

**PUBLIC HEARING AND CITY COUNCIL MEETING**  
**Tuesday, January 3, 2012 7:00 p.m.**  
**Public Safety Building**  
**3925 W Cedar Hills Drive, Cedar Hills, Utah**

*This meeting may be held electronically via telephone to permit one or more of the council members to participate.*

NOTICE is hereby given that the City Council of the City of Cedar Hills, Utah, will hold their Regular City Council Meeting on Tuesday, January 3, 2012, beginning at 7:00 p.m.

**COUNCIL MEETING**

1. Call to Order, Invocation and Pledge
2. Public Comment: Time has been set aside for the public to express their ideas, concerns, and comments (comments limited to 3 minutes per person with a total of 30 minutes for this item)

**PUBLIC HEARING(S)**

3. Amendments to the City Code 10-6A Regarding Planned Commercial Development Projects and the Guidelines for the Design and Review of Planned Commercial Development Projects
4. Amendments to the City Code, Title 10, Regarding Assisted Living Group Homes

**CONSENT AGENDA**

5. Minutes from the November 22, 2011, Special City Council Meeting
6. Minutes from the December 6, 2011, Regular City Council Meeting

**SCHEDULED ITEMS**

7. Review/Action Regarding Amendments to the City Code 10-6A, Planned Commercial Development Projects, and the Guidelines for the Design and Review of Planned Commercial Development Projects
8. Review/Action Regarding Amendments to the City Code, Title 10, Regarding Assisted Living Group Homes
9. Review/Action on Board/Committee Appointments – Planning Commission and Board of Adjustment
10. Review/Action on Appointment of Mayor Pro Tem
11. Review/Action on City Council Assignments
12. City Manager Report and Discussion

**MAYOR AND COUNCIL REPORTS**

13. Board and Committee Reports

**EXECUTIVE SESSION**

14. Motion to go into Executive Session, Pursuant to Utah State Code 52-4-204 and 52-4-205  
\* \* \* EXECUTIVE SESSION \* \* \*
15. Motion to Adjourn Executive Session and Reconvene City Council Meeting

**ADJOURNMENT**

16. Adjourn

Posted this 28th day of December, 2011.

\_\_\_\_\_  
Kim E. Holindrake, City Recorder

- Supporting documentation for this agenda is posted on the City's Web Site at [www.cedarhills.org](http://www.cedarhills.org).
- In accordance with the Americans with Disabilities Act, the City of Cedar Hills will make reasonable accommodations to participate in the meeting. Requests for assistance can be made by contacting the City Recorder at 801-785-9668 at least 48 hours in advance of the meeting to be held.
- The order of agenda items may change to accommodate the needs of the City Council, the staff, and the public.



# CITY OF CEDAR HILLS

<b>TO:</b>	Mayor and City Council
<b>FROM:</b>	Konrad Hildebrandt, City Manager
<b>DATE:</b>	1/3/2012

## City Council Agenda Item

<b>SUBJECT:</b>	Review/Action Regarding City Code 10-6A, Planned Commercial Development Projects, and the Guidelines for the Design and Review of Planned Commercial Development Projects
<b>APPLICANT PRESENTATION:</b>	N/A
<b>STAFF PRESENTATION:</b>	Greg Robinson, Assistant City Manager

### BACKGROUND AND FINDINGS:

City Council has asked that the Planning Commission review city code regarding temporary food vendors (i.e. shaved ice shacks) and to determine the need to change current code in order to allow these types of establishments.

The Planning Commission, after reviewing information regarding this item and looking at what other cities have done in this area, recommend the changes shown in the attachment. This will affect all temporary use requests in the commercial zone including: shaved ice and other food vendors, fireworks stands, farmers markets, Christmas tree lots, etc. This ordinance will also allow vendors to locate their structures on undeveloped ground, when the proper conditions are met.

### PREVIOUS LEGISLATIVE ACTION:

7-28-2011: Planning Commission recommended no change to current ordinance.

8-25-2011: Planning Commission tabled and asked staff to further research how other cities handle temporary food sales on undeveloped property.

10-27-2011: Planning Commission reviewed a proposed ordinance and asked that changes be made and returned for the November meeting.

12-06-2011: City Council asked for items 13 and 14 regarding permit duration be clarified (see items 13, 14, and 15 of the attached proposed ordinance). The Mayor asked that language for Proof of insurance be added (see item 5j). Staff also added language regarding revocation of permit for a change in scope in order to be more clear (see item 22).

### FISCAL IMPACT:

Small amount of tax revenue

Site inspection and administration costs which could be offset by appropriate fees

### SUPPORTING DOCUMENTS:

Proposed Temporary Use Ordinance

### RECOMMENDATION:

Staff recommends adding this ordinance to 10-4E: SC-1 Shopping Center Zone. Staff recommends adding a fee and bond for these uses. Provo and Highland have a \$25 application fee for a temporary business license, Provo has a \$100 permit fee, and bonding for cleanup is \$1000 for carnivals and circuses and \$300 for all other temporary uses.

**MOTION:**

To approve/not approve Ordinance # \_\_\_\_\_ amending Title 10, Chapter 4E: SC-1 Shopping Center Zone, Regarding Temporary Use Permit, of the City Code of the City of Cedar Hills, Utah.

## Temporary Uses

1. **Temporary Uses Intent:** This section is enacted to accommodate certain uses which are temporary or seasonal in nature. No person shall construct or use a temporary site or building without first obtaining approval as set forth in this section.
2. Temporary uses may include, but are not limited to, the following: carnivals, circuses, firework stands, Christmas tree lots, shaved ice stands, farmer's markets, retreats, or political rallies. All temporary uses must comply with the conditions of this section.
3. The application for a temporary use permit shall be made by the property owner, lessee, contract purchaser, official, department, board or bureau of any government. If the property owner has not signed the application, a contract purchaser or lessee must file a copy of the contract or some form of written statement which indicates the endorsement of the application by the property owner. Said agreement shall address the question of use of restroom facilities by employees, responsibility for maintenance, and restoration of the site upon termination of the use. A copy of the proposed agreement shall be part of the application.
4. **Temporary Uses Application Process:** Application for a temporary use permit shall be made to the Zoning Administrator a minimum of thirty (30) calendar days prior to the scheduled event or temporary use is to take place. The Zoning Administrator shall evaluate the impact of each temporary site and will assure that the site plan is compatible with the zone in which it is to be located. The Zoning Administrator may require additional information deemed necessary to understand the application.
5. The application for the temporary use shall include the following details along with a full site plan:
  - a. Shows location of structure;
  - b. Dimensions to all property boundaries and structures;
  - c. Shows proposed parking locations and traffic flow patterns;
  - d. Shows vehicular ingress and egress locations;
  - e. Location of restroom facilities;
  - f. Provides details on the exterior facade (materials, colors, etc.);
  - g. Signage plan to comply with existing city ordinance 10-5-26;
  - h. Include date, hours of operation and anticipated average daily traffic (i.e. number of vehicles and number of patrons);
  - i. Land owner agreement with owner of temporary structure;
  - j. Proof of insurance for the proposed use; and
  - k. Restoration plan of site upon termination of the temporary use.
6. Those temporary uses which meet the following criteria in the opinion of the Zoning Administrator may be approved subject to the appropriate conditions. The criteria are as follows:
  - a. The use and/or structure complies with all applicable codes and ordinances, and has obtained the appropriate federal, state and/or county permits where applicable;
  - b. The use and/or structure does not interfere with pedestrian access ways, fire lanes, driveways, landscaped areas, or traffic visibility at driveways or street intersections;
  - c. The use and/or structures are compatible with surrounding land uses; and
  - d. The use and/or structures have adequate parking on the property to serve any existing permanent use and the temporary use.
7. Application for a temporary use permit shall be reviewed by the Zoning Administrator who shall approve, conditionally approve, or disapprove such application.

8. An application for a temporary use shall only be approved if the Zoning Administrator finds that it meets the requirements herein.
9. **Temporary Use Approval:** Approval may be made subject to further conditions deemed necessary to assure that all adverse impacts to the surrounding properties are minimized to the fullest extent possible. Conditions may include additional off-street parking, on-site landscaping, or any other physical improvements. Other conditions to be considered may include, but are not be limited to, the following:
  - a. Conformity between the request and the general objectives of the General Plan, City ordinances, and the particular zone in which the request is located;
  - b. Whether or not the request may be injurious to potential development in the vicinity;
  - c. Present and future requirements for transportation, traffic, water, sewer, and other utilities;
  - d. Aesthetic impact of the proposed use on the neighborhood;
  - e. Impact of the proposed use on health, safety and welfare of the City and persons owning property in the area;
  - f. The anticipated parking, dust control measures, and lighting needs for the site;
  - g. Regulation of site ingress and egress;
  - h. no indoor seating of patrons;
  - i. Assurance of compliance with building, fire, electrical and all other appropriate codes;
  - j. Written evidence from the County Health Department that the use will meet all health code requirements;
  - k. No motor vehicle, mobile home, shipping container, or trailer *from which sales are transacted or product is displayed* shall be accessible for the public to enter therein;
  - l. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or adversely impair the value thereof; and
  - m. Such other conditions deemed necessary to carry out the intent and purpose of this section.
10. The city shall notify the applicant of the decision in writing and shall state any conditions for approval or reasons for denial on said letter. Once a temporary use has been approved, however, the use shall not be enlarged, extended, changed, increased in intensity, or relocated unless an application is made for a new or revised temporary site plan.
11. **Appeals:** Upon receiving notification of the decision, the applicant, any citizen or any party in interest, aggrieved by the decision may file with the city a written notice of appeal to the City Manager or designee within seven (7) calendar days of the decision. Upon appeal, all material in the matter shall be filed by the city with the City Council. The Council may then review the case and based upon the information, uphold the action of the staff, remand the matter back to staff with instructions for further review or overturn the action of the staff. The Council's decision shall be limited to whether or not the proposed use meets the criteria set forth in this section.
12. **Temporary Uses Additional Permit Required:** The temporary use regulation of this Section does not exempt the applicant or operator from any other required permits, such as business licenses or health department permits.
13. **Temporary Uses Permit Duration:** All temporary use permit approvals shall be made subject to a time limit as set forth by the city.

14. Temporary uses shall be allowed for no more than a maximum thirty (30) day duration. Upon expiration of the time limit set forth at the time of approval, any continuation of the use shall require the submittal and approval of a new application. With the following exceptions:
  - a. Fast food huts for the retail sale of food items such as shaved ice, snow cones, hot dogs, tacos, soft drinks, and farmers' markets shall be permitted from May 1<sup>st</sup> to September 30<sup>th</sup>
  - b. Christmas tree lots shall be permitted from November 15<sup>th</sup> to December 31<sup>st</sup>
15. In no event shall a temporary use permit extension be granted for longer than six (6) months.
16. Upon cessation of the use or expiration of the permit, whichever occurs first, the premises will be promptly cleaned and restored to substantially the same condition existing prior to commencement of such use.
17. **Design Standards:** No temporary use structure shall exceed a total foot print of one-hundred twenty (120) square feet. The total height of the temporary structure shall not exceed a total height of ten (10) feet as measured from the highest point of the structure to the grade directly below the structure. The zoning administrator shall provide a written exception on a case by case basis to both the square footage requirement and the height requirement if the zoning administrator deems that the temporary structure will not have any undue detrimental effects on adjacent property or create blight within the city. Special consideration will be given to neighboring properties, traffic flow, light, and safety.
18. All structures shall not be permanently affixed to the ground but should be temporarily affixed to the ground with no less than four (4) points and as approved by the zoning administrator.
19. For each temporary use structure there must be provided, at a minimum, of one (1) off street parking stall per sixteen (16) square feet of the temporary use footprint. All parking shall meet the off-street parking standards as set forth in city ordinances and as specified by the zoning administrator.
20. Parking surface shall be provided on a gravel (or suitable alternative) surface rather than an asphalt or concrete parking surface. The parking size shall be adequate to meet the requirements as set forth above.
21. **Temporary Uses Revocation of Permit:** A temporary use permit shall be denied if the zoning administrator determines that the public health, safety or welfare would be impaired, or if the applicant has not adequately addressed all requirements associated with the proposed use.
22. A temporary use permit may be revoked if the proposed average daily traffic is exceeded, without the approval of an amended application.
23. The applicant shall remove within fourteen (14) days of the expiration of the approval, any structure or materials used for the temporary site such as tents, poles, display bins, etc. The applicant shall restore the site to the approved original site plan. If no original site plan exists, the applicant shall restore the site to its original condition. If deemed appropriate by the Zoning Administrator, The landowner of the parcel shall provide a cash bond for the restoration of the site of said use to its original condition, including cleanup, replacement of facilities, and removal of any structures.

24. **Temporary Uses Fees:** In order to offset a portion of the costs incurred by the City in processing temporary use permits, the applicant shall be charged a fee, as shown in the City of Cedar Hills Fee Schedule, at the time of application submittal.

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING TITLE 10 OF THE CITY CODE OF THE CITY OF CEDAR HILLS, UTAH, ADDING REQUIREMENTS RELATING TO TEMPORARY USE REQUIREMENTS UNDER PLANNED COMMERCIAL DEVELOPMENT PROJECTS.**

WHEREAS, pursuant to Utah Code Annotated § 10-9a-501, the City Council of the City of Cedar Hills (“City Council”) may adopt ordinances to govern the use and development of land within the City; and

WHEREAS, pursuant to Utah Code Annotated § 10-8-84, the City Council may adopt ordinances “necessary and proper to provide for the safety and preserve the health, and promote the prosperity, improve the morals, peace and good order, comfort, and convenience of the City and its inhabitants, and for the protection of property in the City”; and

WHEREAS, the City Council, following receipt of a recommendation from the Planning Commission, has determined that it is in the best interest of the public health, prosperity, comfort, and convenience of the City of Cedar Hills, and the residents thereof, to enact certain amendments to Title 10 of the City Code dealing with temporary use requirements under Planned Commercial Development Projects;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CEDAR HILLS, UTAH COUNTY, STATE OF UTAH:**

**PART I  
AMENDMENTS**

**SECTION 1.** Title 10, Chapter 6, Article A, of the City Code entitled Planned Commercial Development Projects is hereby amended by adding the following section to read as follows:

**10-6A-9        TEMPORARY USES:**

- A.    Intent: This section is enacted to accommodate certain uses that are temporary or seasonal in nature. No person shall construct or use a temporary site or building without first obtaining approval as set forth in this section.
  
- B.    Uses: Temporary uses may include, but are not limited to, the following: carnivals, circuses, firework stands, Christmas tree lots, shaved ice stands, farmer’s markets, retreats, or political rallies. All temporary uses must comply with the conditions of this section.
  
- C.    Application: The application for a temporary use permit shall be made by the property owner, lessee, contract purchaser, official, department, board, or bureau of any government. If the property owner has not signed the application, a contract purchaser or lessee must file a copy of the contract or some form of written statement that indicates the endorsement of the application by the property owner. Said agreement shall address the question of use of restroom facilities by employees, responsibility for maintenance, and

restoration of the site upon termination of the use. A copy of the proposed agreement shall be part of the application.

D. Application Process: Application for a temporary use permit shall be made to the Zoning Administrator a minimum of thirty (30) calendar days prior to the scheduled event or temporary use is to take place. The Zoning Administrator shall evaluate the impact of each temporary site and will assure that the site plan is compatible with the zone in which it is to be located. The Zoning Administrator may require additional information deemed necessary to understand the application. The application for the temporary use shall include the following details along with a full site plan:

1. Shows location of structure;
2. Dimensions to all property boundaries and structures;
3. Shows proposed parking locations and traffic flow patterns;
4. Shows vehicular ingress and egress locations;
5. Location of restroom facilities;
6. Provides details on the exterior facade (materials, colors, etc.);
7. Signage plan to comply with existing city ordinance 10-5-26;
8. Include date, hours of operation and anticipated average daily traffic (i.e. number of vehicles and number of patrons);
9. Land owner agreement with owner of temporary structure;
10. Proof of insurance for the proposed use; and
11. Restoration plan of site upon termination of the temporary use.

E. Criteria: Those temporary uses that meet the following criteria in the opinion of the Zoning Administrator may be approved subject to the appropriate conditions. The criteria are as follows:

1. The use and/or structure complies with all applicable codes and ordinances, and has obtained the appropriate federal, state and/or county permits where applicable;
2. The use and/or structure does not interfere with pedestrian access ways, fire lanes, driveways, landscaped areas, or traffic visibility at driveways or street intersections;
3. The use and/or structures are compatible with surrounding land uses; and

4. The use and/or structures have adequate parking on the property to serve any existing permanent use and the temporary use.
- F. Review: Application for a temporary use permit shall be reviewed by the Zoning Administrator who shall approve, conditionally approve, or disapprove such application.
- G. Approval: An application for a temporary use shall only be approved if the Zoning Administrator finds that it meets the requirements herein. Approval may be made subject to further conditions deemed necessary to assure that all adverse impacts to the surrounding properties are minimized to the fullest extent possible. Conditions may include additional off-street parking, on-site landscaping, or any other physical improvements. Other conditions to be considered may include, but are not be limited to, the following:
1. Conformity between the request and the general objectives of the General Plan, City ordinances, and the particular zone in which the request is located;
  2. Whether or not the request may be injurious to potential development in the vicinity;
  3. Present and future requirements for transportation, traffic, water, sewer, and other utilities;
  4. Aesthetic impact of the proposed use on the neighborhood;
  5. Impact of the proposed use on health, safety and welfare of the City and persons owning property in the area;
  6. The anticipated parking, dust control measures, and lighting needs for the site;
  7. Regulation of site ingress and egress;
  8. No indoor seating of patrons;
  9. Assurance of compliance with building, fire, electrical and all other appropriate codes;
  10. Written evidence from the County Health Department that the use will meet all health code requirements;
  11. No motor vehicle, mobile home, shipping container, or trailer *from which sales are transacted or product is displayed* shall be accessible for the public to enter therein;
  12. The location, size, and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or adversely impair the value thereof; and

13. Such other conditions deemed necessary to carry out the intent and purpose of this section.

The City shall notify the applicant of the decision in writing and shall state any conditions for approval or reasons for denial on said letter. Once a temporary use has been approved, however, the use shall not be enlarged, extended, changed, increased in intensity, or relocated unless an application is made for a new or revised temporary site plan.

- H. Appeals: Upon receiving notification of the decision, the applicant, any citizen or any party in interest, aggrieved by the decision may file with the City a written notice of appeal to the City Manager or designee within seven (7) calendar days of the decision. Upon appeal, all material in the matter shall be filed by the City with the City Council. The Council may then review the case and based upon the information, uphold the action of the staff, remand the matter back to staff with instructions for further review, or overturn the action of the staff. The Council's decision shall be limited to whether or not the proposed use meets the criteria set forth in this section.
- I. Additional Permit Required: The temporary use regulation of this section does not exempt the applicant or operator from any other required permits, such as business licenses or health department permits.
- J. Permit Duration: All temporary use permit approvals shall be made subject to a time limit as set forth by the City.
- K. Duration: Temporary uses shall be allowed for no more than a maximum thirty- (30) day duration. Upon expiration of the time limit set forth at the time of approval, any continuation of the use shall require the submittal and approval of a new application. In no event shall a temporary use permit extension be granted for longer than six (6) months.

Exceptions:

1. Fast food huts for the retail sale of food items such as shaved ice, snow cones, hot dogs, tacos, soft drinks, and farmers' markets shall be permitted from May 1 to September 30.
2. Christmas tree lots shall be permitted from November 15 to December 31.

L. Design Standards:

1. No temporary use structure shall exceed a total foot print of one-hundred twenty (120) square feet. The total height of the temporary structure shall not exceed a total height of ten (10) feet as measured from the highest point of the structure to the grade directly below the structure. The Zoning Administrator shall provide a written exception on a case by case basis to both the square footage requirement and the height requirement if the Zoning Administrator deems that the temporary

structure will not have any undue detrimental effects on adjacent property or create blight within the City. Special consideration will be given to neighboring properties, traffic flow, light, and safety.

2. All structures shall not be permanently affixed to the ground but should be temporarily affixed to the ground with no less than four (4) points and as approved by the zoning administrator.

M. Parking:

1. For each temporary use structure there must be provided, at a minimum, of one (1) off street parking stall per sixteen (16) square feet of the temporary use footprint. All parking shall meet the off-street parking standards as set forth in city ordinances and as specified by the zoning administrator.
2. Parking surface shall be provided on a gravel (or suitable alternative) surface rather than an asphalt or concrete parking surface. The parking size shall be adequate to meet the requirements as set forth above.

N. Revocation of Permit: A temporary use permit shall be denied if the Zoning Administrator determines that the public health, safety, or welfare would be impaired, or if the applicant has not adequately addressed all requirements associated with the proposed use. A temporary use permit may be revoked if the proposed average daily traffic is exceeded, without the approval of an amended application.

O. Cessation and/or Expiration:

1. Upon cessation of the use or expiration of the permit, whichever occurs first, the premises will be promptly cleaned and restored to substantially the same condition existing prior to commencement of such use.
2. The applicant shall remove within fourteen (14) days any structure or materials used for the temporary site such as tents, poles, display bins, etc. The applicant shall restore the site to the approved original site plan. If no original site plan exists, the applicant shall restore the site to its original condition. If deemed appropriate by the Zoning Administrator, the landowner of the parcel shall provide a cash bond for the restoration of the site of said use to its original condition, including cleanup, replacement of facilities, and removal of any structures.

P. Fees: In order to offset a portion of the costs incurred by the City in processing temporary use permits, the applicant shall be charged a fee, as shown in the city fee schedule, at the time of application submittal.

## **PART II PENALTY AND ADOPTION**

**A. CONFLICTING PROVISIONS**

Whenever the provisions of this Ordinance conflict with the provisions of any other Ordinance, resolution or part thereof, the more stringent shall prevail.

**B. PROVISIONS SEVERABLE**

This Ordinance and the various sections, clauses and paragraphs are hereby declared to be severable. If any part, sentence, clause or phrase is adjudged to be unconstitutional or invalid it is hereby declared that the remainder of the ordinance shall not be affected thereby.

**C. AMENDMENT TO BE ADDED TO CITY CODE**

The City Council hereby authorizes and directs that insert pages reflecting the provisions enacted hereby shall be made and placed in the City Code, Title 10.

**D. PENALTY**

Hereafter these amendments shall be construed as part of the Zoning Ordinance of the City Code of the City of Cedar Hills, Utah, to the same effect as if originally a part thereof, and all provisions of said regulations shall be applicable thereto, including, but not limited to, the enforcement, violation and penalty provisions.

**E. EFFECTIVE DATE**

This Ordinance shall take effect upon its passage and publication as required by law.

**PASSED AND ORDERED POSTED BY THE CITY COUNCIL OF CEDAR HILLS, UTAH,  
THIS 3RD DAY OF JANUARY, 2012.**

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Eric Richardson, Mayor

ATTEST:

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Kim E. Holindrake, City Recorder



# CITY OF CEDAR HILLS

<b>TO:</b>	Mayor and City Council
<b>FROM:</b>	Konrad Hildebrandt, City Manager
<b>DATE:</b>	1/3/2012

## City Council Agenda Item

<b>SUBJECT:</b>	Recommendation Regarding Residential Assisted Living Facilities
<b>APPLICANT PRESENTATION:</b>	N/A
<b>STAFF PRESENTATION:</b>	Greg Robinson, Assistant City Manager

### **BACKGROUND AND FINDINGS:**

The Planning Commission and staff are recommending the following ordinance. The Utah State Department of Human Services and the Utah State Health Department currently regulates these types of facilities, and any facility of this type would have to meet federal, state and local requirements. The Planning Commission and staff recommend that since this area is already being regulated by the State that the City focuses on the requirements dealing with the location, size, parking and resident population.

The ordinance is very similar to the Orem City ordinance for Assisted Living Facilities with some minor changes. Based on the City Council discussion staff has made changes to reflect the recommendations of the Council.

### **PREVIOUS LEGISLATIVE ACTION:**

12-06-2011 City Council recommended adding verbiage that encouraged each facility to add to the neighborhood in which it is located (see item 12 of the attachment). Council also discussed the associated impact on city infrastructure and having an associated fee (see staff recommendation). There was also discussion regarding the proximity of facilities, but since a consensus was not reached staff made no change.

### **FISCAL IMPACT:**

Additional unplanned load on Cedar Hills infrastructure

### **SUPPORTING DOCUMENTS:**

Assisted living facility draft ordinance

### **RECOMMENDATION:**

Because of the increased demand on the City infrastructure for this use that was not anticipated staff recommends an additional impact fee being added to the fee schedule based on the additional use.

### **MOTION:**

To approve/not approve Ordinance # \_\_\_\_\_ amending Title 10, Chapter 5, Supplementary Development Standards, Regarding Assisted Living Facilities, of the City Code of the City of Cedar Hills, Utah.

*Title 10 Chapter 2: Definitions*

**Assisted Living Facility** shall mean a facility licensed by the State of Utah that provides a combination of housing and personalized health care to its residents and is designed to respond to the individual needs of those who require help with the activities of daily living such as meal preparation, personal grooming, housekeeping, medication, etc. Care is provided in a professionally managed group living environment in a way that promotes maximum independence for each resident.

**Assisted Living Facility for Elderly Persons** shall mean an assisted living facility occupied exclusively by persons 60 years of age or older and paid professional staff members.

*Title 10 Chapter 5: Supplementary Development*

**Assisted Living Facility for Elderly Persons.**

Upon application to the Building and Zoning Department, the Chief Building Official shall grant a permit for the establishment of an assisted living facility for elderly persons in a residential zone if the applicant meets the following requirements:

1. The facility conforms to all applicable standards and requirements of the Utah State Department of Human Services and the owner/operator has obtained all licenses required by the State to operate such a facility.
2. The facility conforms to all State and local building, safety, health, and zoning requirements applicable to similar structures.
3. The facility is operated for the primary purpose of providing a living arrangement for elderly persons in a group home setting.
4. The facility is occupied only by individuals 60 years of age or older and paid, professional staff members. Occupancy by any staff member shall only be allowed if such occupancy is primarily for the purpose of serving the elderly persons and not primarily a benefit of employment to the staff member. The facility shall not house more than eight elderly persons;
5. Applicant may exceed eight (8) but no more than sixteen (16) residents if approved by the zoning official and applicable state agencies. To exceed eight (8) residents will require 150 square feet of personal room space per individual or 200 square feet, with adequate finished common space to accommodate residents.
6. Residency in the facility shall be on a strictly voluntary basis and not a part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional facility. An assisted living facility for elderly persons shall not include any persons referred by the Utah State Department of Corrections or any court.
7. The facility will not likely create a fundamental change in the character of the residential neighborhood in which it is proposed to be located.
8. No individual who has impairment due to addiction of any controlled substance or alcohol and currently uses such controlled substance or alcohol will be a resident.
9. The facility shall not be made available to or occupied by any individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.
10. At least three off-street parking stalls are provided to serve the needs of residents, visitors, and staff members. Additional parking may be required based on the number of residents occupying the facility, the reasonably anticipated number of visitors and the number of staff members who will be serving the residents.
11. An assisted living facility for elderly persons located in an existing residential dwelling shall be capable of use as an assisted living facility for elderly persons without structural or landscaping alterations that would change the structure's residential character. Any new structure

constructed for use as an assisted living facility for elderly persons shall be of a size, scale, and design that is in harmony with other residential uses in the vicinity.

12. The exterior appearance and landscaping of the facility should enhance the overall feel of the surrounding neighborhood and should in no way detract from a residential environment.
13. The facility is not located closer than 1320 feet (1/4 mile) to any other residential facility for elderly persons or residential facility for disabled persons, as measured in a straight line between the closest property lines of the lots on which they are located.
14. No person convicted of the illegal manufacture or distribution of a controlled substance shall be an occupant in a residential facility for disabled persons.
15. The applicant for a permit provides sufficient documentation and other evidence reasonably required by the City to establish compliance with all of the above criteria.

Any permit issued pursuant to this Section shall be nontransferable and shall terminate if the structure is devoted to a use other than an assisted living facility for elderly persons or the structure fails to comply with all building, safety, health, and zoning requirements of the Cedar Hills City Code applicable to similar structures. Violation of the requirements listed above shall be grounds for terminating the permit and the owner/operator shall thereafter be required to discontinue the use of the premises as an assisted living facility for elderly persons.

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING TITLE 10 OF THE CITY CODE OF THE CITY OF CEDAR HILLS, UTAH, ADDING REQUIREMENTS RELATING TO DEFINITIONS AND AN ASSISTED LIVING FACILITY.**

WHEREAS, pursuant to Utah Code Annotated § 10-9a-501, the City Council of the City of Cedar Hills (“City Council”) may adopt ordinances to govern the use and development of land within the City; and

WHEREAS, pursuant to Utah Code Annotated § 10-8-84, the City Council may adopt ordinances “necessary and proper to provide for the safety and preserve the health, and promote the prosperity, improve the morals, peace and good order, comfort, and convenience of the City and its inhabitants, and for the protection of property in the City”; and

WHEREAS, the City Council, following receipt of a recommendation from the Planning Commission, has determined that it is in the best interest of the public health, prosperity, comfort, and convenience of the City of Cedar Hills, and the residents thereof, to enact certain amendments to Title 10 of the City Code dealing with zoning definitions and assisted living facilities;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CEDAR HILLS, UTAH COUNTY, STATE OF UTAH:**

**PART I  
AMENDMENTS**

**SECTION 1.** Title 10, Chapter 2, Section 1, of the City Code entitled Definitions is hereby amended by adding a definition for Assisted Living Facility and Assisted Living Facility for Elderly Persons:

**ASSISTED LIVING FACILITY:** A facility licensed by the State of Utah that provides a combination of housing and personalized health care to its residents and is designed to respond to the individual needs of those who require help with the activities of daily living such as meal preparation, personal grooming, housekeeping, medication, etc. Care is provided in a professionally managed group living environment in a way that promotes maximum independence for each resident.

**ASSISTED LIVING FACILITY FOR ELDERLY PERSONS** An assisted living facility occupied exclusively by persons 60 years of age or older and paid professional staff members.

**SECTION 2.** Title 10, Chapter 4A (R-1-11,000 Residential Zone), Chapter 4B (R-1-15,000 Residential Zone), Chapter 4D (H-1 Hillside Development Zone), Chapter 4F (RR-1-20,000 Rural Residential Zone), Chapter 4G (PR 2.2 Planned Residential Zone), Chapter 4H (PR 3.4 Planned Residential Zone), Chapter 4I (TR-1 Townsite Residential Zone), Sections 3, of the City Code, entitled Conditional Uses, are hereby amended by adding the following

language:

Assisted Living Facility for Elderly Persons

**SECTION 3.** Title 10, Chapter 5, of the City Code entitled Supplementary Development Standards is hereby amended by adding the following section to read as follows:

- 10-5-34      **ASSISTED LIVING FACILITY FOR ELDERLY PERSONS:** Upon application to the Building and Zoning Department, the Chief Building Official shall grant a permit for the establishment of an assisted living facility for elderly persons in a residential zone if the applicant meets the following requirements:
- A.      The facility conforms to all applicable standards and requirements of the Utah State Department of Human Services and the owner/operator has obtained all licenses required by the State to operate such a facility.
  - B.      The facility conforms to all State and local building, safety, health, and zoning requirements applicable to similar structures.
  - C.      The facility is operated for the primary purpose of providing a living arrangement for elderly persons in a group home setting.
  - D.      The facility is occupied only by individuals 60 years of age or older and paid, professional staff members. Occupancy by any staff member shall only be allowed if such occupancy is primarily for the purpose of serving the elderly persons and not primarily a benefit of employment to the staff member. The facility shall not house more than eight elderly persons;
  - E.      Applicant may exceed eight (8) but no more than sixteen (16) residents if approved by the zoning official and applicable state agencies. To exceed eight (8) residents will require 150 square feet of personal room space per individual or 200 square feet, with adequate finished common space to accommodate residents.
  - F.      Residency in the facility shall be on a strictly voluntary basis and not a part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional facility. An assisted living facility for elderly persons shall not include any persons referred by the Utah State Department of Corrections or any court.
  - G.      The facility will not likely create a fundamental change in the character of the residential neighborhood in which it is proposed to be located.
  - H.      No individual who has impairment due to addiction of any controlled substance or alcohol and currently uses such controlled substance or alcohol will be a resident.
  - I.      The facility shall not be made available to or occupied by any individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.

- J. At least three off-street parking stalls are provided to serve the needs of residents, visitors, and staff members. Additional parking may be required based on the number of residents occupying the facility, the reasonably anticipated number of visitors and the number of staff members who will be serving the residents.
- K. An assisted living facility for elderly persons located in an existing residential dwelling shall be capable of use as an assisted living facility for elderly persons without structural or landscaping alterations that would change the structure's residential character. Any new structure constructed for use as an assisted living facility for elderly persons shall be of a size, scale, and design that are in harmony with other residential uses in the vicinity.
- L. The exterior appearance and landscaping of the facility should enhance the overall feel of the surrounding neighborhood and should in no way detract from a residential environment.
- M. The facility is not located closer than 1320 feet (1/4 mile) to any other residential facility for elderly persons or residential facility for disabled persons, as measured in a straight line between the closest property lines of the lots on which they are located.
- N. No person convicted of the illegal manufacture or distribution of a controlled substance shall be an occupant in a residential facility for disabled persons.
- O. The applicant for a permit provides sufficient documentation and other evidence reasonably required by the City to establish compliance with all of the above criteria.

Any permit issued pursuant to this Section shall be nontransferable and shall terminate if the structure is devoted to a use other than an assisted living facility for elderly persons or the structure fails to comply with all building, safety, health, and zoning requirements of the Cedar Hills City Code applicable to similar structures. Violation of the requirements listed above shall be grounds for terminating the permit and the owner/operator shall thereafter be required to discontinue the use of the premises as an assisted living facility for elderly persons.

## **PART II PENALTY AND ADOPTION**

### **A. CONFLICTING PROVISIONS**

Whenever the provisions of this Ordinance conflict with the provisions of any other Ordinance, resolution or part thereof, the more stringent shall prevail.

### **B. PROVISIONS SEVERABLE**

This Ordinance and the various sections, clauses and paragraphs are hereby declared to be severable. If any part, sentence, clause or phrase is adjudged to be unconstitutional or invalid it is hereby declared that the remainder of the ordinance shall not be affected thereby.

### **C. AMENDMENT TO BE ADDED TO CITY CODE**

The City Council hereby authorizes and directs that insert pages reflecting the provisions enacted hereby shall be made and placed in the City Code, Title 10.

**D. PENALTY**

Hereafter these amendments shall be construed as part of the Zoning Ordinance of the City Code of the City of Cedar Hills, Utah, to the same effect as if originally a part thereof, and all provisions of said regulations shall be applicable thereto, including, but not limited to, the enforcement, violation and penalty provisions.

**E. EFFECTIVE DATE**

This Ordinance shall take effect upon its passage and publication as required by law.

**PASSED AND ORDERED POSTED BY THE CITY COUNCIL OF CEDAR HILLS, UTAH,  
THIS 3RD DAY OF JANUARY, 2012.**

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Eric Richardson, Mayor

ATTEST:

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Kim E. Holindrake, City Recorder



# CITY OF CEDAR HILLS

**TO:** Mayor Richardson, City Council, and Staff  
**FROM:** Kim E. Holindrake, City Recorder  
**DATE:** December 22, 2011

## City Council Memorandum

**SUBJECT:** Board and Committee Appointments  
**APPLICANT PRESENTATION:**  
**STAFF PRESENTATION:** Mayor Richardson

Mayor Richardson will make his appointments at the meeting. Note that any positions not filled by a current member or by application will be noticed in the city newsletter requesting applications. Then Mayor Richardson will review those applications and make his recommendation at a later meeting.

### PLANNING COMMISSION

**BACKGROUND AND FINDINGS:**

Donald Steele and Gary Maxwell have terms ending December 31, 2011.

**RECOMMENDATION:**

**MOTION:**

To affirm Mayor Richardson's appointment of \_\_\_\_\_ and \_\_\_\_\_ to a three-year term on the Planning Commission beginning January 1, 2012, with a term ending December 31, 2014.

### PLANNING COMMISSION - ALTERNATES

**BACKGROUND AND FINDINGS:**

Daniel Zappala (1<sup>st</sup> Alternate) and Trent Augustus (2<sup>nd</sup> Alternate) have been serving on the Planning Commission. Alternates serve for one year. Trent Augustus will begin serving as a City Councilmember beginning in January.

**RECOMMENDATION:**

**MOTION:**

To affirm Mayor Richardson's appointment of \_\_\_\_\_ as first alternate to the Planning Commission.

### BOARD OF ADJUSTMENT

**BACKGROUND AND FINDINGS:**

Carl Volden moved from the City a few months ago, which created a vacancy with a term ending December 31, 2015. A vacancy was noticed in the City newsletter requesting applications from interested residents. One application was received from Richard Hancock. Norman Walker's term ends December 31, 2011.

**RECOMMENDATION:**

**MOTION:**

To affirm Mayor Richardson's appointment of \_\_\_\_\_ to fill the vacancy on the Board of Adjustment with a term ending December 31, 2015. Also to appoint \_\_\_\_\_ to a five-year term on the Board of Adjustment beginning January 1, 2012, with a term ending December 31, 2016.



# CITY OF CEDAR HILLS

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**TO:** Mayor Richardson, City Council, and Staff  
**FROM:** Kim E. Holindrake, City Recorder  
**DATE:** December 16, 2011

## City Council Memorandum

**SUBJECT:** Mayor Pro Tempore  
**APPLICANT PRESENTATION:**  
**STAFF PRESENTATION:** Kim E. Holindrake

### **BACKGROUND AND FINDINGS:**

According to UCA §10-3b-302, the City Council may elect a member of the governing body as Mayor Pro Tempore to preside over meetings and perform the duties and functions of mayor during the Mayor's absence, disability, or refusal to act. The next councilmember in line to serve as Mayor Pro Tempore is Stephanie Martinez.

### **PREVIOUS LEGISLATIVE ACTION:**

Previous appointments:	Ken Kirk	January 2010
	Scott Jackman	February 2011

### **FISCAL IMPACT:**

### **SUPPORTING DOCUMENTS:**

### **RECOMMENDATION**

To appoint Stephanie Martinez as Mayor Pro Tempore.

### **MOTION**

To appoint Stephanie Martinez as Mayor Pro Tempore.



# CITY OF CEDAR HILLS

## City Council Memorandum

**TO:** Mayor Richardson, City Council, and Staff  
**FROM:** Kim E. Holindrake, City Recorder  
**DATE:** December 22, 2011

**SUBJECT:** City Council Assignments  
**APPLICANT PRESENTATION:**  
**STAFF PRESENTATION:** Mayor Richardson

**BACKGROUND AND FINDINGS:**

Mayor Richardson will make his recommendations for Council assignments at the meeting.

- \_\_\_\_\_ Recreation, Parks, and Trails Citizens Advisory Committee
- \_\_\_\_\_ Recreational Programs
- \_\_\_\_\_ Celebrations/Community Events
- \_\_\_\_\_ Library Issues
- \_\_\_\_\_ Beautification Citizens Advisory Committee
- \_\_\_\_\_ Recreation/Golf/City Facilities (with \_\_\_\_\_)
- \_\_\_\_\_ Recreation/Golf/City Facilities (with \_\_\_\_\_)
- \_\_\_\_\_ North Utah County Solid Waste Special Service District
- \_\_\_\_\_ Traffic Safety and Livability Oversight Committee
- \_\_\_\_\_ Utah Valley Dispatch Special Service District
- \_\_\_\_\_ Manila Water Company
- \_\_\_\_\_ Lone Peak Public Safety District (Konrad alternate)
- \_\_\_\_\_ Youth City Council
- \_\_\_\_\_ Board of Adjustment
- \_\_\_\_\_ Finance Committee (with \_\_\_\_\_)
- \_\_\_\_\_ Finance Committee (with \_\_\_\_\_)
- \_\_\_\_\_ Planning Commission
- \_\_\_\_\_ UTOPIA
- Anyone Interested \_\_\_\_\_ ULCT Policy Council
- Brad Kearl \_\_\_\_\_ North Utah County Animal Shelter
- David Bunker \_\_\_\_\_ Timpanogos Special Service District

**PREVIOUS LEGISLATIVE ACTION:**

**FISCAL IMPACT:**

**SUPPORTING DOCUMENTS:**

**RECOMMENDATION**

**MOTION**

To confirm Mayor Richardson’s recommendations for City Council assignments.