



PLANNING COMMISSION AGENDA

Thursday, August 11, 2016
Morgan County Council Room
6:30 PM

PUBLIC NOTICE is hereby given that the Morgan County Planning Commission will meet at the above time and date at the Morgan County Courthouse, Council Chambers; 48 West Young St, Morgan, Utah. The agenda is as follows:

1. Call to order – prayer
2. Pledge of Allegiance
3. Approval of agenda
4. Declaration of conflicts of interest
5. Public Comment

Legislative:

6. Discussion/**Public Hearing**/Decision - Stegelmeier Zoning Map Amendment – Amending the Morgan County Zoning Map, changing approximately 42 acres of property located at approximately 2035 W Deep Creek Road from the A-20 zone to the RR-10 zone.
7. Discussion/**Public Hearing**/Decision - Enterprise Zoning Map Amendment - Amending the Zoning Map of the County to reflect desired changes in the Enterprise Area:
 - Areas west and south of Old Highway currently zoned A-20 will be rezoned to RR-1
 - Portions south and east of Old Highway and running from approximately 2360 W Old Highway Road south to approximately 2250 W Old Highway Road currently zoned A-20 will be rezoned to RR-1
 - The portion of land in the Spring Hollow area currently south of the Summer Ridge PRUD and otherwise surrounded by RR-1 zoning currently zoned as A-20 will be rezoned to RR-1
 - Several portions of Section 3 Township 4 North Range 2 East currently zoned MU-160 will be rezoned to RR-10
 - Several properties north of Old Highway located at approximately 3130 W Old Highway Road currently zoned A-20 and RR-5 will be rezoned RR-1

Administrative:

8. Discussion – Updating Zoning Maps/Districts/Table
9. Discussion – Various Ordinance Updates
10. Planning Commission Business/Questions for Staff
11. Approval of minutes from July 28, 2016
12. Adjourn

Stegelmeier Zoning Map Amendment
Public Hearing
August 11, 2016

Application No.: 16.024
Applicant: Daren and Marcelle Stegelmeier
Owners: Same
Project Location: Approximately 2035 W Deep Creek Road
Current Zoning: A-20
General Plan Designation: Ranch Residential 10
Acreage: Approximately 42.07 acres
Request: Amend the Zoning Map, changing the designation from A-20 to RR-10
Date of Application: July 7, 2016
Date of Previous Hearing: N/A

Staff Recommendation

County Staff recommends approval of the requested zoning map amendment based on the following findings and with the conditions listed below:

Findings:

1. That the proposed amendment is in harmony with future land use planning efforts.
2. That the proposed amendment will be in harmony with existing land uses in the area.
3. That the anticipated development will not adversely impact the adjacent properties.

Background

This application is for an amendment to the Morgan County zoning map. The property is located in the Littleton area, generally located south of Morgan Valley Drive and south of Deep Creek Road (See Exhibit A). The entire property contains approximately 42 acres and is currently zoned A-20. (See Exhibit C). The proposed zone change would potentially allow for further subdivision of the land; however, the applicant currently has four parcels, which would be arranged via a lot line adjustment such that legal, buildable lots of a minimum of 10 acres each would result. His current layout (not for approval, but for informational purposes) would result in four parcels of 30.33 acres, 11.74 acres, and 32.99 acres, with an access parcel of 0.84 acres.

Analysis

General Plan and Zoning:

The General Plan and Future Land Use Map anticipate the development of property in this area. The current General Plan designation, Ranch Residential 10, demonstrates the desire of the County to allow for some moderate development, while also protecting property from rapid and dense development, and ensuring that the relatively undeveloped areas of the County remain pristine. The current designation specifically notes that:

The Ranch Residential designation accommodates rural large lot development with generous distances to streets and between residential dwelling units and a viable semi-rural character setting. Livestock privileges are a part of this character. Areas in this category are generally larger lots with accessory structures that may be used for livestock. The residential density is a maximum of 1 unit per 10 acres.

As can be seen in Exhibits A-C, and as noted above, there is already some compatible development/zoning that has been approved for the area. Further, the proposed zoning has significantly less than the 1 unit per 10 acres anticipated by the General Plan. At one dwelling unit per 10 acres, RR-10 zoning is a good fit between the existing rural character and a slightly more dense designation that is anticipated by the General Plan.

The 2010 Morgan County General Plan identifies the following as four of the six visions for the County that may be applicable to the proposal (*see pages 4 & 5 of the 2010 Morgan County General Plan*):

1. Morgan County attracts families with its quality of life, rural atmosphere, secure environment, and natural beauty. Residents have a wide range of employment, housing, and lifestyle choices. The County benefits from a balanced economy, livable wages, economic prosperity, and first-rate community services.

2. Morgan County respects property rights and recognizes personal responsibility to the land and communities.

...

5. Morgan County public policies support the viability of working and hobby farms, protection of agricultural lands, and the conservation of natural resources and rural character.

6. Morgan County accommodates growth responsibly by integrating new development in a way that is respectful of the environment, supports County values, considers long-term sustainability, and uses available infrastructure. To help achieve this goal, the County strongly recommends that growth occur within or adjacent to corporate limits and villages, or be located within master-planned communities.

The proposed zone change appears to coincide with the stated vision for Morgan County.

In changing the zoning district for the applicant's property, the County is reflecting the policies and desires of the General Plan and in accordance with the County Ordinance (See Chapter 8-5 Article B). The purpose of the RR-5 zoning district is as follows:

1. *The purposes of providing a rural residential district are:*
 - a. *To promote and preserve in appropriate areas conditions favorable to large lot family life;*
 - b. *Maintaining a rural atmosphere;*
 - c. *The keeping of limited numbers of animals and fowl; and*
 - d. *Reduced requirements for public utilities, services and infrastructure.*
2. *These districts are intended to be primarily residential in character and protected from encroachment by commercial and industrial uses.*

It is anticipated that the proposed zoning map amendment will meet these purposes and generally be in harmony with the desires of the residents as well as the property owners. The impact on adjacent properties will be negligible as this lot will remain undivided and will allow for only one additional structure on an existing parcel.

Ordinance Evaluation:

Morgan County ordinance anticipates amendments to the zoning map. Section 8-3-3: *Amendments to Title and Zoning Map* indicates that:

The county council may amend this title, including the zoning map, but only in accordance with the following procedure:

- A. *The county council may instruct staff to study and make recommendations for amendments to this title or the zoning map in response to changes in policy or conditions generally within the county. Staff shall forward a recommended amendment to the planning commission for their consideration. The planning commission shall review and make recommendation to the county council regarding the proposed amendment pursuant to subsection 8-3-4D of this chapter.*
- B. *The planning commission may instruct staff to study and make recommendations for amendments to this title in response to changes in policy or conditions generally within the county. Staff shall forward a recommended amendment to the planning commission for their consideration. The planning commission shall review and make recommendation to the county council regarding the proposed amendment pursuant to subsection 8-3-4D of this chapter.*
- C. *Any property owner may initiate an amendment to this title or the zoning map, as long as they are affected by the proposed amendment, by submitting a complete application to the planning and development services department in accordance with subsection 8-3-4A of this chapter.*

Section 8-3-4: *Procedures for Amendments and Rezoning*s states:

- D. *Planning Commission Review and Recommendation: Upon receiving a recommendation from staff regarding an amendment to this title or the zoning map, and after holding the required public hearing, the planning commission shall review the amendment and prepare its recommendation. The planning commission may recommend approval, approval with*

modifications, or denial of the proposed amendment and shall submit its recommendation to the county council for review and decision. The planning commission shall recommend adoption of a proposed amendment only when the following findings are made:

- 1. The proposed amendment is in accordance with the county's general plan, goals, and policies of the county.*
- 2. Changed or changing conditions make the proposed amendment reasonably necessary to carry out the purposes stated in this title.*

E. County Council Review: The county council shall schedule and hold a public hearing on the application as provided in section 8-3-12 of this chapter. Following the public hearing the county council may approve, approve with modifications, or deny the proposed amendment. Prior to making a decision that goes contrary to the planning commission's recommendation, the county council may, but is not obligated to, remand the amendment to the planning commission with a request for another recommendation with additional or specific considerations. The planning commission shall review such request as specified in subsection D of this section.

F. Approval Standards: A decision to amend the text of this title or the zoning map is a matter committed to the legislative discretion of the county council and is not controlled by any one standard. However, in making an amendment, the county council should consider the following factors:

- 1. Whether the proposed amendment is consistent with goals, objectives and policies of the county's general plan;*
- 2. Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property;*
- 3. The extent to which the proposed amendment may adversely affect adjacent property; and*
- 4. The adequacy of facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, stormwater drainage systems, water supplies, and wastewater and refuse collection.*

This meeting is in fulfillment of subsection (D) above. In response to Section 8-3-4(F) above, due to the size of the proposed zone change and the fact that the property is already in 4 parcels, the impact on the facilities and services should be minimal.

Model Motion

Sample Motion for a *Positive* Recommendation – “I move we forward a positive recommendation to the County Council for the Stegelmeier Zoning Map Amendment, application number 16.024, changing the zoning district from A-20 to RR-10, based on the findings listed in the staff report dated August 11, 2016.”

Sample Motion for a *Negative* Recommendation – “I move we forward a negative recommendation to the County Council for the Stegelmeier Zoning Map Amendment, application number 16.024, changing the zoning district from A-20 to RR-10, *due to the following findings:*”

1. List any additional findings...

Supporting Information

Exhibit A: Vicinity Map
Exhibit B: Future Land Use Map
Exhibit C: Existing Zoning Map
Exhibit D: Section Plat Map

Staff Contact

Bill Cobabe, AICP
801-845-4059
bcobabe@morgan-county.net

Exhibit A: Vicinity Map

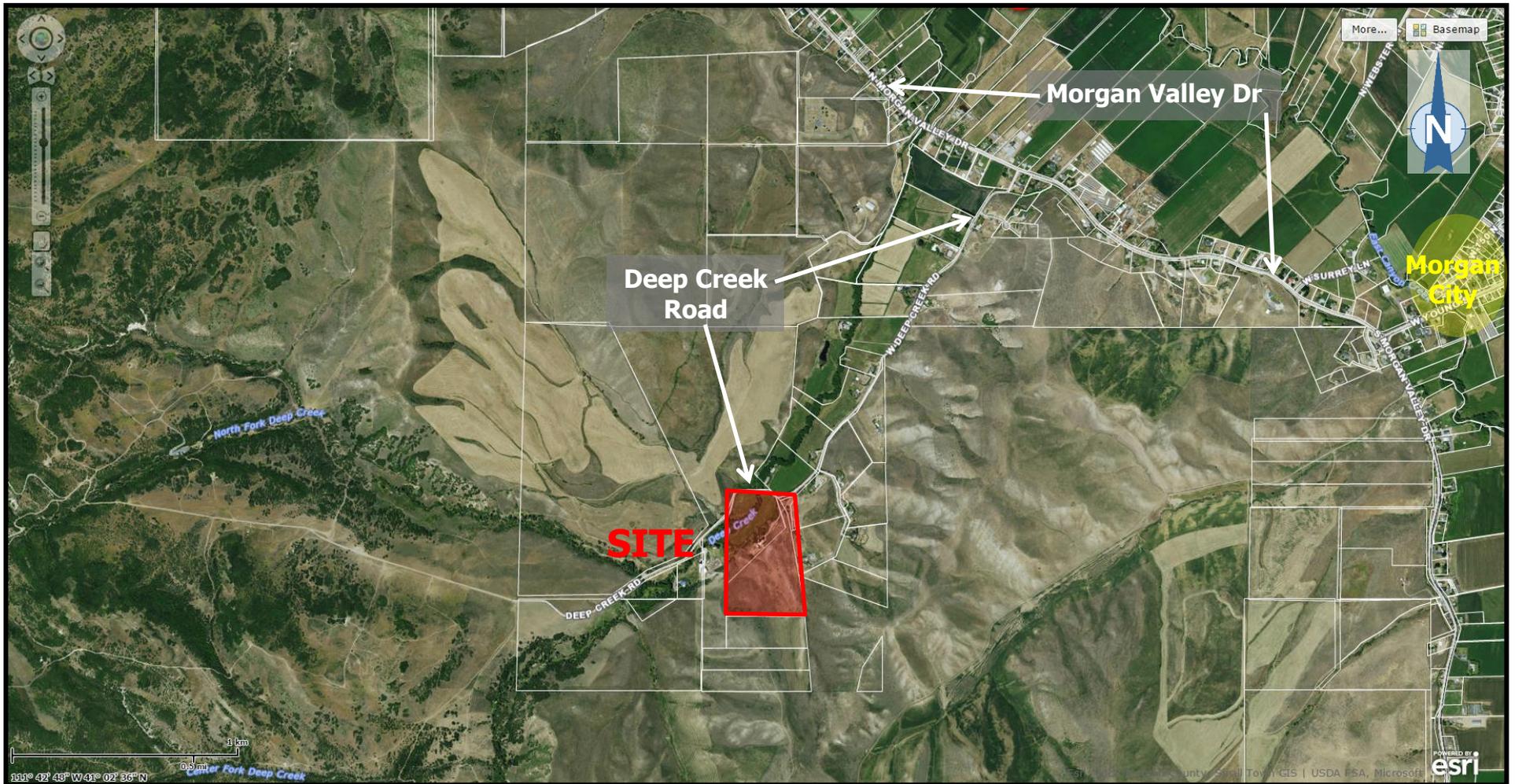


Exhibit B: Future Land Use Map

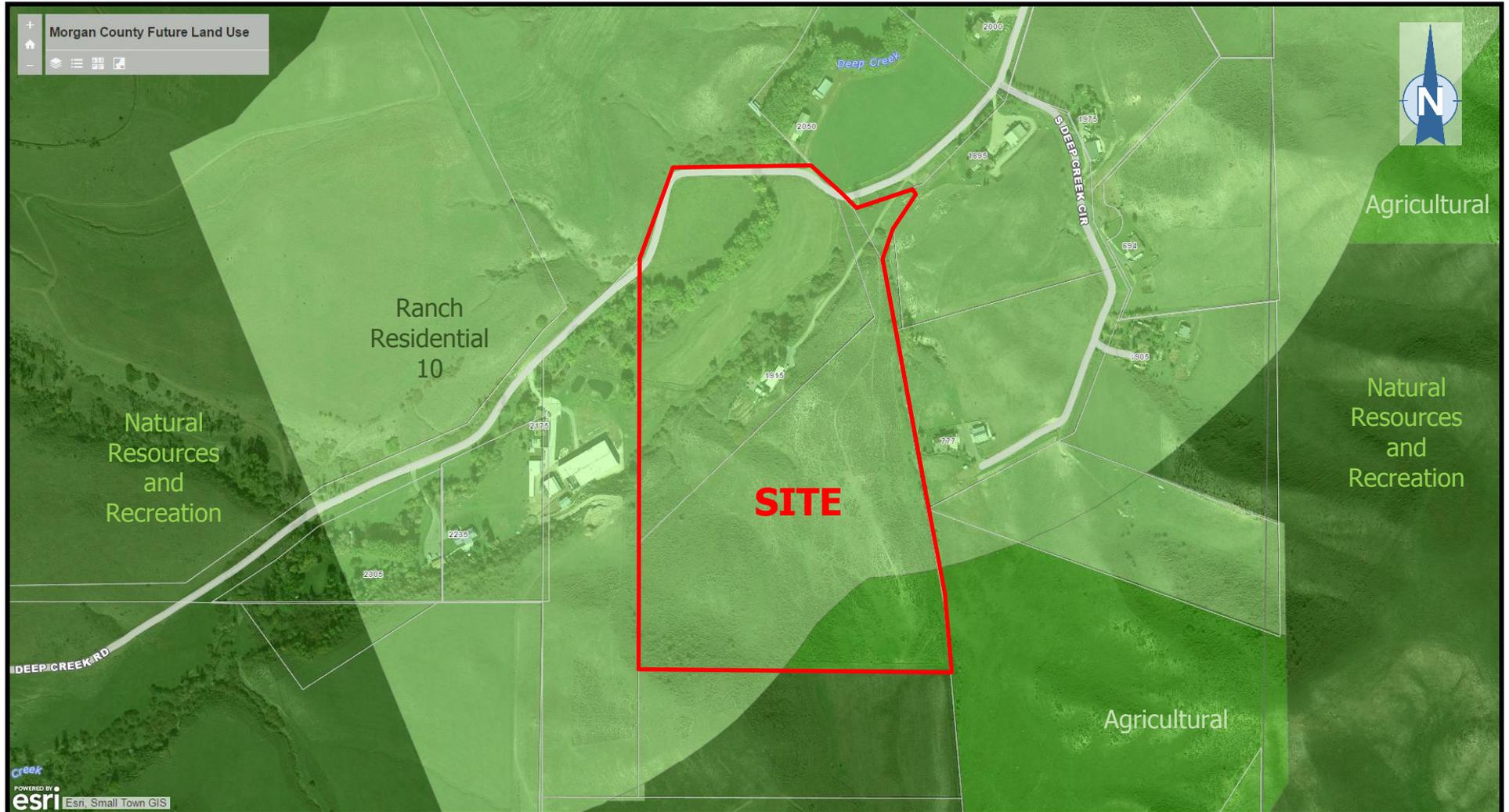


Exhibit C: Existing Zoning Map

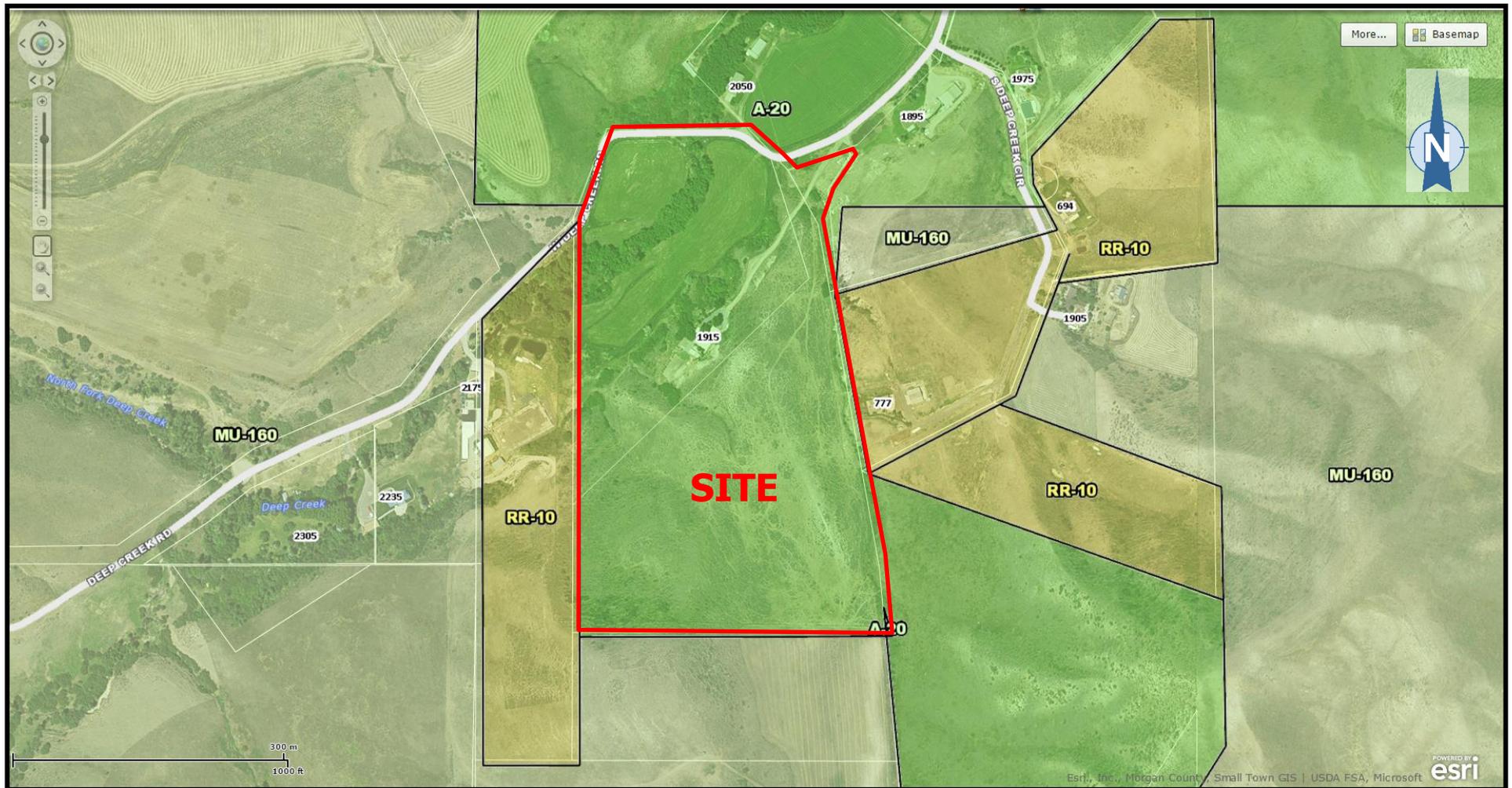
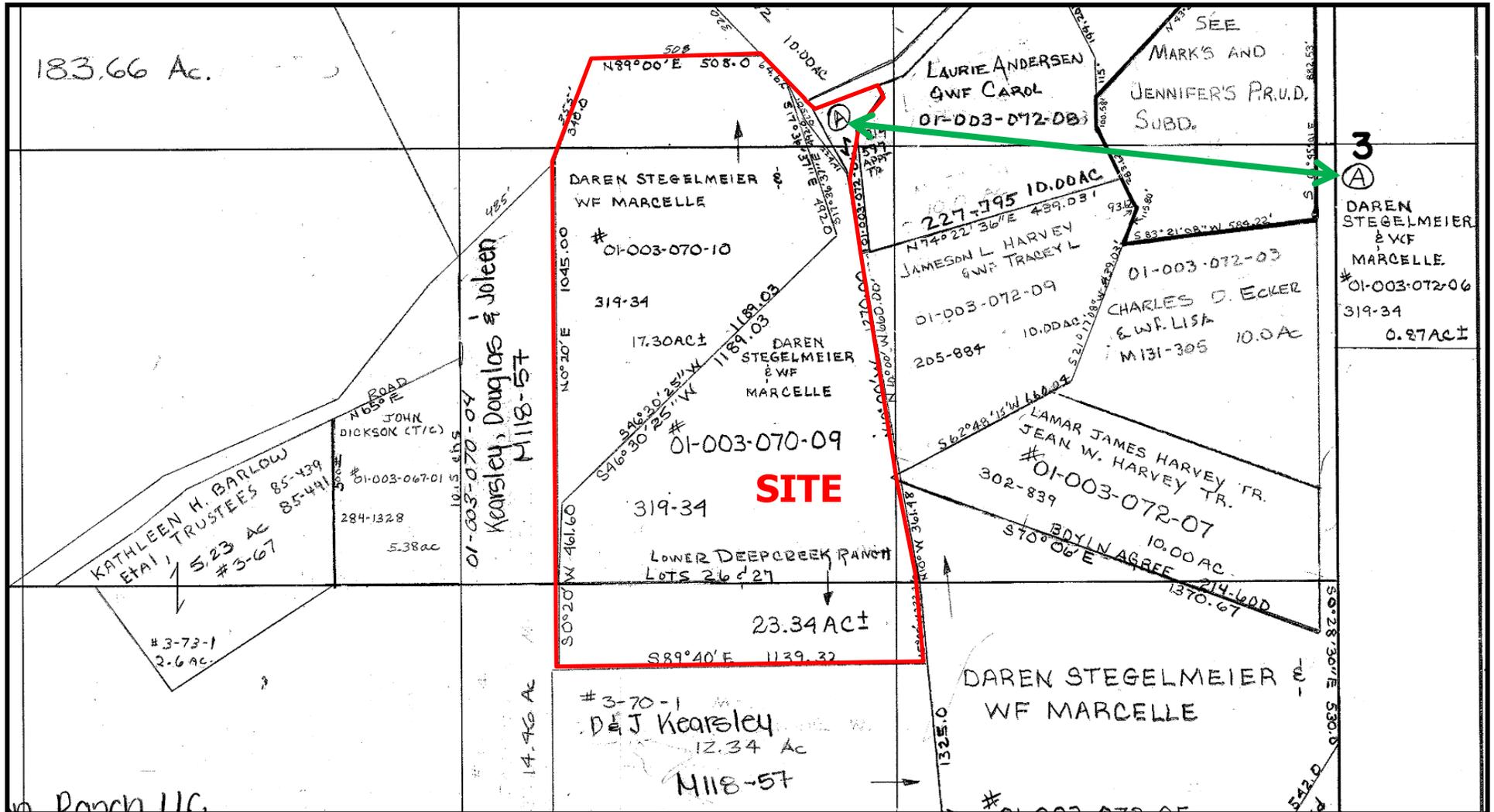


Exhibit D: Section Plat Map (NW 1/4 T4N R2E Section 6 - Partial)



Morgan County Zoning Map Amendment – Enterprise Area
Public Hearing
August 11, 2016

Background

Several residents in the Enterprise Area have requested that the County look at a potential zoning map amendment. This amendment would be to a fairly large area of Enterprise (see Exhibit B). This zone change is being sought as a result of pressure for development in the area and the potential for conflicting and incompatible uses which are allowed in the A-20 zoning district. The main effect of the proposed zone change would be to change areas currently zoned A-20 to RR-1.

In an effort to inform the people in the area of the proposed zoning map amendment, County Staff sent 67 letters to property owners in the area giving notice of the public hearing.

While the proposed zone change represents one option for dealing with the incompatible uses, it has been pointed out that the fact that there are incompatible uses in the area is due to the County's allowance for residential property and subdivision in the area. However, changing the zoning from A-20 to RR-1 allows for a 20-fold increase in the number of residential units in the rezoned acreage, which would mean 20 times the relative incompatibility. It is difficult to reconcile these concerns – that the increased density caused the concern in the first place, so the answer is to further increase the density, potentially by 20 times the current number allowable.

There are other options or solutions to this conflict, including other less-dense zones which do not allow for the conflicting uses, a change to the zoning ordinance to restrict the undesirable uses, or other options that would not result in an overall increase in density close to existing incompatible uses. Staff feels that these options deserve exploration and presentation to the residents of Enterprise, noting the potential for further burden on existing uses and infrastructure, the increase in residents affected by any incompatible uses, and the impact of the proposed options on existing uses and businesses.

The General Plan and Future Land Use Map (see Exhibit A) indicate that the area is currently designated Agricultural in Section 5 of T4N R2E, which anticipates 20 acre lots, while south of that Section Line into Sections 8, 9, and 16 of the same Township and Range are designated to be in the Rural Residential area, which anticipates one acre lots. Further, while portions of Section 4 are designated in Rural Residential, the vast majority of the Section is designated Natural Resources and Recreation, which calls for 160 acre lot minimums.

It is not necessary for the Zoning Map to follow explicitly what the Future Land Use Map indicates. However, decisions made on Zoning Map amendments should be based on both the

changing needs and desires of the property owners in the area as well as the expressed guidance in the General Plan.

The Enterprise Area Plan notes the following:

Industrial Uses

There are few industrial developments in Enterprise. They are as follows:

Gravel Pits include the Two Wilkinson Construction, the Wardell pit, and the new Bohman pit located on the north end of the Enterprise near the Peterson Interchange. There is one asphalt plant on the northern edge of Enterprise.

It is not recommended that additional industrial uses be established in Enterprise, given the topographical constraints of Enterprise and the proximity to residential development. Once existing industrial sites have been abandoned, the land should revert to an agricultural use or low density residential use.

Future Land Use Map

The Area Plan is recommending for adoption the attached Future Land Use map that identifies the future land use zoning and density classifications. Deviations from the plan should not be permitted without the appropriate Area Plan and General Plan amendment with recommendation from the Area Plan Committee. Careful consideration of property owner rights was given in development of the plan along with consideration of General Plan guidelines for Villages.

(Note: The current Future Land Use Map – attached as Exhibit A to this Staff Report – shows the designations as recommended by the 2007 Area Plan)

Further, the General Plan states:

Residential development will continue to occur in Morgan County because of the region's quality of life and strategic location. The General Plan and Future Land Use Map encourage most residential development to take place either in Morgan City or within the County's villages. Residential development remote from existing communities and infrastructure can create burdens on the provision of public services, and can expose residents to natural hazards if not properly planned and designed....

The County should carefully consider requests for rezoning of lands from agricultural to residential use in areas remote from identified growth areas, especially if the property is planned to be served by individual wells and septic systems, or if there is limited access to the County's transportation system. (2010 General Plan, page 14)

Ordinance Evaluation:

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and is not controlled by any one standard. However, in making an amendment, the county council should consider the following factors:

- 1. Whether the proposed amendment is consistent with goals, objectives and policies of the county's general plan;*
- 2. Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property;*
- 3. The extent to which the proposed amendment may adversely affect adjacent property; and*
- 4. The adequacy of facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, stormwater drainage systems, water supplies, and wastewater and refuse collection.*

This meeting is in fulfillment of subsection (D) above.

Model Motion

Sample Motion for a *Positive* Recommendation – “I move we forward a positive recommendation to the County Council for the Enterprise Zoning Map Amendment, changing the various zoning districts as noted in the accompanying maps.”

Sample Motion for a *Negative* Recommendation – “I move we forward a negative recommendation to the County Council for the Enterprise Zoning Map Amendment, changing the various zoning districts as noted in the accompanying maps.”

Exhibit B – Zoning Map (Current) – Enterprise Area

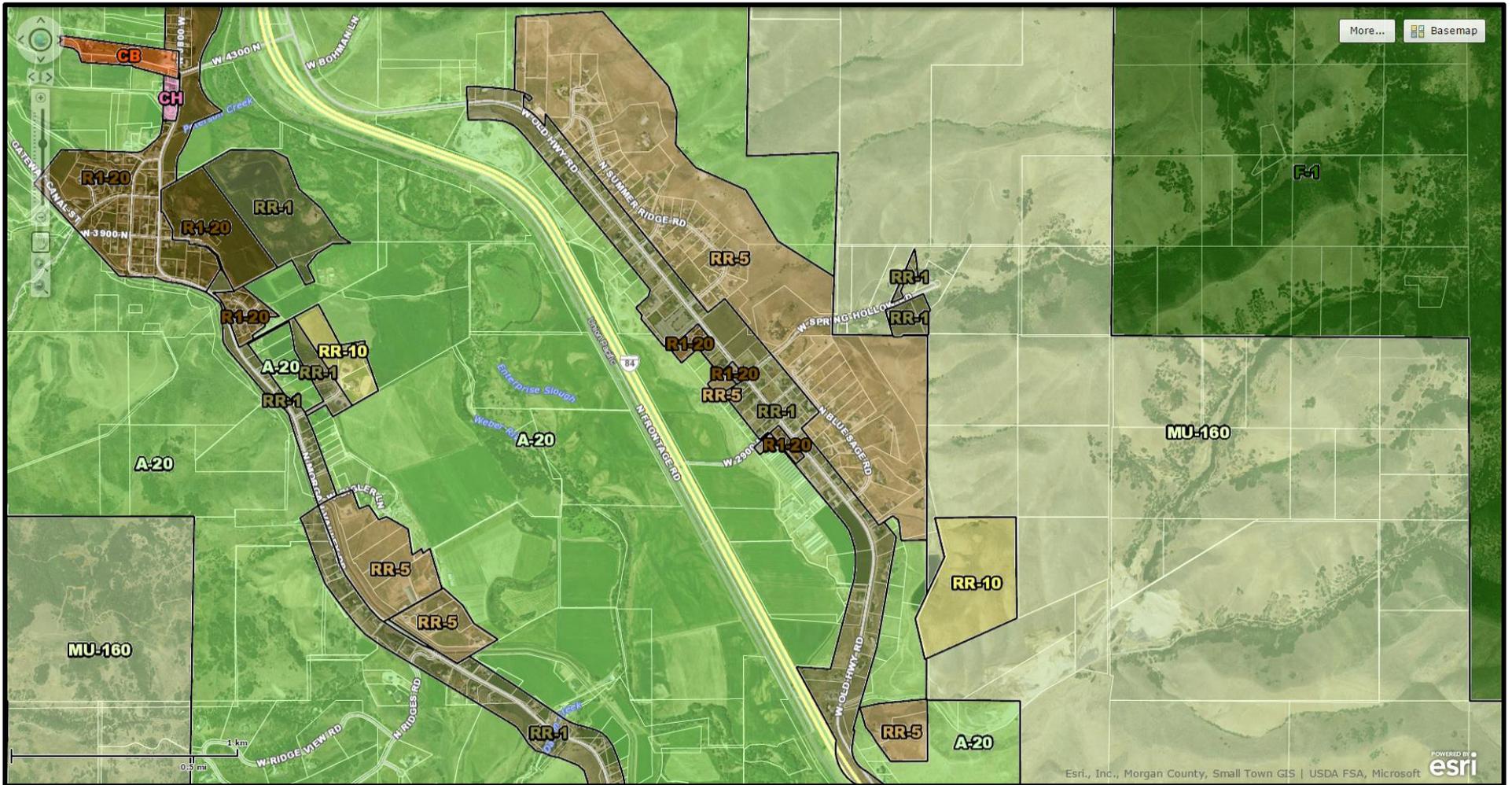
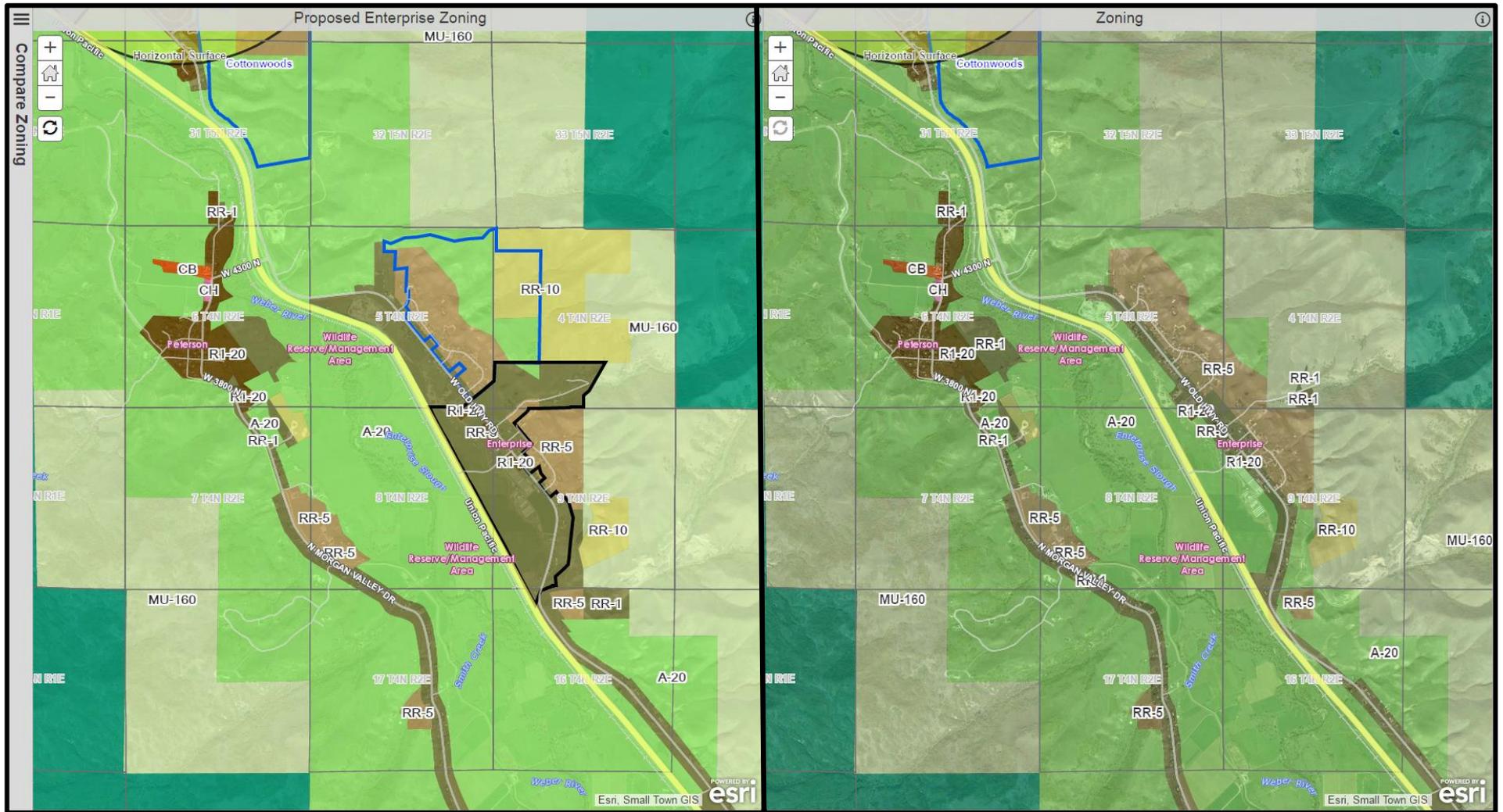


Exhibit B – Zoning Map (Current/Proposed) – Enterprise Area



MEMORANDUM

TO: Morgan County Planning Commission
FROM: Bill Cobabe
DATE: August 11, 2016
SUBJECT: Commercial Conditional Use Table/Maps

As requested, we have added additional zoning designations and have prepared maps to reflect these zoning districts. It should be noted that the table is included for reference and discussion. I have made an attempt to populate the new districts with permitted uses that seem appropriate to the respective zones and as is in keeping with the desired character of the zoning districts. This meant that the new zoning districts are more restrictive than what would be allowed in a "BP" zoning district.

The modified ordinance follows:

MORGAN COUNTY, UTAH
COMMERCIAL AND INDUSTRIAL DISTRICTS
ALLOWED USES (MODIFIED)

8-5C-1: PURPOSE:

The purpose of the following districts is:

- A. Neighborhood Commercial District ~~C-N~~ **(NC)**: To provide areas in appropriate locations where convenience buying outlets may be established to serve surrounding residential neighborhoods. The regulations of this district are designed to promote a combination of retail and service facilities which in character and scale are necessary to meet day to day needs of area residents.
- ~~B. Commercial Shopping District C-S: To provide areas in appropriate locations where a combination of businesses, commercial, entertainment and related activities may be established, maintained and protected. The regulations of this district are designed to promote and encourage the development of comparison shopping centers.~~
- ~~C. Highway Commercial District C-H: To provide areas in appropriate locations adjacent to highways or major streets where activities dependent upon or catering to thoroughfare traffic and the traveling public may be established, maintained and protected. The regulations of this district are designed to encourage harmony between traffic needs and centers for retail commercial,~~

~~entertainment, automotive facilities, and other appropriate highway-related activities.~~

- D. General Commercial District ~~C-G~~ **(GC)**: To provide areas in appropriate locations where a combination of businesses, commercial, entertainment, and related activities may be established, maintained and protected. Regulations of this district are designed to provide a suitable environment for those commercial and service uses which are vital to economic life, but some of which would be intrusive and disruptive in a shopping center type of commercial development.
- E. **Town Center District (TC): This district shares the same purposes as the General Commercial District, and the uses are the same. However, this district has more strict standards for architecture, landscaping, and other performance requirements as reflected in Section (?). A mix of commercial, retail, and residential uses, either in the same building (vertical mixed uses) or on the same site plan (horizontal mixed uses) is allowed in this zoning district.**
- F. ~~Commercial-Buffer~~ **Business Park** District ~~CB~~ **(BP)**: To provide areas for appropriate transitions ~~of~~ **between commercial uses and residential uses. Developments are intended to reduce impact adjacent properties by using landscaping, setbacks, and building design.**
- G. **Technical and Professional Campus (TPC): To provide areas for the construction of research and development parks, educational facilities and campuses, trade and technical schools and colleges, health care facilities (including hospitals, clinics, and labs), and other associated and allied industries.**
- H. **Mountain Green Commercial Park (MG-CP): To provide areas of transition between Technical and Professional Campus Zoning and residential uses within the Mountain Green Area.**
- I. **Peterson Commercial Park (P-CP): To provide areas of transition between existing residential and agricultural uses and other zoning districts.**
- J. ~~Light Manufacturing –Distribution~~ District ~~M-D~~ **(LM)**: To provide areas in appropriate locations where light manufacturing, industrial processes and warehousing not producing objectionable effects may be established, maintained and protected. The regulations of this district are designed to protect environmental quality of the district and adjacent areas.
- K. General Industrial District ~~M-G~~ **(I)**: To provide for areas in appropriate locations where heavy industrial processes necessary to the economy may be conducted. The regulations of this district are designed to protect environmental quality of the district and adjacent areas.

8-5C-2: CODES AND SYMBOLS:

In following sections of this article, uses of land or buildings which are allowed in various districts are shown as "permitted uses", indicated by a "P" in the appropriate column, or as "conditional uses", indicated by a "C" **"C1," "C2," or "C3,"** in the appropriate column. If a use is not allowed in a given district, it is either not named in

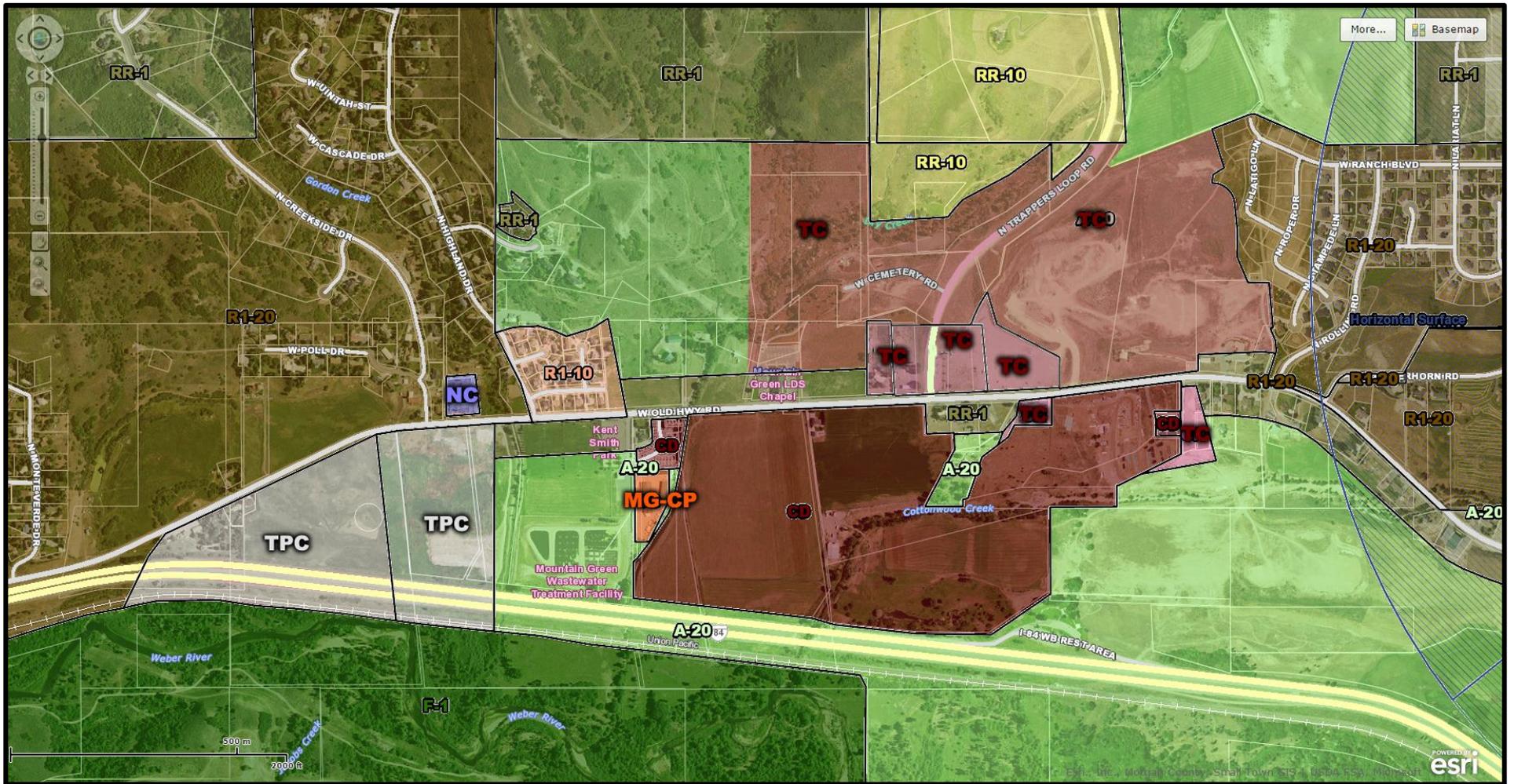
the use list or it is indicated in the appropriate column by a dash, "-". If a regulation applies in a given district, it is indicated in the appropriate column by a numeral to show the linear or square feet required, or by the letter "A". If the regulation does not apply, it is indicated in the appropriate column by a dash, "-". **If a particular use classification category is specified as permitted or conditionally permitted, it shall mean all specific items that fall under that category. Otherwise, only the specific items noted shall be permitted.**

8-5C-3: USE REGULATIONS:

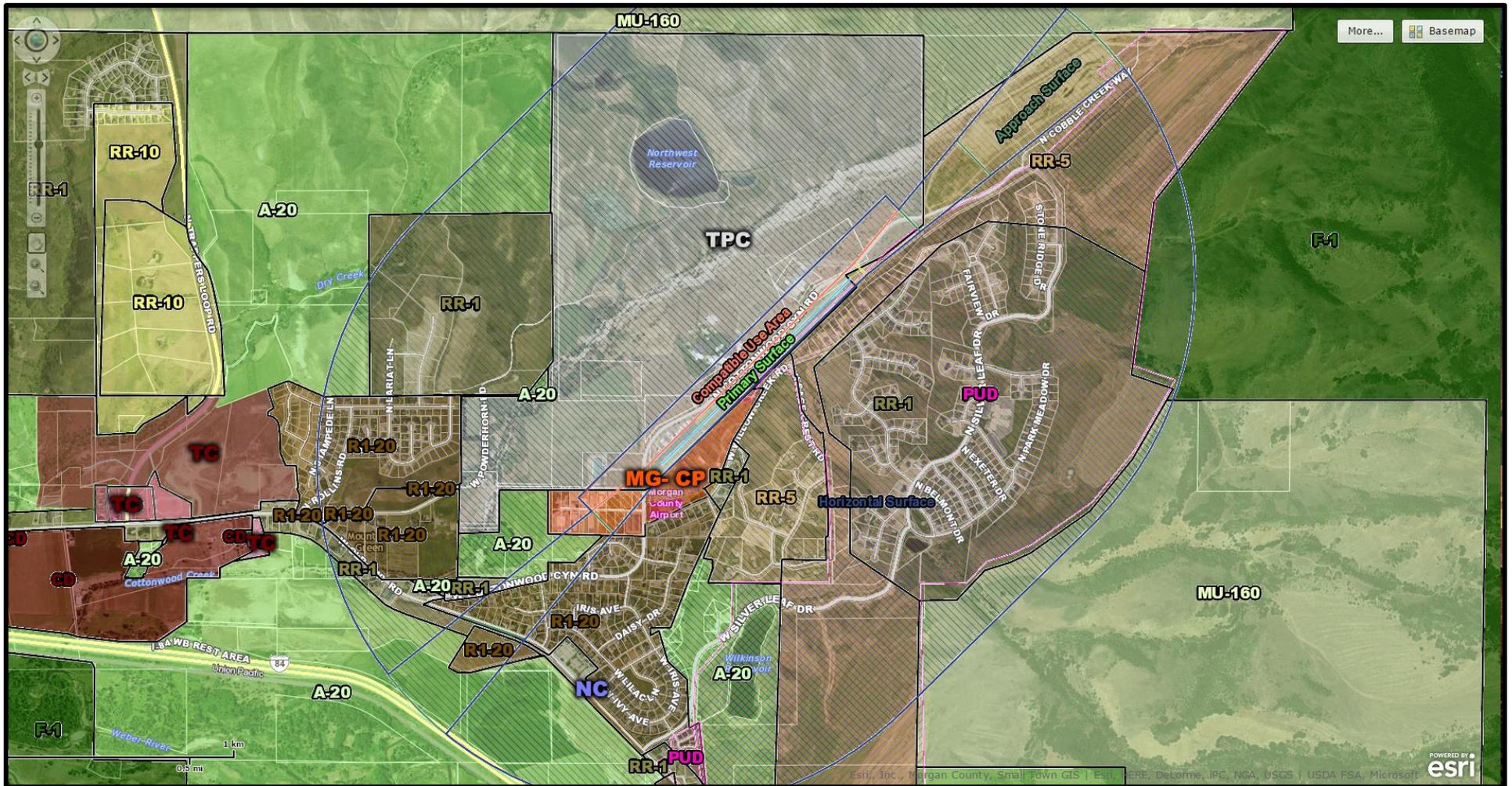
No building, structure or land shall be used and no building or structure shall be hereafter erected, structurally altered, enlarged or maintained in the commercial and industrial districts, except as provided in this article. Accessory uses and buildings customarily incidental to uses authorized by conditional use permit in any district are also authorized by issuance of a conditional use permit in any such district. "Temporary uses", as defined in section [8-2-1](#) of this title, are authorized in any district upon issuance of a conditional use permit for the same.

(Revised Use Table Follows Maps)

Mountain Green – Central Area



Mountain Green – East Area



Use	District							
	NC	GC/TC	BP	TPC	MG-CP	P-CP	LM	I
11 - Agriculture, Forestry, Fishing, and Hunting	C1	C1	C1	P	C1	C1	P	P
21 - Mining, Quarrying, and Oil and Gas Extraction								
211 - Oil and Gas Extraction							C2	P
2121 - Coal Mining							C2	P
2122 - Metal Ore Mining							C2	P
2123 - Nonmetallic Mineral Mining and Quarrying							C3	P
213 - Support Activities for Mining							C3	P
22 - Utilities								
22111 - Electric Power Generation							C2	C3
22112 - Electric Power Transmission and Control	C1	C1	C1	C1	C1	C1	C1	C2
2212 - Natural Gas Distribution								C2
2213 - Water, Sewage, and Other Systems	C1	C1	C1	C1	C1	C1	C1	C1
23 - Construction								
236 - Construction of Buildings							P	P
237 - Heavy and Civil Engineering Construction								P
238 - Specialty Trade Contractors							C1	P
31-33 Manufacturing								
3111 - Animal Food Manufacturing							C2	P
3112 - Grain and Oilseed Milling							C2	P
3113 - Sugar and Confectionery Product Manufacturing			C2				C2	P
3114 - Fruit and Vegetable Preserving and Specialty Food Manufacturing			C2				C2	P
3115 - Dairy Product Manufacturing			C2				P	P
3116 - Animal Slaughtering and Processing							C1	P
3117 - Seafood Product Preparation and Manufacturing			C2				P	P
3118 - Bakeries and Tortilla Manufacturing	C2	C2	C1				P	P
3119 - Other Food Manufacturing	C2	C2	C2				C2	C2
312 - Beverage Manufacturing		C2	C2				P	P
313 - Textile Mills			C2				P	P
314 - Textile Product Mills			C2				P	P
315 - Apparel Manufacturing			C2				P	P
316 - Leather and Allied Products Manufacturing			C2				P	P
321 - Wood Product Manufacturing								P
322 - Paper Manufacturing								P
323 - Printing and Related Support Activities		C1	C1				P	P
324 - Petroleum and Coal Products Manufacturing								P
325 - Chemical Manufacturing								P
326 - Plastics and Rubber Products Manufacturing								P
327 - Nonmetallic Mineral Product Manufacturing								P
331 - Primary Metal Manufacturing								P
332 - Fabricated Metal Product Manufacturing							C2	P
3321 - Forging and Stamping							C2	P
3322 - Cutlery and Handtool Manufacturing							C2	P
3323 - Architectural and Structural Metals Manufacturing							C2	P
3324 - Boiler, Tank, and Shipping Container Manufacturing							C2	P

Use	District						LM	I
	NC	GC/TC	BP	TPC	MG-CP	P-CP		
3325 - Hardware Manufacturing							C2	P
3326 - Spring and Wire Product Manufacturing						P	C2	P
3327 - Machine Shops; Turned Product; and Screw, Nut, and Bolt Manufacturing							C2	P
3328 - Coating, Engraving, Heat Treating, and Allied Activities							C2	P
3329 - Other Fabricated Metal Product Manufacturing							C2	P
333 - Machinery Manufacturing							C2	P
334 - Computer and Electronic Product Manufacturing							C2	P
335 - Electrical Equipment, Appliance, and Component Manufacturing							C2	P
336 - Transportation Equipment Manufacturing							C2	P
337 - Furniture and Related Product Manufacturing			C2				C2	P
339 - Miscellaneous Manufacturing							C2	P
42 - Wholesale Trade								
423 - Merchant Wholesalers, Durable Goods			C2				C1	P
424 - Merchant Wholesalers, Nondurable Goods			C2				C1	P
425 - Wholesale Electronic Markets and Agents and Brokers			C2				P	P
44-45 - Retail Trade								
4411 - Automobile Dealers		C2	C2				P	P
4412 - Other Motor Vehicle Dealers		C2	C2				P	P
4413 - Automotive Parts, Accessories, and Tire Stores	C2	C2	C2				P	P
442 - Furniture and Home Furnishings Stores	C2	C1	C1					
443 - Electronics and Appliance Stores	C2	P	C1					
444 - Building Material and Garden Equipment and Supplies Dealers		C1	C2				P	
4451 - Grocery Stores	C2	C1	C2					
4452 - Specialty Food Stores	C2	C1	C2					
4453 - Beer, Wine, and Liquor Stores		C2	C2				C2	C2
446 - Health and Personal Care Stores	C2	C1	C2					
447 - Gas Stations	C2	C2	C2				P	P
448 - Clothing and Clothing Accessory Stores	C2	C1	C2					
45111 - Sporting Goods Stores	C2	C2	C2					
45112 - Hobby, Toy, and Game Stores	C2	P	C1					
45113 - Sewing, Needlework, and Piece Goods Stores	P	P	C1					
45114 - Musical Instrument and Supplies Stores	P	P	C1					
4512 - Book Stores and News Dealers	P	P	C1					
452 - General Merchandise Stores	C2	C2	C2					
4531 - Florists	P	P	P					
45321 - Office Supplies and Stationery Stores	C2	P	C1					
45322 - Gift, Novelty, and Souvenir Stores	C2	P	C1					
4533 - Used Merchandise Stores	C2	P	C1					
45391 - Pet and Pet Supplies Stores	C2	P	C1					
45392 - Art Dealers	P	P	P					
45393 - Manufactured Home Dealers		C2	C2					
453991 - Tobacco Stores		C2	C2				C2	C2
453998 - All Other Miscellaneous Store Retailers (Except Tobacco)	C2	C2	C2					

Use	District							
	NC	GC/TC	BP	TPC	MG-CP	P-CP	LM	I
4541 - Electronic Shopping and Mail Order Houses	P	P	P					
4542 - Vending Machine Operators		P						
4543 - Direct Selling Establishments		C2	C2					
48-49 Transportation and Warehousing								
481 - Air Transportation (see Article 8-5H and Title 10)	A	A	A	A	A	A	A	A
482 - Rail Transportation			P				P	P
4832 - Inland Water Transportation	P	P	P				P	P
484 - Truck Transportation			P				P	P
485 - Transit and Ground Passenger Transportation			P				P	P
486 - Pipeline Transportation	C3	C3	C3				C3	C3
487 - Scenic and Sightseeing Transportation			P				P	P
4881 - Support Activities for Air Transportation (see Article 8-5H and Title 10)	A	A	A				A	A
4882 - Support Activities for Rail Transportation							P	P
4883 - Support Activities for Water Transportation							P	P
4884 - Support Activities for Road Transportation							P	P
4885 - Freight Transportation Arrangement			P				P	P
4889 - Other Support Activities for Transportation			C2				P	P
491 - Postal Service	P	P	P				P	P
492 - Couriers and Messengers		P	P				P	P
49311 - General Warehousing and Storage							P	P
49312 - Refrigerated Warehousing and Storage							P	P
49319 - Other Warehousing and Storage								P
51 - Information								
511 - Publishing Industries (Except Internet)		P	P	P	P	P	P	P
512 - Motion Picture and Sound Recording Industries		P	P	P	P	P	P	P
515 - Broadcasting (Except Internet)		P	P	P	P	P	P	P
517 - Telecommunications			C2				P	P
518 - Data Processing, Hosting, and Related Services	C2	P	P	P	P	P	P	P
519 - Other Information Services		P	P	P	P	P	P	P
52 - Finance and Insurance								
521 - Monetary Authorities - Central Bank		P	P	P	P	P	P	P
5221 - Depository Credit Intermediation		P	P	P	P	P	P	P
52221 - Credit Card Issuing		P						
52222 - Sales Financing		P	P					
522291 - Consumer Lending			C3					
522292 - Real Estate Credit		P	P	P	P	P		
522293 - International Trade Financing		P	P	P	P	P		
522294 - Secondary Market Financing		P	P	P	P	P		
522298 - All Other Nondepository Credit Intermediation		P	P	P	P	P		
523 - Securitues, Commodities Contracts, and Other Financial Investments and Related Activities		P	P	P	P	P		
524 - Insurance Carriers		C1	P	P	P	P	P	P
525 - Funds, Trusts, and Other Financial Vehicles		C1	C1	P	P	P	P	P
53 - Real Estate and Rental and Leasing								

Use	District							
	NC	GC/TC	BP	TPC	MG-CP	P-CP	LM	I
53111 - Lessors of Residential Buildings and Dwellings	P	P	P					
53112 - Lessors of Nonresidential Buildings		P	P					
53113 - Lessors of Miniwarehouses and Self-Storage Units		P	P					
53119 - Lessors of Other Real Estate Property		P	P					
5312 - Offices of Real Estate Agents and Brokers	P	P	P	P	P	P	P	P
5313 - Activities Related to Real Estate		P	P					
5321 - Automotive Equipment Rental and Leasing		P	P					
5322 - Consumer Goods Rental		P	P					
5323 - General Rental Centers		P	P					
5324 - Commercial and Industrial Machinery and Equipment Rental and Leasing			P		P	P	P	P
533 - Lessors of Nonfinancial Intangible Assets (Except Copyrighted Works)		P	P					
54 - Professional, Scientific, and Technical Services								
5411 - Legal Services	P	P	P	P				
5412 - Accounting, Tax Preparation, Bookkeeping, and Payroll Services	P	P	P	P	P	P	P	P
5413 - Architectural, Engineering, and Related Services	P	P	P	P			P	
5414 - Specialized Design Services	P	P	P	P				
5415 - Computer Systems Design and Related Services	P	P	P	P			P	
5416 - Management, Scientific, and Technical Consulting Services	P	P	P	P			P	
5417 - Scientific Research and Development Services		P	P	P			P	
5418 - Advertising, Public Relations, and Related Services		P	P	P			P	
5419 - Other Professional, Scientific, and Technical Services		P	P	P			P	
55 - Management of Companies and Enterprises								
551 - Management of Companies and Enterprises		P	P	P			P	
56 - Administrative Support and Waste Management and Remediation Services								
561 - Administrative and Support Services		P	P	P	P	P	P	P
562 - Waste Management and Remediation Services			C2		P	P	P	P
61 - Educational Services								
6111 - Elementary and Secondary Schools	P	P	P	P				
6112 - Junior Colleges		P	P	P				
6113 - Colleges, Universities, and Professional Schools		P	P	P				
6114 - Business Schools and Computer and Management Training		P	P	P				
6115 - Technical and Trade Schools		P	P	P			P	P
6116 - Other Schools and Instruction		P	P	P				
6117 - Educational Support Services		P	P	P				
62 - Health Care and Social Assistance								
6211 - Offices of Physicians	P	P	P	P			P	
6212 - Offices of Dentists	P	P	P	P			P	
6213 - Offices of Other Health Practitioners	P	P	P	P			P	
6214 - Outpatient Care Centers		P	P	P			P	
6215 - Medical and Diagnostic Laboratories		P	P	P			P	
6216 - Home Health Care Services	P	P	P	P			P	
6219 - Other Ambulatory Health Care Services		P	P	P			P	
6221 - General Medical and Surgical Hospitals		P	P	P			P	P
6222 - Psychiatric and Substance Abuse Hospitals			C3				C3	

Use	District							LM	I
	NC	GC/TC	BP	TPC	MG-CP	P-CP			
6223 - Specialty (Except Psychiatric and Substance Abuse) Hospitals			P	P				P	
623 - Nursing and Residential Care Facilities	C2	P	P	P					
6241 - Individual and Family Services		P	P	P					
6242 - Community Food and Housing, and Emergency and Other Relief Services			P					P	
6243 - Vocational Rehabilitation Services			P					P	
6244 - Child Day Care Services	P	P	C1	P				C1	
71 - Arts, Entertainment, and Recreation									
7111 - Performing Arts Companies		P	P	P	P	P			
7112 - Spectator Sports		P	P	P	P	P			
7113 - Promoters of Performing Arts, Sports, and Similar Events		P	P	P	P	P			
7114 - Agents and Managers for Artists, Athletes, Entertainers, and Other Public Figures		P	P	P					
7115 - Independent Artists, Writers, and Performers		P	P	P					
71211 - Museums	P	P	P	P	P	P	P	P	P
71212 - Historical Sites	P	P	P	P	P	P	P	P	P
71213 - Zoos and Botanical Gardens		P	P						
71219 - Nature Parks and Other Similar Institutions	P	P	P					P	P
7131 - Amusement Parks and Archades		P	P	P				P	
7139 - Other Amusement and Recreation Industries		P	P	P				P	
72 - Accommodation and Food Services									
72111 - Hotels (Except Casino Hotels) and Motels	C3	C2	P	P	P	P	P	P	
72119 - Other Traveler Accommodation	C2	C2	P	P	P	P	P	P	
7212 - RV (Recreational Vehicle) Parks and Recreational Camps		P	P					P	
7213 - Rooming and Boarding Houses	C2	C2	P					P	
7222 - Special Food Services	C2	P	P					P	P
7224 - Drinking Places (Alcoholic Beverages)		C2	P	P				P	
7225 - Restaurants and Other Eating Places	C2	P	P	P				P	
81 - Other Services (Except Public Administration)									
8111 - Automotive Repair and Maintenance		C2	C2					P	P
8112 - Electronic and Precision Equipment Repair and Maintenance		C2	C2			P	P	P	P
8113 - Commercial and Industrial Machinery and Equipment (Except Automotive and Electronic) Repair and Maintenance			C2			P	P	P	P
8114 - Personal Household Goods Repair and Maintenance	C2	P	P			P	P	P	P
8121 - Personal Care Services	P	P	P			P	P	P	
81221 - Funeral Homes and Funeral Services	C2	P	P			P	P	P	
81222 - Cemeteries and Crematories		C3	C3					P	
812210 - Funeral Homes and Funeral Services (except Funeral Homes Combined With Crematories)	C2	P	P	P	P	P			
812220 - Cemeteries and Crematories (except Crematories)		C3	C3						
8123 - Drycleaning and Laundry Services	C2	P	P					P	P
81291 - Pet Care (Except Veterinary) Services	C2	P	P					P	
81292 - Photofinishing	P	P	P					P	
81293 - Parking Lots and Garages		P	P					P	P
81299 - Other Personal Services (Except Escort Services)	C2	C2	C2					C2	C2

Use	District							
	NC	GC/TC	BP	TPC	MG-CP	P-CP	LM	I
8131 - Religious Organizations	P	P	P	P	P	P	P	P
8132 - Grantmaking and Giving Services		P	P	P	P	P	P	
8133 - Social Advocacy Organizations		P	P	P	P	P	P	
8134 - Civic and Social Organizations		P	P	P	P	P	P	
8139 - Business, Professional, Labor, Political, and Similar Organizations		P	P	P	P	P	P	
814 - Private Households	P	P	P	P	P	P	P	P
92 - Public Administration								
921 - Executive, Legislative, and Other General Government Support	P	P	P	P	P	P	P	P
92211 - Courts	P	P	P	P	P	P	P	P
92212 - Police Protection	P	P	P	P	P	P	P	P
92213 - Legal Counsel and Protection	P	P	P	P	P	P	P	P
92214 - Correctional Institutions								C3
92215 - Parole Offices and Probation Offices								C3
92216 - Fire Protection	P	P	P	P	P	P	P	P
92219 - Other Justice, Public Order, and Safety Activities	C2	C2	P	P	P	P	P	P
923 - Administration of Human Resource Programs		P	P	P	P	P	P	P
924 - Administration of Environmental Quality Programs		P	P	P	P	P	P	P
925 - Administration of Housing Programs, Urban Planning, and Community Development		P	P	P	P	P	P	P
926 - Administration of Economic Programs		P	P	P	P	P	P	P
927 - Space Research and Technology		P	P	P	P	P	P	P
928 - National Security and International Affairs		P	P	P	P	P	P	P

MEMORANDUM

TO: Planning Commission
FROM: Bill Cobabe
DATE: August 11, 2016
SUBJECT: Various Ordinance Changes

Background

The following Sections of Code have been identified as needing discussion, clarification, and/or revision (Please note that this list is not intended to be exhaustive or exclusive – other Sections of the Code may need to be addressed while reviewing and discussing possible changes; also, the following memo items intended to point and focus the discussion and not necessarily to inform opinion or offer recommendation):

Frontage Definition (Section 8-2-1):

The Code currently does not reference “contiguous” as being a requirement for frontage calculation. We would like to add the word “contiguous” to the definition of frontage. The definition would read:

FRONTAGE: All **contiguous** property fronting on one side of a public or private street or a private lane...

Lots (Section 8-12-43 (B)):

The Code currently states that “All lots or parcels created by the subdivision shall have frontage on a street, improved and dedicated to standards hereinafter required, equal to at least the street’s minimum required width from top back of curb on one side of the street to the back of sidewalk on the abutting side...”

This does not adequately address provisions for lots that are in the RR-5, RR-10, A-20, MU-160, and F-1 zoning districts, where frontage is not required. A suggested amendment could be:

Where required by this title, all lots or parcels created by the subdivision shall have frontage on a street, improved and dedicated to standards hereinafter required...

Lots (Section 8-12-43 (E)):

This Section of the Code currently states that the “side lines of all lots, so far as possible, shall be at right angles to the street which the lot faces, or approximately radial to the center of curves, if such street is curved. Side lines of lots shall be approximately radial to the center of a

cul-de-sac on which the lot faces." This is somewhat ambiguous, particularly in cases where "so far as possible" could be open for interpretation. A suggested amendment could be:

"The side lines of all lots, so far as possible, shall be at right angles ~~within five degrees (5°) of perpendicular~~ to the street which the lot faces, or approximately radial ~~within five degrees (5°) of perpendicular~~ to the center of curves, if such street is curved. Side lines of lots shall be approximately radial ~~within five degrees (5°) of perpendicular~~ to the center of a cul-de-sac on which the lot faces."

Additionally, a provision could be added for unusual cases:

Exception may be made at the discretion of the County Engineer where unusual circumstances warrant, such as for topography or other practical reasons.

Small Subdivision (Section 8-12-53(B)):

This Section of the Code deals specifically with the requirements of Small Subdivisions. It includes the provision stating, "All lots have acceptable access to a public street, either by direct frontage or through access by an approved private street...." Again, this does not adequately address provisions for lots that are in the larger zoning districts. A suggested amendment for this Section could be:

Where required by this title, all lots shall have acceptable access to a public street, either by direct frontage or through access by an approved private street...."

Security for Required Improvements (Section 8-12-37):

This section of the Code requires an improvement guarantee equal to 115% of the estimated cost of improvements to be installed. There is currently no provision in our ordinance that allows for developers to follow State Code Section 17-27a-604.5 which states:

- (2) (a) A land use authority shall require an applicant to complete a required landscaping or infrastructure improvement prior to any plat recordation or development activity.
- (b) Subsection (2)(a) does not apply if:
 - (i) upon the applicant's request, the land use authority has authorized the applicant to post an improvement completion assurance in a manner that is consistent with local ordinance; and
 - (ii) the land use authority has established a system for the partial release of the improvement completion assurance as portions of required improvements are completed and accepted.

- (3) At any time up to the land use authority's acceptance of a landscaping or infrastructure improvement, and for the duration of each improvement warranty period, the land use authority may require the developer to:
- (a) execute an improvement warranty for the improvement warranty period; and
 - (b) post a cash deposit, surety bond, letter of credit, or other similar security, as required by the county, in the amount of up to 10% of the lesser of the:
 - (i) county engineer's original estimated cost of completion; or
 - (ii) applicant's reasonable proven cost of completion.

A suggested amendment to the Code would be:

A. The subdivider shall complete all required landscaping or infrastructure improvement prior to any plat recordation or development activity.

1. Subsection (A) does not apply if upon the applicant's request, the County has authorized the applicant to post an improvement completion assurance in a manner that is consistent with this Section.

~~A. B.~~ Prior to signing of a final plat by the county engineer, county attorney, county clerk, and county council chairperson, the subdivider shall enter into an improvements guarantee acceptable to the county as security to ensure completion of all improvements required to be installed in the subdivision. The improvements guarantee shall be in a form approved by the county attorney, shall be signed on behalf of the county by the county council chairperson, and may contain specific provisions approved by the county attorney. The agreement shall include, but not be limited to:

1. The subdivider's agreement to complete all improvements within a period of time not to exceed twenty four (24) months from the date the agreement is executed;
2. The improvements shall be completed to the satisfaction of the county and in accordance with the county's design and construction standards as established by the county engineer and adopted by the county council;
3. A provision that the improvements guarantee amount of deposit shall be equal to ~~one hundred fifteen percent (115%)~~ **one hundred ten percent (110%)** of the county engineer's estimated cost of the improvements to be installed;
4. That the county shall have immediate access to the deposited funds when necessary to remedy a deficiency in required subdivision improvements or a violation of the improvements agreement;
5. That deposited funds may only be reduced upon the written request of the subdivider as system improvements are completed. The amount of the reduction shall be determined by the county engineer. Reductions shall be made only as they apply to the completion, satisfactory to the county engineer, of entire systems. The improvements for subdivisions are typically grouped into six (6) system categories: culinary water, storm drainage, roadways, parks/trails and

landscaping, erosion control and miscellaneous/finish items. Additional categories may be added if approved by the county engineer. Such written reduction requests may be made only once every thirty (30) days and no reduction shall be authorized until such time as the county engineer has inspected the improvements and found them to be in compliance with the county's standards and specifications. All reductions shall be by written authorization of the county engineer. No deposited funds shall be reduced below ~~fifteen percent (15%)~~ **ten percent (10%)** of the county engineer's estimated cost of the improvement to be installed until final acceptance by the county engineer following an improvement assurance warranty period. No reduction in deposited funds shall be allowed for materials which are delivered to the subdivision site but not installed in accordance with approved construction drawings.

6. That if the deposited funds are inadequate to pay the cost of the completion of the improvements according to the county's standards or specifications for whatever reason, including previous reductions, the subdivider shall be responsible for the deficiency and no further building permits shall be issued in the subdivision until the improvements are completed or, with county council approval, a new, satisfactory deposit and improvements guarantee has been executed and delivered to the county;

7. That the county's cost of administration and engineering costs incurred in obtaining the deposited funds, including attorney fees and court costs, shall be deducted from any deposited funds; and

8. That the subdivider shall guarantee all improvements installed against any damage arising from any defect in construction, materials, or workmanship during the warranty period and shall promptly repair the same upon notice from the county; and

9. That the subdivider shall agree to hold the county harmless from any and all liability which may arise as a result of defects in materials and workmanship of the improvements which are installed until such time as the county certifies the improvements are complete and accepts the improvements at the end of the warranty period.

~~B. C.~~ The only allowed financial security for the improvements guarantee shall be funds deposited directly with the Morgan County treasurer.

~~C. D.~~ The improvements guarantee and deposited funds may be extended by the county engineer one time for six (6) months for good cause shown. Any subsequent extension shall require approval by the county council following timely written request by the developer.

Expiration of Final Plat (Section 8-12-41):

This Section of the Code states:

If the final plat is not recorded within three (3) months from the date of county council approval, such approval shall be null and void. This time period may be extended by the county council for up to one additional three (3) month period for good cause shown. The subdivider must petition in writing for an extension prior to the expiration of the original three (3) months. No extension will be granted if it is determined that it will be detrimental to the county. If any of the fees charged as a condition of subdivision approval, have increased, the county may require that the bond estimate be recalculated and that the subdivider pay any applicable fee increases as a condition of granting an extension.

In talking with Mark Miller, the County Engineer, and with Mike Waite, the Public Works Director, it appears that three months is insufficient time in which to complete the required infrastructure where required. It was suggested that the ordinance be modified as follows:

If the final plat is not recorded within ~~three (3)~~ **twelve (12)** months from the date of county council approval, such approval shall be null and void. This time period may be extended by the county council for up to one additional ~~three (3)~~ **twelve (12)** month period for good cause shown. The subdivider must petition in writing for an extension prior to the expiration of the original ~~three (3)~~ **twelve (12)** months. No extension will be granted if it is determined that it will be detrimental to the county. If any of the fees charged as a condition of subdivision approval, have increased, the county may require that the bond estimate be recalculated and that the subdivider pay any applicable fee increases as a condition of granting an extension.