of-ways are required to install landscaping improvements as defined in the Commercial Design Standards.
 - (a) Properties along Parkway East, Parkway West, Town Center Boulevard/Drive, Town Square Street East, Town Square Street West, or Town Square Park Street shall include tree grates with street trees a minimum of 30 feet apart adjacent to the street curb except at locations where street lights are located.
 - (b) Properties along Parkway East, Parkway West, Town Center Boulevard/Drive, Town Square Street East, Town Square Street West, or Town Square Park Street shall include concrete planters between the trees and street lights as follows:
 - (i) Planters shall include area for perennial and annual plants; and
 - (ii) Planters shall incorporate 50% evergreen into the landscaping design; and
 - (iii) Planters shall be constructed to allow seating; and
 - (iv) Planters shall be constructed with the same materials and colors within the Town Center Zone.
- (9) **Parkway Detail:** If any property is adjacent to SR-92 or SR-74, the property owner/developer shall install the parkway detail per Highland specifications.
- (10) **Landscaped Medians:** All owners/developers adjacent to SR-92, SR-74, Town Center Boulevard/Drive, Parkway East or Parkway West shall be responsible for their portion of landscaped medians within the center of those rights-of-way.
- (11) **At Intersections:** Landscaping along all streets and boundaries shall be limited to a height of not more than three (3) feet within the area required for minimum sight distance as specified in the AASHTO Policy on Geometric Design for the following intersections.
 - (a) A vehicular trafficway or driveway and a street;
 - (b) A vehicular trafficway or driveway and a sidewalk;
 - (c) Two or more vehicular traffic ways, driveways, or streets.
- (12) **Parking Areas:** Parking area landscaping design requirements are defined herein.

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3-4730: Landscaping Maintenance. Landscaping shall be maintained in proper order and good living condition by each owner/developer according to an approved landscaping plan associated with each development. Businesses within the Town Center may enter into an agreement with a third party for the purpose of maintenance.

3-4731: Hardscape. Hardscape should be used in coordination with architecture and landscaping to provide a link between the street edge and individual developments and shall conform to the Commercial Design Standards. Attention to Hardscape details can create visual unity by relating different developments to a unifying theme. In addition, proper hardscaping can improve pedestrian safety and movement, and the visual enjoyment of public areas.

- (1) Each project shall include hardscape improvements. Hardscape improvements shall include: pavers, concrete planter boxes, masonry trash receptacles, pedestrian benches, bicycle racks, plazas, paseos, fountains, outdoor eating areas, and sculptures. Hardscape shall not include; colored or stamped concrete, asphalt, parking areas. Hardscape elements shall be consistent throughout the Town Center. A detailed plan of Hardscape design shall accompany landscape plans.
 - (a) **Hardscape Elements.** Each project shall include a minimum of two (2) hardscape elements and shall incorporate a minimum hardscape area equal to 5% of the entire property. Certain hardscape improvements are required by any development as follows:

- (i) **Medians and Planters.** Properties along Parkway East, Parkway West, Town Center Boulevard, Town Square Street East, Town Square Street West or Town Square Park Street may use the designated 10 foot sidewalk when calculating the 5% requirement, however landscaped medians shall be provided by the developer/owner as defined herein,
- (ii) **Landscape Planters.** Properties along Parkway East, Parkway West, Town Center Boulevard, Town Square Street East, Town Square Street West or Town Square Park Street may use the designated 10 foot sidewalk when calculating the 15% landscaping requirement, however landscaping planters shall be provided by the developer/owner as defined herein.
- (iii) **Pedestrian Elements.** Pedestrian elements such as planters, benches, bike racks and decorative garbage cans may be required depending on location and use as determined at the time of site plan approval.
- (iv) **Plazas.** It is encouraged that the developer/owner improve areas between building side setbacks along Town Center Boulevard, Parkway East, Parkway West, and Town Square Park East as plazas to provide gathering places for pedestrian interaction and to minimize maintenance.
 - A. Plazas shall be considered as five percent (5%) of the required landscaping.
- (v) **Paseos.** Areas between building side setbacks along Town Center Boulevard, Parkway East, Parkway West and Town Square Park East that have not been developed as plazas or access drives shall be improved as paseos to keep these areas accessible and clean. A minimum of 30% of the area within a paseo shall be landscaped.
- (vi) **Pavers.** Pavers are required along the building front connecting adjacent buildings.
- (vii) **Focal Point.** Each project shall provide at least one feature including but not limited to water feature, statue, sculpture, specimen tree, or other similar aesthetic feature.

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3-4732: Application Procedures

(1) Submittal Requirements

An application shall include:

- a. A complete application form and fee.
- b. A site plan to scale that legibly and clearly identifies the following:
 - i. Lot lines defining the area to be occupied by buildings; and
 - ii. Areas and configurations to be used for parking and walkways including proposed parking locations indicating their compliance with the Commercial Design Standards and this ordinance; and
 - iii. Location of any adjacent roads or driveways with cross-section(s); and
 - iv. Spaces for loading and refuse collection and their respective screening; and
 - v. Proposed landscaping and planting conceptual plans including landscaping as required by this ordinance such as the parkway detail, tree grates, landscaping planters, parking area landscaping and any proposed landscaping for areas not used for buildings, parking spaces, or access drives as required; and
 - vi. A traffic impact analysis (TIA) for the proposed development, to be completed by a competent transportation engineer at the developer's expense. Said TIA shall, as a minimum, address the suitability of the proposed parking, street access, driveway, and on-site traffic circulation systems and the impact on the adjacent street system.
- c. Landscaping plans including:
 - i. Preliminary list of plants, trees, shrubs, and ground cover
 - ii. Preliminary location of plants, trees, shrubs, and ground cover
 - iii. Any proposed sign locations and in accordance with Section 3.7 Signs of this Code; and
 - iv. General and conceptual lighting plans including parking lighting, building lighting, and street lighting and specifications; and
 - v. Temporary screening plans for adjacent property remaining in residential use; and
 - vi. Generally detailed hardscape plans identifying the required hardscape areas and required hardscape and pedestrian elements such as tree grates, planters, trash receptacles, bike racks or benches as required for each project as defined in the Commercial Design Standards and 3-4731 of this Code; and
- d. Elevations and architectural renderings for all four (4) sides of the building. All elevations and renderings shall be sufficiently complete to show building heights and roof lines, the location and height of any walls, signs, and light standards, openings in the facade, and the general architectural character of the building. Said elevations and renderings shall provide enough detail

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September 7, 2010 – City Council Minutes – Ordinance Changes Exhibit A

to show compliance with the architectural intent of the Town Center Zone as defined in this ordinance, the Commercial Design Standards and the Town Center Master Plan.

- e. A comprehensive sign plan that includes:
 - i. A site plan identifying the location of all freestanding signs associated with the project.
 - ii. Final elevations/details, in color, showing the dimensions, materials, colors, design, method of illumination, and ground plane treatment for all proposed freestanding signs.
 - iii. Building elevations denoting the areas designated for wall mounted signage.
 - iv. Typical elevations/details, in color, showing the materials, colors, fonts, method of mounting, and method of illumination for a typical wall mounted sign. If multiple letter types are proposed, the sign plan shall include a detail for each possible type.
- f. Any additional information as required by the Development Review Committee, Planning Commission, or City Council to evaluate the character and impact of the proposed development
- g. Additional requirements associated with a Conditional Use Permit application, see General Provision Section.

(2) Pre-application

Prior to application for all development within the Town Center Overlay Zone, a pre-application review with the Community Development Department shall be required. The purpose of the pre-application review is:

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- a. To familiarize the Community Development Department with the request;
- b. To determine application requirements and familiarize the applicant with the review process and procedures;
- c. To identify land use and development policies which may affect the outcome of the request;
- d. To permit a cursory technical review at a conceptual stage to identify conflicts in objectives and to identify potential solutions for those conflicts; and
- e. To identify the requirements for citizen participation and familiarize the applicant with related issues.

(3) Development Review Committee

- a. All applications submitted under this ordinance will be reviewed by the Development Review Committee for compliance with this ordinance, the Commercial Design Standards, and all other ordinances, master plans, general plans, goals, objectives and standards of Highland City. The Committee can request additional information from the applicant as they deem necessary.
- b. Once the Committee has reviewed the application and has determined that all requirements of this ordinance have been met, the Committee shall forward a recommendation to the Planning Commission and City Council

(4) Site Plan Review

All uses proposed for development under this Article shall be subject to site plan review according to Highland City Development Policy.

a. Planning Commission Recommendation

The Planning Commission may only recommend approval or denial. The Planning Commission may recommend conditions of approval as identified in item c below. The Planning Commission recommendation will be forwarded to the City Council for final action unless withdrawn by the applicant.

b. City Council Action

The City Council shall approve a site plan application if the following findings are met:

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- i. The proposed development complies with all provisions of this ordinance, Commercial Design Standards, and all other ordinances, master plans, general plans, goals, objectives and standards of Highland City.
- ii. The proposed site development plan's building heights, building locations, access points, and parking areas will not negatively impact adjacent properties or the surrounding neighborhood.
- iii. The proposed development promotes a functional relationship of structures to one another, to open spaces, and to topography both on the site and in the surrounding neighborhood.

- iv. Ingress, egress, internal and external traffic circulation, off-street parking facilities, loading and service areas, and pedestrian ways, is so designed as to promote safety and convenience.
 - v. All mechanical equipment, appurtenances and utility lines are concealed from view and integral to the building and site design.
 - c. The City Council may place any conditions which are deemed necessary to mitigate potential impacts and insure compatibility of the use with surrounding development, insure compliance with this ordinance, and which are required to preserve the public health, safety and general welfare.
- (5) Architectural Review
- a. Planning Commission Action
The Planning Commission shall only approve the architectural review if the following findings are met:
 - i. The proposed development complies with all provisions of this ordinance, Commercial Design Standards, and all other ordinances, master plans, general plans, goals, objectives and standards of Highland City.
 - ii. The height, location, materials, color, texture, area, setbacks, and mass, as well as parts of any structure (buildings, walls, signs, lighting, etc.) and landscaping, is appropriate to the development, the community and the Transit Center Overlay.
 - iii. The architectural character of the proposed structures is in harmony with, and compatible to, structures in the neighboring environment and the architectural character desired for the Transit Center Overlay; avoiding excessive variety or monotonous repetition.
 - b. The Planning Commission may place any conditions which are deemed necessary to insure compliance with this ordinance.
- (6) Conditional Use Permits
- a. All applications for a conditional use permit shall follow the procedures outlined in Chapter 4: Conditional Use Procedure.
 - b. The City Council may place any conditions which are deemed necessary to mitigate potential impacts and insure compatibility of the use with surrounding development, insure compliance with this ordinance, and which are required to preserve the public health, safety and general welfare.

3-4733: Water Requirements. Developments occurring under the provisions of this Article must provide water to Highland City in compliance with the water requirements defined in Section 5-8-112 of this Code.

3-4734: Grading. The following guidelines shall apply to grading of commercial properties:

- (1) Grading shall conform to natural topography as much as possible and result in a harmonious transition of the man-made grades with the natural terrain.
- (2) Man-made land forms shall be graded to avoid unnatural sharp or straight edges and planes. The top and toe of graded slopes shall be rounded to avoid a harsh machine-made appearance.
- (3) Parking lots shall be graded for proper drainage with surface water diverted in such a way as to keep the parking area free of accumulated water, snow, or ice. All surface drainage shall be contained within development site and approved by City Engineer.
- (4) Parking lots shall have minimum and maximum percent grades as set forth by the City Engineer.
- (5) Berms are to be graded in gentle, undulating naturalistic forms. No straight, steep or erodible slopes are permitted. Provisions are to be made for drainage around or through berms as necessary. Generally, a berm height of thirty-six (36) inches from top of adjacent curb is the maximum desired.
- (6) Grading shall not be engineered to flow onto adjacent property.

3-4735: Nuisances.

- (1) No portion of the property shall be used in such a manner as to create a nuisance to adjacent sites, such as, but not limited to, vibration, sound, electromechanical disturbance and radiation, electromagnetic disturbance, air or water pollution, dust emission of odorous, toxic, or noxious matter, or placement, dumping or blowing refuse, paper or other garbage.
- (2) Noise Attenuation: All commercial areas within Highland City shall be subject to the following noise limitations measured at the source:
 - (a) Noise from external sources may not exceed 65 d.b.a. during daylight operations.

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- (b) Noise from external sources may not exceed 45 d.b.a. during nighttime operations.
- (c) Commercial developments shall incorporate site planning techniques in order to reduce resident exposure to noise and shall, if needed provided adequate sound attenuation walls in conformance with the standards set forth in these articles.

3-4736: Appeals. Appeals from any decision of the Planning Commission regarding Architectural Approval ~~shall be directed to the City Council. Appeals from any decision of the City Council for Site Plan and Final Approval shall be~~ directed to the Appeal Authority per Chapter 2, Article 3 in this code. (Amended: 4/21/98)

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3-4734: Security: Site Improvements/Project Completion.

The following articles shall apply to all commercial developments within Highland City.

- (1) Site Improvements:
 - (a) Guarantee: To guarantee the construction, repair and/or replacement of required public improvements, the permittee shall post a bond in the form of a cash deposit per Chapter 6, Guarantee of Performance, in this Code.
- (2) As a condition of approval for construction on an identified building pad, the applicant shall agree to develop all improvements outlined on the Plan and identified in the Commercial Design Standards adjacent and contiguous to that parcel in a timely manner and prior to occupancy.

TCO = See last page of Table

TABLE 3-47A	TOWN CENTER ZONE, BY DISTRICT			
	Commercial Retail	TC MU Residential	TC Flex Use	TC Civic
LAND USE	TOWN CENTER GROUND FLOOR USES			
1 Story Retail	P	C	C	P
2 Story Retail	P	P	P	P
Flex Use Retail	NP	P	P	NP
Convenience; gasoline or similar	P	NP	NP	NP
Food; bakery	P	P	P	NP
Food; doughnut shop, candy store	P	P	P	NP
Food; grocery store, organic foods	P	P	P	NP
Food; ice cream, yogurt parlor	P	P	P	NP
Food; nut or cheese store	P	P	P	NP
Food; food and beverage retail stores	P	P	P	NP
Food; meat markets	P	P	P	NP
Medical; doctor's office, dentist	*P	P	P	NP
Medical; hearing center and sales	*P	P	P	NP
Medical; optomotrist, eye products	*P	P	P	NP
Medical; physical therapy, pharmacy	*P	P	P	NP
Medical; psychologist, psychiatrist	*P	P	P	NP
Office; architect, engineers, surveyors	*P	P	P	NP
Office; attorney	*P	P	P	NP
Office; certified public accountants	*P	P	P	NP
Office; computer software engineer/developer	*P	P	P	NP
Office; certified public accountants	*P	P	P	NP
Office; Insurance (not claims adjustors)	*P	P	P	NP
Office; real estate, mortgage, title, or similar	*P	P	P	NP
Public/private cultural arts center	N	P	P	P
Residential; live work attached	NP	*C	*C	NP
Residential; mixed use attached	NP	*C	*C	NP
Residential; multi-family attached	NP	*C	*C	NP
Residential; senior housing (age restricted)	NP	P	P	NP
Residential; senior independent living	NP	P	P	NP
Residential; senior continuing care retirement	NP	P	P	NP
Restaurant, full service, catering, delicatssen	P	P	P	NP
Restaurant, drive-thru	P	C	C	NP
Retail; art and craft galleries and studios for the teaching of arts and crafts	P	P	P	NP
Retail; auto parts (<i>new, re-manufactured & accessories</i>)	P	P	P	NP
Retail; Auto, ATV, motorcycle sales	P	*P	*P	NP
Retail; book store	P	P	P	NP
Retail; clothes, shoes, accessories	P	P	P	NP
Retail; computers, software sales/repair	P	P	P	NP
Retail; electronics sales/rentals of DVD's, CD's, games and videos	P	P	P	NP
Retail; florist, indoor nursery or plant sales	P	P	P	NP
Retail; hobby, craft supplies and stores	P	P	P	NP
Retail; home furnishings, appliances	P	P	P	NP
Retail; home improvement, hardware	P	P	P	NP
Retail; jewelry, watches, or similar	P	P	P	NP
Retail; office supplies and furnishings	P	P	P	NP
P = Permitted				
C = Conditional Use Required				

* = Special Conditions Apply				
NP = Not Permitted, May be Considered				
*NP = Not Permitted				

TABLE 3-47A	TOWN CENTER ZONE, BY DISTRICT			
	Commercial Retail	TC MU Residential	TC Flex Use	TC Civic
LAND USE				
TOWN CENTER GROUND FLOOR USES CONTINUED				
Retail; pet products, grooming and care	P	P	P	NP
Retail; sporting goods and recreation	P	P	P	NP
Retail; variety, stamp, coin and collectibles	P	P	P	NP
Retail; wireless phone sales and similar	P	P	P	NP
Service; automobile Service, repair	P	*C	*C	NP
Service; barber shop, beauty salon	P	P	P	NP
Service; copy center	P	P	P	NP
Service; sports & fitness center	*P	*P	*P	NP
Service; dry cleaning, Laundry	P	P	P	NP
Service; financial institutions	P	P	P	NP
Service; hotel (min. 2 stories)	C	C	C	NP
Service; movie rentals, sales, cinema	P	P	P	NP
Service; nail salon, pedicure, day spa	*C	*C	*C	NP
Service; therapeutic massage	*C	*C	*C	NP
Service; travel agency sales	P	P	P	NP
Temporary outdoor sales events	*P	*P	*P	NP
Temporary outdoor farmer's market	C	C	C	C
TOWN CENTER UPPER FLOOR USES				
Office; architect, engineers, surveyors	*P	P	P	NP
Office; attorney, law firm	*P	P	P	NP
Office; certified public accountants	*P	P	P	NP
Office; computer software engineer/developer	*P	P	P	NP
Office; certified public accountants	*P	P	P	NP
Office; Insurance (not claims adjustors)	*P	P	P	NP
Office; real estate, mortgage, title, or similar	*P	P	P	NP
Medical; doctor's office, physical therapy	*P	P	P	NP
Medical; dentist office, optometrist, audiologist	*P	P	P	NP
Medical; psychologist, psychiatrist	*P	P	P	NP
Residential; mixed use attached	NP	*C	*C	NP
Residential; live work attached	NP	*C	*C	NP
Residential; exclusively attached residential	NP	*C	*C	NP
Retail; all uses permitted for "Ground Floor"	P	P	P	NP
Service; all uses permitted for "Ground Floor"	P	P	P	NP
TOWN CENTER CIVIC BUILDINGS				
Ancillary structures for municipal/safety bldgs.	P	P	P	P
Ancillary structures for parks and open space	P	P	P	P
Civic/municipal buildings	P	P	P	P
Civic utility structures	*C	*C	*C	*C
Public open space	P	P	P	P
Public parks and public trails	P	P	P	P
Public safety buildings and uses	P	P	P	P
Public outdoor amphitheater	P	P	P	P
P = Permitted				
C = Conditional Use Required				
* = Special Conditions Apply				
NP = Not Permitted, May be Considered				
*NP = Not Permitted				