

PLANNING COMMISSION MEETING
Thursday, August 27, 2009 7:00 p.m.
Public Safety Building
3925 W Cedar Hills Drive, Cedar Hills, Utah

NOTICE is hereby given that the Planning Commission of the City of Cedar Hills, Utah, will hold a Public Hearing in connection with their Regular Planning Commission Meeting on Thursday, August 27, 2009, beginning at 7:00 p.m.

PLANNING COMMISSION MEETING

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

SCHEDULED ITEMS

3. Approval of Minutes from the July 30, 2009, Public Hearing and Regular Planning Commission Meeting
4. Discussion on Development in Required Setback Area (Decks, Porches, Patios, Pergolas, Awnings, Hot Tubs, and Similar Structure), Parking and Storage of Vehicles, and Landscaping
5. Committee Assignments and Reports

ADJOURNMENT

6. Adjourn

Posted this 25th day of August, 2009.

Kim E. Holindrake, City Recorder

- Supporting documentation for this agenda is posted on the City's Web Site at 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 least 48 hours in advance of the meeting to be held.
- The order of agenda items may change to accommodate the needs of the Planning Commission and the staff.



CITY OF CEDAR HILLS

TO:	Planning Commission
FROM:	Zoning Department
DATE:	August 27, 2009

Planning Commission Agenda Item

SUBJECT:	Amending Ordinances
APPLICANT PRESENTATION:	N/A
STAFF PRESENTATION:	Brad Kearnl – Zoning Administrator
BACKGROUND AND FINDINGS: Ordinance 5-19-2009, amending the requirements relating to the development in required setback areas, was drafted and passed on May 19, 2009. Questions were later brought up concerning the verbiage and conflicting provisions of this Ordinance with other Ordinances. Staff was instructed to research and amend this Ordinance in order to clarify and achieve consistency within the Code. While analyzing this Ordinance, staff feels it would be appropriate to amend other related Ordinances concerning Parking Regulations.	
PREVIOUS LEGISLATIVE ACTION: None	
FISCAL IMPACT: None	
SUPPORTING DOCUMENTS: See attached Definitions and Ordinances.	
RECOMMENDATION: To amend existing Ordinances as proposed and allow changes to proceed to City Council.	
MOTION: To approve amended Ordinances; 10-2-1 Definitions, 10-5-5 Development In Required Setback Area, 10-5-29 Decks, Porches, Patios, Pergolas, Awnings, Hot Tubs, And Similar Structures, 4-2-3: v) Improper Parking Or Storage, 10-5-27 Landscaping, and 10-4 Regulations Within Zones.	

Disclaimer:

This is provided for informational purposes only. The formatting of this ordinance may vary from the official hard copy. In the case of any discrepancy between this ordinance and the official hard copy, the official hard copy will prevail.

ORDINANCE NO. 5-19-2009A

AN ORDINANCE AMENDING TITLE 10 OF THE CITY CODE OF THE CITY OF CEDAR HILLS, UTAH, AMENDING THE REQUIREMENTS RELATING TO DEVELOPMENT IN REQUIRED SETBACK AREAS.

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 development in required setback areas;

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

PART I

AMENDMENTS

10-5-29: DECKS, PORCHES, PATIOS, PERGOLAS, AWNINGS, HOT TUBS, AND SIMILAR STRUCTURES:

- A. Decks, porches, patios, pergolas, awnings, recreational equipment (such as swing sets, slides, and trampolines), hot tubs and similar structures are permitted in the rear and side setback areas subject to the following conditions:
 - 1. All sides of the portion of the structure located within a designated setback area shall remain open.

2. No structure within a setback area shall be converted into livable space, nor shall it be constructed as to appear as though it could be easily converted into livable space.
3. Prior to construction, a building permit shall be obtained for all structures.
 - a. Prior to issuing a building permit, the Chief Building Official shall make a finding whether the materials and finish of the proposed structure are in harmony with the primary structure and the surroundings as a whole and issue a permit with a positive finding.
 - b. The structure shall not be located closer than five (5) feet to the property line, except those structures that comply with items (1) or (2) below, notwithstanding that no structure shall be constructed within a Clear View Area nor on a corner lot beyond the Optional Enclosure Area. Additionally, structures in the rear setback area shall not cover over 50% of the rear setback area.
 - (1) Structures located entirely at ground level shall be permitted to be located no closer than one (1) foot of the property line.
 - (2) Special exception for awnings located in the side setback area and immediately adjacent to a garage. A permanent awning located in the side setback area may be constructed immediately adjacent to the outside wall of an attached garage provided that:
 - (a) The front, rear, and sides shall remain open, except that an approved fence may be constructed independent of the structure.
 - (b) The awning shall be constructed over a hard surface area (e.g. concrete, asphalt, roadbase, gravel, etc.).
 - (c) The awning shall ~~not be more~~ be no closer than one foot from the property line and no higher than seven (7) feet tall; at that point. ~~one (1) foot from the property line, nor a~~ The roof pitch cannot be greater than 4:12.
 - (d) Three (3) feet is the fire separation distance. Any portion of the awning structure projecting within three (3) feet of the property line shall be one-hour fire resistance rated construction per building code.

~~(d)~~(e) The awning shall include a system or method for retaining rain water on the property owner's own property.

4. The finished level of any deck shall be not more than six (6) feet above the finished grade at any location within ten (10) feet from the property line.
5. The height for the structure shall not be greater than the height allowed for an accessory building at the same location.

~~6. — Any setback shall be proportioned equally between property owners.~~

- B. Temporary Structures: The temporary version of any structure listed in Subsection A above shall be subject to the same provisions as that of a permanent structure.
- C. Additional Requirements: The determination that a structure~~d~~ is allowed by City Code shall not be interpreted as to meaning that the structure meets the requirements of any private CC&Rs applicable to the parcel.

Chapter 2 DEFINITIONS

The section below has been affected by a recently passed ordinance, 5-19-2009A - **SETBACK AREAS**. [Go to new ordinance.](#)

10-2-1: DEFINITIONS:

For purpose of this title, certain words and phrases require specific definition of meaning. Words and phrases used in the present tense include the future, the singular word or number, includes the plural and the singular.

AGRICULTURE: The growing of soil crops in the customary manner in the open. It shall not include livestock raising activities; nor shall it include retailing of products on the premises.

ANIMAL UNIT: One animal unit shall be any of the following: two (2) cows, horses, donkeys or similar large animals; or eight (8) adult sheep; or sixteen (16) feeder lambs, or eight (8) goats, or two (2) pigs, or an equivalent combination of the above, together with the suckling offspring thereof.

AWNING: A roof like cover extending over or in front of a place (as over the deck or in front of a door or window) as a shelter.

BED AND BREAKFAST FACILITY: A one-family dwelling, occupied by a residing family and containing one or more sleeping rooms intended for the occupancy by persons unrelated to the residing family on a short term basis (overnight and up to 2 weeks).

BUILDABLE AREA: A lot or portion thereof possessing all of the following physical characteristics:

- A. The area contains no territory having a slope of thirty percent (30%) or greater.
- B. The area contains no territory that is located in any identified floodplain or within any recognized inundation zone, mudflow zone or zone of deformation, or lands subject to earth slippage, landslide or rockfall.
- C. The engineering properties of the soil provide adequate structural support for the intended use.
- D. The area does not possess any other recognized natural condition that renders it unsafe for building purposes.

BUILDING: ~~Any structure built for the support, shelter or enclosure of persons, animals, chattels or property of any kind.~~ A roofed and completely walled structure built for permanent use.

BUILDING, ACCESSORY: A subordinate building, the use of which is incidental to that of the main building, including, but not limited to, detached garages and storage sheds greater than 120 sq ft.

BUILDING, MAIN: One or more of the principal buildings upon a lot. Garages, carports and other buildings that are attached to a dwelling or other main building or that are situated within twelve feet (12') of a main building shall be considered as part of the main building.

CARPORT: A structure not completely enclosed by walls for the shelter of automobiles.

CUSTOMARY RESIDENTIAL ACCESSORY STRUCTURE: A structure constructed on the same zoning lot as a dwelling and that is intended for the incidental and exclusive use of the residents of said dwelling, including, but not limited to, detached garages, carports, swimming pools, tennis courts, greenhouses.

DECK: An exterior floor supported on at least two (2) opposing sides by an adjacent structure and/or post, piers or other independent supports.

DENSITY: The number of dwelling units per acre of land.

DWELLING, CONVENTIONAL CONSTRUCTION: A dwelling that is constructed and placed on a lot in compliance with the provisions of the building, construction and fire codes as mandated by the state and as approved by the city.

DWELLING, MULTIPLE-FAMILY: A building containing three (3) or more dwelling units.

DWELLING, SINGLE-FAMILY: A detached residence designed for or occupied by one family.

DWELLING, TWO-FAMILY: A building containing two (2) dwelling units.

DWELLING UNIT: One or more rooms in a building designed for living purposes (bathing, eating and sleeping), and occupied by one family.

FAMILY: An individual or two (2) or more persons related by blood, marriage or adoption, living together in a single-dwelling unit and maintaining a common household. A family may include two (2), but not more than two (2), nonrelated persons living with the residing family. The term "family" shall not be construed to mean a group of nonrelated individuals, a fraternity, club or institutional group.

GARAGE: A structure completely enclosed on all sides by walls and doors that is designed and intended for the shelter or storage of automobiles.

GRADING: Any excavating or filling, or combination thereof.

LIVESTOCK MANAGEMENT AREA: All portions of a lot devoted exclusively to the care and keeping of livestock and fowl, including, but not limited to, barns, sheds, coops, corrals and pastures, ~~but not including any portion of a parcel devoted to a dwelling, yard area, garden, parking area or unutilized open space.~~

LIVING AREA: Those portions of a dwelling having a headroom height of not less than seven feet (7') and used for customary living activities. For purposes of this title, the term "living area" shall not include portions of the structure intended for parking of vehicles, unenclosed porches, storage rooms having only outside access, and rooms devoted exclusively to the housing of heating, ventilating or similar mechanical equipment.

LOT, CORNER: A lot abutting on two (2) intersecting or intercepting streets where the interior angle of intersection or interception does not exceed one hundred thirty five degrees (135°).

LOT, INTERIOR: A lot other than a corner lot.

LOT LINE, FRONT: The front boundary line of a lot bordering on the street.

LOT LINE, REAR: A lot line that is opposite and most distant from the front lot line.

LOT LINE, SIDE: Any lot boundary line not a front lot line or a rear lot line.

LOT OF RECORD: A parcel of land that is shown as a separate and independent parcel on the records of the county recorder.

MAIN FLOOR LIVING AREA: The area within a dwelling, measured from the outside wall line on a horizontal plane, that, when viewed from above, contains living area on one or more floors that are located at an elevation entirely above the finished ground level surrounding the dwelling.

NATURAL STATE: That portion of any lot or parcel that cannot be subjected to grading, removal of vegetation or building development.

NONCONFORMING LOT OF RECORD: A parcel of land that does not conform to the area and/or width requirements of the zone classification in which said parcel is now situated, but that was legally created as a conforming lot of record prior to the effective date of the now controlling provision.

PLANNED UNIT DEVELOPMENT (PLANNED RESIDENTIAL DEVELOPMENT): A development project containing a combination of clustered residences and common areas that has been planned, approved and developed in conformance with the applicable provisions of this title.

PREMISES OCCUPATION: Any use or activity consisting of the providing of a service, or the fabrication of a product (including the storage of materials or equipment in connection therewith), which service or activity is conducted on a lot in a residential zone, but in a building other than the residential dwelling.

PORTABLE UTILITY SHED: A single-storied structure with one or more sides enclosed, for the purpose of storing tools and equipment. Limited to 120 sq. ft. floor area and not having a footing or foundation.

SETBACK: The shortest distance between the property line and outside surface of the foundation, wall ~~or main frame~~ of the main building. ~~Main building includes overhangs, porches and decks.~~

SETBACK AREA, REQUIRED (REQUIRED YARD AREA): That portion of a lot between the lot boundary and the required setback lines.

SETBACK, REQUIRED (REQUIRED YARD): The minimum required space between a lot boundary line and the foundation wall of the main building. The depth of the required setback shall be as set forth under the zone requirements as measured at right angle to the applicable lot boundary line. ~~Main building includes overhangs, porches and decks.~~

YARD AREA: That portion of a lot between the lot boundary and the outside surface of the foundation wall of the main building.

ZONING LOT: A parcel of land that:

- A. Complies with all existing area, frontage, width, setback and supplementary requirements of the zone in which it is located.
- B. Has frontage on a city street, which street has been accepted by the city council, has been improved in accordance with city standards and is in use by the public or has frontage on a private right of way within an approved large scale development.
- C. Is shown as a separate lot in an approved subdivision plat or large scale development plan, which plat or plan has been approved in accordance with the applicable ordinance or that is exempted from compliance with said ordinance.
- D. Contains an area sufficient in size to accommodate a conforming structure, which area meets or exceeds all setback, slope, access, soil capability or other applicable criteria of the zone and/or is not subject to any easement or other encumbrance prohibiting its use for building purposes. (Ord. 6-20-78A, 6-20-1978; amd. Ord. 4-23-80A, 4-23-1980; Ord. 5-11-83A, 5-11-1983; Ord. 5-13-92A, 5-13-1992; Ord. 1-13-93A, 1-13-1993; Ord. 7-7-98A, 7-7-1998; Ord. 1-20-2004B, 1-20-2004; Ord. 4-6-2004A, 4-6-2004; 2004 Code; Ord. 12-7-2004D, 12-7-2004)

4-2-3: v) IMPROPER PARKING OR STORAGE:

- (1) Parking or storage of inoperative, unregistered, abandoned, wrecked or dismantled vehicles, boats, trailers or vehicle parts, including recreational vehicles, on a premises [that can be seen from the street](#) or in the public right of way. Storage or parking that is specifically allowed by the city zoning ordinance shall not be considered a nuisance.
- (2) Parking or storage of registered vehicles, trailers and/or boats in violation of city ordinance.
- (3) The parking or storage of any recreational vehicle on any premises or property shall be considered a nuisance unless the recreational vehicle, [and/or boat or trailer](#) is parked or stored upon a hard ~~concrete pad~~ surface that extends to the edges of the recreational vehicle. [\(e.g. concrete, asphalt, road base, gravel, etc.\)](#)

10-5-27: LANDSCAPING:

B. Required: The front yard area of any existing lot containing a dwelling shall be landscaped. It shall be unlawful for the owner of any residential lot within the city to refuse to install and maintain landscaping within the front yard area of any existing residential lot containing a dwelling. The front yard area shall consist of the entire lot area from the front lot line to the face of the dwelling, or the front setback area, whichever is greater. [\(except for approved designated parking areas.\)](#) Corner lots have two (2) front setback areas. Landscaping shall be properly maintained including removing weeds and mowing turf areas. Turf grass shall not exceed six inches (6") in height.

10-4 REGULATIONS WITHIN ZONES

D. Off Street Parking:

3. [Parking of recreational vehicles, boats, trailers, etc. is permitted within the optional enclosure area, in a private driveway or directly adjacent to the garage/driveway on an approved surface.](#)

10-5-5: DEVELOPMENT IN REQUIRED SETBACK AREA (REQUIRED YARD AREA):

All required setback area (required yard area) of a lot shall be open and unobstructed, except for the following uses and projections:

A. Side Setback Areas (Side Yard Areas):

4. Awnings projecting from side of house. ~~over doorways and windows not more than three feet (3')~~.
12. Parking of recreational vehicles, boats, trailers, etc. is permitted within the optional enclosure area, in a private driveway or directly adjacent to the garage/driveway on an approved surface.